



FY 2018-2019 Agency Priority Goal Action Plan

# Accelerate Permit-Related Decisions

**Goal Leader:**

Laura Gentile, Senior Advisor, Office of Policy

# Overview

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## Goal Statement

- Accelerate permitting-related decisions. By September 30, 2019, EPA will reduce by 50% the number of permitting-related decisions<sup>1</sup> that exceed six months.<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

- Robust, 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> Issuance or denial of a permit.

<sup>2</sup> The goal applies to Clean Water Act National Pollutant Discharge Elimination System (NPDES) permits, Safe Drinking Water Act Underground Injection Control (UIC) permits, Resource Conservation and Recovery Act (RCRA) Subtitle C (hazardous waste management) permits, and approvals to decontaminate, store, or dispose of Polychlorinated Biphenyls (PCBs) under the Toxic Substances Control Act. It does not apply to Clean Air Act New Source Review (NSR) or Title V operating permits. For NSR, the goal is one year from the receipt of a complete application, as per the Presidential Memorandum of April 12, 2018: <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-administrator-environmental-protection-agency/>. For Title V, regulations require agencies to take final action on each permit application within 18 months following the receipt of a complete application, as per 40 CFR Part 71.7(a)(2).

# Leadership Structure

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# Goal Structure and Strategies

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Building on experience in EPA and examples from state environmental agencies, EPA will 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 - Leaning Permitting Programs** - by conducting targeted Lean business process improvement events and implementing their results.
- **Strategy 2 - Tracking and Targeting Improvements** - by gathering, analyzing and using agency-wide permitting data to track results and target efforts.
- **Strategy 3 - Improving Guidelines and Procedures** - by systematically reviewing and, as appropriate, developing new policies, approaches and procedures to eliminate unnecessary steps and improve efficiency of the permit issuance process.

## **EPA Lean Management System (ELMS)**

- EPA has deployed a new EPA Lean Management System (ELMS) to achieve the results set forth in the Strategic Plan. As part of ELMS, EPA continues to conduct multi-day process improvement events to make significant progress in specific priority areas, which include permitting, identified in the Strategic Plan.
- Visual management is being used to ensure that improvements from the events are achieved and sustained over time. Poster boards with regularly updated performance data are serving as visual management for monitoring progress towards meeting the targets set forth in the Strategic Plan, while additional poster boards will be used to track the flow of the work that needs to be performed to achieve the targets. For those programs and regions where ELMS has already been deployed, managers and staff are having weekly stand-up huddle meetings in front of their visual management boards to discuss the performance and flow of the process.
- In addition, national programs and regional offices are holding monthly business review meetings to go over both the strategic measures tracked on scorecards, and the implementation plans that track progress on Strategic Plan and priority area projects identified for EPA under President Trump's Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch. The Administrator will continue to hold quarterly reviews to monitor overall progress on the agency's Strategic Plan and priority area projects.
- ELMS is designed to make sure that EPA is regularly monitoring progress towards meeting the targets set forth in the Strategic Plan, and taking immediate action if expected performance is off track.

# Summary of Progress – FY 2018 Q1

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Building on experience in EPA and examples from state environmental agencies, EPA is on track 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: Leaning Permitting Programs**

- Worked with programs to collect and analyze data in preparation for Lean events to be held in Q2 FY 2018.

## **Strategy 2: Tracking and Targeting Improvements**

- Since October 2018, have been collecting monthly data on the timeliness of permits issued by EPA.

## **Strategy 3: Improving Guidelines and Procedures**

- Targeted for initiation in FY 2019.

# Summary of Progress – FY 2018 Q2

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Building on experience in EPA and examples from state environmental agencies, EPA is on track to improve the efficiency and effectiveness of its permitting programs through the following strategies, and continues to explore additional opportunities to improve federal environmental permitting overall.

