

**RESPONSE TO COMMENTS
 FY 2020-2021 NATIONAL PROGRAM GUIDANCE
 OFFICE OF LAND AND EMERGENCY MANAGEMENT**

Comment	Commenter	Location in Draft Guidance	National Program Office Response	Action Taken in Draft Guidance
<p>Through E-Enterprise for the Environment, ECOS’s Innovation & Productivity Committee, and other contexts, ECOS has supported the ability of states to improve their efficiency and effectiveness in implementing environmental programs through streamlining and modernization activities. ECOS hopes that EPA program offices include guidance language wherever possible that encourages close, proactive communication between regional and state staff to identify and pursue opportunities for these activities.</p>	<p>Donald Welsh, The Environmental Council of the States</p>	<p>Page 9</p>	<p>Concur. Please see Response to Comments on the Draft FY 2020-2021 NEPPS National Program Guidance for the agency’s broader response to your comment.</p>	<p>OLEM has added the following language concerning its ongoing ePortal initiative on page 9 of its Superfund Federal Facilities Restoration and Reuse program guidance: “Develop an online document submittal system (ePortal) through E-Enterprise for the Environment. As part of EPA’s statutory requirements, the program maintains the Federal Facility Hazardous Waste Compliance Docket (Docket) which is a list of facilities that manage hazardous waste or from which hazardous substances, pollutants or contaminants have been or may be released. As such, federal agencies are required to submit Site Assessment Reports when they have a facility on the Docket. ePortal is being developed for EPA, OFAs, states and tribes to more efficiently</p>

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				submit, track, organize and view these reports.”
<p>OLEM notes its work with OECA and OEI to clarify requirements of the Cross-Media Electronic Reporting Rule (CROMERR) with e-Manifest. In ECOS comments on E.O. 13777 in May 2017, we encouraged EPA to expedite corrective action to the Cross-Media Electronic Reporting Rule (CROMERR) that would that would make it more accessible to and functional for all users. The current rule requires users to follow complicated and burdensome reporting procedures. The procedures involve challenges associated with password expirations, log-on delay time, and updating secret questions as a double verification steps. OLEM has reached out to states with the e-Manifest system to consider opportunities to further streamline CROMERR requirements while maintaining the integrity of reported information. ECOS encourages OLEM to continue these efforts and to reflect this work in its Guidance.</p>	<p>Donald Welsh, The Environmental Council of the States</p>	<p>Page 20</p>	<p>OLEM will continue to find efficiencies and clarify requirements of CROMERR to enable wider adoption of the e-Manifest system and will stay closely engaged with states in this ongoing effort.</p>	<p>No revisions needed, at this time.</p>

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<p>States encourage OLEM to continue to promote sustainable materials management (SMM) throughout their key programmatic activities. OLEM should continue to coordinate with national organizations such as ECOS and ASTSWMO to promote federal, state, and territorial coordination and to advance SMM training and education among key regulators and stakeholders.</p>	<p>Donald Welsh, The Environmental Council of the States</p>	<p>Page 25-27</p>	<p>The EPA's FY 2020-2021 National Program Guidances provide information and direction for implementing programs supported by the FY 2020 President's Budget request. OLEM looks forward to continued coordination advancing our shared goals.</p>	<p>No revisions needed, at this time.</p>

<p>Under the heading of Regions that appears in the discussion of “Tribal Support and Coordination” there is a bulleted statement that “Regions should rely on established EPA-Tribal Environmental Plans (ETEPs) to guide federal environmental program activities in Indian country, including direct implementation and technical and financial assistance.”</p> <p>This statement is an inaccurate representation of the purposes for and appropriate uses of ETEPs that should be deleted.</p> <p>As provided in the 2013 GAP Guidance, ETEPs are intended to inform GAP workplans and to reference in measuring performance under GAP. “Established” ETEPs contain provisions specifically to serve this purpose and were not intended by the Tribes that have approved ETEPs to inform any other aspect of the relationship between Tribes and EPA.</p> <p>If the Agency wants to consider and propose a regulation or policy to more broadly rely on ETEPs to define the relationship between various EPA offices including OLEM and Tribes, it should do this in an action separate from the NPMG development process, after thorough and meaningful government-to-government consultation as required by EPA’s 2011 Policy on Consultation and Coordination with Indian Tribes.</p>	<p>Alan Bacock, Region 9 RTOC Tribal Co-Chair</p>	<p>Page 28</p>	<p>Collaboration with tribes is guided by multiple policies and documents that outline EPA/tribal roles, responsibilities, and goals. As stated in the EPA Strategic Plan, ETEPs are “a joint planning document” which “identify tribal, EPA, and shared priorities, and the roles and responsibilities for addressing those priorities.” For additional information, please see OITA’s response to comments on the Draft FY 2020-2021</p>	<p>OLEM has revised its draft language, to read as follows: “Regions may consider established EPA-Tribal Environmental Plans (ETEPs) to assist in conducting federal environmental program activities in Indian country, including direct implementation and technical and financial assistance.”</p>
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			OITA National program Guidance.	