## **Strategy 1: Leaning Permitting Programs**

- (Completed) Worked with programs to collect and analyze data in preparation for Lean events.
- (Completed) Participated in Lean events for the Safe Drinking Water Act Underground Injection Control (UIC), Clean Water Act National Pollutant Discharge Elimination System (NPDES), Clean Air Act New Source Review (NSR), and Clean Air Act Title V Operating Permits programs.<sup>3</sup>
- (Underway) Working with programs to help implement identified recommendations to improve processes, as appropriate.

## **Strategy 2: Tracking and Targeting Improvements**

- Will begin collecting monthly data on the timeliness of permits issued by EPA starting in May.

## **Strategy 3: Improving Guidelines and Procedures**

- (Underway) Conducted initial review of a sampling of permit policies available online.

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<sup>3</sup> Title V and NSR permits were initially included in this APG but removed after agency determination that the 6-month goal does not apply, as described in footnote on Slide 2.

# Summary of Progress – FY 2018 Q3

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Building on experience in EPA and examples from state environmental agencies, EPA is on track to improve the efficiency and effectiveness of its permitting programs through the following strategies and continues to explore additional opportunities to improve federal environmental permitting overall.

## **Strategy 1: Leaning Permitting Programs**

- (Underway) Programs are implementing recommendations to improve processes identified during Lean events conducted for UIC, NPDES, NSR, and Title V programs.<sup>4</sup>

## **Strategy 2: Tracking and Targeting Improvements**

- (Underway) Tracking and reporting the number of pending decisions for new permits that are greater than 180 days old.
- (Underway) Developing a comprehensive tool to serve as a repository for and track the status of pending decisions for new permit applications.

## **Strategy 3: Improving Guidelines and Procedures**

- (Completed) Developed an approach for applicants that refuse or are unable to provide information necessary for EPA to process an application. This approach could result in permit denial.
- (Completed) Reviewing current permitting policies to identify any that impact permit timeliness.

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<sup>4</sup> Title V and NSR permits were initially included in this APG but removed after agency determination that the 6 month goal does not apply, as described in footnote on Slide 2.

# Summary of Progress – FY 2018 Q4

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EPA is on track toward achieving its goal of reducing by 50% the number of permitting-related decisions that exceed six months. Building on experience in EPA and examples from state environmental agencies, EPA is improving the efficiency and effectiveness of its permitting programs through the following strategies and continues to explore additional opportunities to improve federal environmental permitting overall.

## **Strategy 1: Leaning Permitting Programs**

- (Underway) Programs are implementing recommendations to improve processes identified during Lean events conducted for UIC, NPDES, NSR, and Title V programs.<sup>5</sup>

## **Strategy 2: Tracking and Targeting Improvements**

- (Underway) Tracking and reporting the number of pending applications for new permits that are greater than 180 days old.
- (Completed) Developed a comprehensive tool to serve as a repository for and track the status of pending decisions for new permit applications.

## **Strategy 3: Improving Guidelines and Procedures**

- (Underway) Implementing new approach that could result in permit denial for applicants that refuse or are unable to provide information necessary to process application.

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<sup>5</sup> Title V and NSR permits were initially included in this APG but removed after agency determination that the 6 month goal does not apply, as described in footnote on Slide 2.

# Summary of Progress – FY 2019 Q1 and Q2

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EPA is on track toward achieving its goal of reducing by 50% the number of permitting-related decisions that exceed six months. Building on experience in EPA and examples from state environmental agencies, EPA is improving the efficiency and effectiveness of its permitting programs through the following strategies and continues to explore additional opportunities to improve federal environmental permitting overall.

## **Strategy 1: Leaning Permitting Programs**

- (Ongoing) Programs continue to implement recommendations to improve processes identified during Lean events conducted for UIC, NPDES, NSR and Title V programs.<sup>6</sup>

## **Strategy 2: Tracking and Targeting Improvements**

- (Ongoing) Tracking and reporting the number of pending decisions for new permits that are greater than 180 days old.
- (Completed) Developed and launched an electronic system to serve as a repository for and track the status of pending decisions for new permit applications.
- (Ongoing) Developing e-permitting solutions to improve agency efficiency and customer experience.

## **Strategy 3: Improving Guidelines and Procedures**

- (Ongoing) Implementing a new approach for applicants that refuse or are unable to provide information necessary for EPA to process an application. This approach could result in permit denial.
- (Completed) Made comprehensive revisions to agency's NPDES application forms to clarify requirements and simplify process for applicants.

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<sup>6</sup> Title V and NSR permits were initially included in this APG but removed after agency determination that the six month goal does not apply, as described in the footnote on Slide 2.

# Summary of Progress – FY 2019 Q3

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EPA has already achieved its goal of reducing by 50% the number of permitting-related decisions that exceed six months. Building on experience in EPA and examples from state environmental agencies, EPA is improving the efficiency and effectiveness of its permitting programs through the following strategies and continues to explore additional opportunities to improve federal environmental permitting overall.

## **Strategy 1: Leaning Permitting Programs**

- (Ongoing) Programs continue to implement recommendations to improve processes identified during Lean events conducted for UIC, NPDES, NSR and Title V programs.<sup>7</sup>

## **Strategy 2: Tracking and Targeting Improvements**

- (Ongoing) Using an electronic system to track and report the number of pending decisions for new permits that are greater than 180 days old.
- (Ongoing) Developing e-permitting solutions to improve agency efficiency and customer experience.

## **Strategy 3: Improving Guidelines and Procedures**

- (Ongoing) Developing a national strategy for elimination of the NPDES permit backlog.
- (Ongoing) Creating a series of checklists to support permit writers and permit applicants through each step of the UIC Class II permitting process.
- (Completed) Made significant updates to NPDES forms to improve clarity and flow. The updated forms became available on June 12, 2019.

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<sup>7</sup> Title V and NSR permits were initially included in this APG but removed after agency determination that the six month goal does not apply, as described in the footnote on Slide 2.

# Summary of Progress – FY 2019 Q4

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EPA met the identified target of performance for this goal, reducing the number of permitting-related decision that exceed six months by 65% since June 2018, exceeding the 50% goal. Looking forward, EPA plans to: Finalize a national strategy to eliminate NPDES permit backlog; continue to identify NPDES permits that are delayed due to Endangered Species Act (ESA) consultation, and actions that may be taken to streamline the process; and expand scope of APG to include backlogged air permits (measured against statutory timelines) and backlogged renewals for existing permits.

## **Strategy 1: Leaning Permitting Programs**

- (Ongoing) Programs continue to implement recommendations to improve processes identified during Lean events conducted for UIC, NPDES, NSR and Title V programs.<sup>8</sup>
- (Completed) Completed checklist for UIC Class II to help permit writers ensure complete applications and guide applicants to submit correct paperwork.
- (Completed) Launched state beta-testing of NPDES permit writer clearinghouse.

## **Strategy 2: Tracking and Targeting Improvements**

- (Ongoing) Using an electronic system to track and report the number of pending decisions for new permits that are greater than 180 days old.
- (Ongoing) Developing e-permitting solutions to improve agency efficiency and customer experience.

## **Strategy 3: Improving Guidelines and Procedures**

- (Ongoing) Developing a national strategy for elimination of the NPDES permit backlog.
- (Ongoing) Creating a series of checklists to support permit writers and permit applicants through each step of the UIC Class II permitting process.
- (Completed) Made significant updates to NPDES forms to improve clarity and flow. The updated forms became available on June 12, 2019.

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<sup>8</sup> Title V and NSR permits were initially included in this APG but removed after agency determination that the six month goal does not apply, as described in the footnote on Slide 2.

# Key Milestones: Strategy 1 – Lean Events

- Work with programs to implement solutions identified during Lean events to improve permit timeliness (ongoing).

Milestone Summary					
Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Comments
(NPDES) Initiate beta testing for the NPDES Permit Writers Clearinghouse and stand up a SharePoint site for internal EPA documents.	May 2019	Completed	No Change	OW	
(UIC Class II) Develop national administrative checklist for applicants and permit writers to support application completeness review.	May 2019	Completed	No Change	OW	
(NPDES) Open NPDES Permit Writers Clearinghouse beta testing to NPDES states	September 2019	Completed	No change	OW	
(NPDES) Developing national strategy for eliminating the backlog of EPA-Issued NPDES permits	September 2019	Ongoing	No Change	OW	Regions submitted Region-specific strategies and provided comments on draft national strategy. OW is updating draft strategy to incorporate comments from regions.
(UIC Class II) Develop a series of checklists to support permit writers and permit applicants through each step of the permitting process	December 2019	Ongoing	No Change	OW	
(NPDES) Finalize NPDES Permit Writers Clearinghouse and post on EPA website	January 2020	Ongoing	New	OW	

# Key Milestones: Strategy 2 – Targeting and Tracking Improvements

- Launched new electronic system to track pending applications for new permits.
- Developing e-permitting solutions to improve agency efficiency and customer experience.

Milestone Summary					
Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Comments
Permit Tracker – Developed an online tool to track the status of and key information for all pending applications with EPA for new permits.	Apr 2019	Completed	No change	OA	
Work with programs and regions monthly to review and reconcile permitting data to ensure consistent reporting among regions and national program offices.	Ongoing	Ongoing	No change	OA	Monthly effort continues to review / reconcile data
Work with programs and regions monthly to review and reconcile permitting data to ensure consistent reporting among regions and national program offices.	Ongoing	Ongoing	No change	OA	Monthly effort continues to review / reconcile data

# Key Milestones: Strategy 3 – Improved Internal Procedures

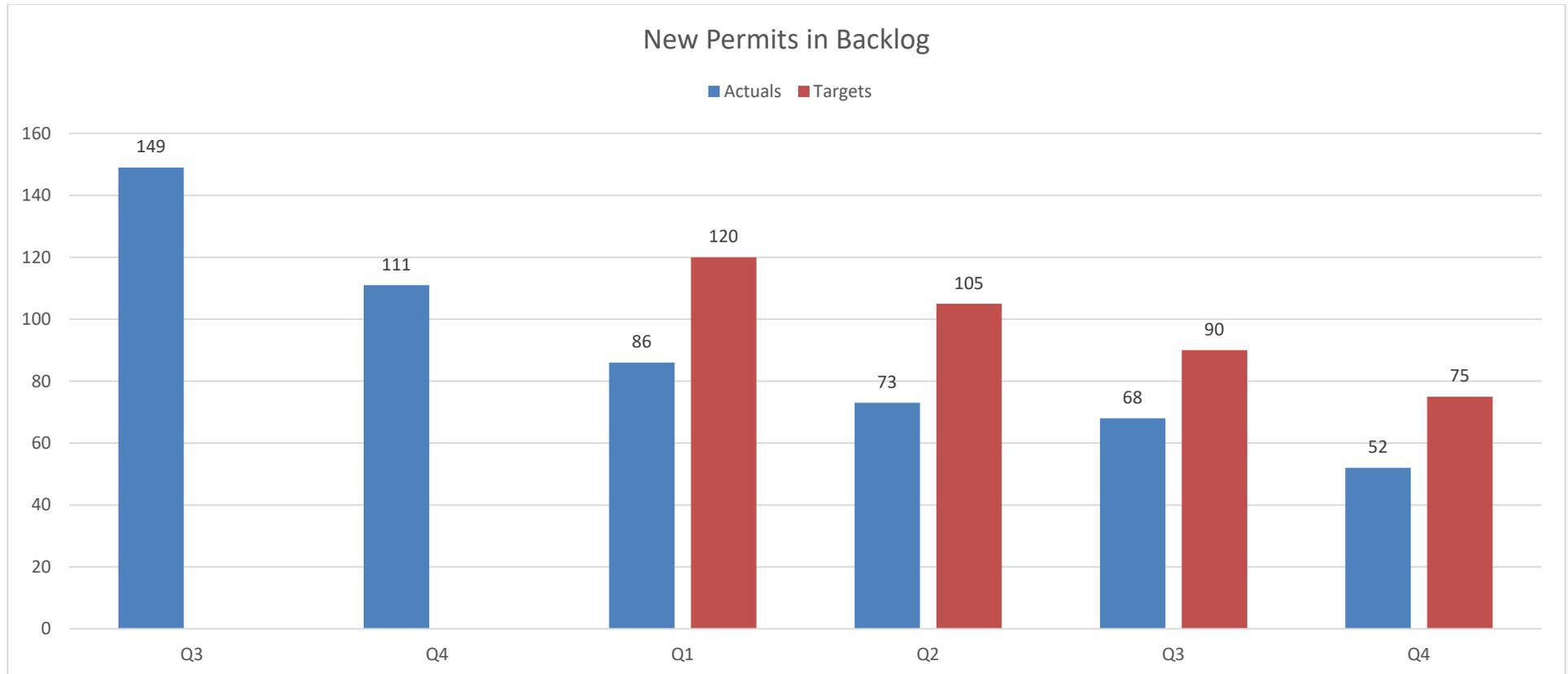
- Implementing a new approach for applicants that refuse or are unable to provide information necessary to process applications. This could result in permit denial.
- Completed comprehensive revisions to agency’s NPDES application form aimed at reducing submittal of errors / incomplete information by clarifying requirements and simplifying process for applicants.

Milestone Summary					
Key Milestones	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Comments
Conducted initial effort to gather and review permitting policies available online.	Apr 2018	Completed	No change	OP	
Evaluated policies identified that may be impacting timeliness and proposing possible solutions / recommendations.	Sep 2018	Completed	No change	OP	
Implementing, approach that could result in permit denial for applicants that refuse or are unable to provide information necessary to process an application.	Jul 2018	Completed	No change	OA	Some work ongoing, as needed, to address specific requests to revise templates to reflect permit-specific situations.
Finalized regulatory updates for eight NPDES application forms, originally developed in the 1980s. The final forms became effective on June 12, 2019. This effort should help to minimize errors on applications.	May 2019	Completed	No change	OW	New forms became effective June 12, 2019.

# Key Indicators

The following indicator will be used to show progress toward the goal of reducing by 50% the number of permitting-related decisions for new applications that are over six months old:

- Pending applications for new permits that are over 180 days old (“backlogged”).<sup>9</sup>
- The baseline is 149, which is the number of backlogged new permit applications (not including NSR and Title V) as of June 30, 2018.



<sup>9</sup> The goal applies to Clean Water Act National Pollutant Discharge Elimination System (NPDES) permits, Safe Drinking Water Act Underground Injection Control (UIC) permits, Resource Conservation and Recovery Act (RCRA) Subtitle C (hazardous waste management) permits, and approvals to decontaminate, store, or dispose of Polychlorinated Biphenyls (PCBs) under the Toxic Substances Control Act. It does not apply to Clean Air Act New Source Review (NSR) or Title V operating permits. For NSR, the goal is one year from the receipt of a complete application, as per the Presidential Memorandum of April 12, 2018: <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-administrator-environmental-protection-agency/>. For Title V, regulations require agencies to take final action on each permit application within 18 months following the receipt of a complete application, as per 40 CFR Part 71.7(a)(2).

# Data Accuracy and Reliability

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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.

## Unit of Measure

- Percentage reduction of new permit applications exceeding 180 days without a permit-related decision from a baseline of 149.<sup>10</sup>

## Methodology

- This measure applies only to applications for new permits.<sup>11</sup> It does not apply to renewals or modifications for all permitting types.
- The number of applications for new permits that are over 180 days old are being tracked and reported each month.
- The accuracy of the data is checked monthly through the 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 on which the permit is issued by the Region (i.e., signed by the Regional Administrator).
- 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>.

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<sup>10</sup> Original baseline of 195 established at the beginning of the APG reporting period was modified in FY 2018 Q3 to exclude NSR and Title V permits (which are allowed more time to issue permits, as described in the footnote on Slide 2) and to correct inconsistencies observed in initial permit calculations.

<sup>11</sup> See list of permits in footnote on Overview slide.

# Contributing Programs

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## Organizations and Program Activities (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 potential policy changes
- Office of Chief Financial Officer – E-Enterprise federal/state program