

## **Justification for Emergency ICR for State Review Framework Evaluation (2185.02)**

### **Why is the State Review Framework Important?**

The State Review Framework (Framework) is a process that addresses concerns expressed by state environmental commissioners, through the Environmental Council of the States (ECOS) that OECA needs to have a process for conducting consistent and fair evaluations of state enforcement and compliance programs. The Framework also addresses longstanding concerns of Office of Management and Budget (OMB) and Congress regarding EPA oversight of state enforcement and compliance programs. Most recently the Government Accountability Office (GAO) has issued, at the request of the Senate, an evaluation report ("EPA-State Enforcement Partnership Has Improved, but EPA's Oversight Needs Further Enhancement," GAO-07-883, July 2007) that specifically recommends that OECA extend the use of the SRF methodology to assess the performance of EPA's Regions.

### **Why is the Framework Evaluation Important?**

OECA and the states are now completing the first round of reviews under the Framework. The next round of reviews is scheduled to begin in April 2008. In order to ensure that the Framework is robust and as efficient as possible, an evaluation will be conducted by OECA and the states. The evaluation, similar to one conducted after the pilot reviews in 2005, will provide OECA and states with the information needed to make relevant improvements to the Framework. The evaluation of the Framework will require that OECA gather information from as many of the 50 states and four territories as possible in order to learn how the first round of reviews were conducted and how best to improve the process. The schedule is: 1) begin the evaluation on October 1, 2007; 2) conclude the initial information gathering by early December 2007; 3) prepare a final report by the end of January 2008; and 4) revise and implement the Framework by April 2008.

### **Why is this Emergency Critical?**

This request is critical in order to ensure that EPA and the states can meet their deadlines for conducting the evaluation and to begin the next round of reviews of state reviews scheduled to begin in April 2008. Additionally, conducting these reviews is one of the Regional Offices' annual commitments. The Regional Offices have all committed to conducting at least one review in FY 2008. Therefore, being able to have the approval to collect this information, and conduct the evaluation on schedule is critical to EPA meeting specific annual commitments.

Another critical issue is that OECA is using contractor support, to begin in October 2007, to assist in and analyze a significant part of the evaluation of the Framework. Additionally, OECA has arranged with the state associations to help administer the questionnaires and to ensure that as many of their members as possible provide their responses. This will be conducted through a series of conference call with their members. The ICR coverage is necessary to collect relevant information from the states environmental agencies in a timely manner. This emergency ICR will provide OECA enough time to conduct the evaluation and to keep this program on schedule.

OECA was advised that in order to collect this information from the states, we need to be covered by an Information Collection Request under the Paperwork Reduction Act. Our plan was to amend the existing Framework ICR (2185.01). The first Federal Register Notice [OECA-2007-0466; FRL-8327-5] to amend the original ICR was issued on April 14, 2007. Since then, OECA has been working with its state counterparts in ECOS and three of the state media associations for air (NACAA), water (ASIWPCA), and waste (ASTSWMO) to prepare for the evaluation. This review includes developing the survey questions and instruments that will be required for the evaluation and that needs to be submitted with the ICR request. This has required sharing draft questions with the states and conducting conference calls to review them and accept comments on them. The process of developing these questions has been extensive and has only recently been completed. OECA and the states now have a set of questions that we agree are the right things to be asking of the states.

## Use of the Information

The information collected for this evaluation will be used by OECA and our state partners for two purposes: 1) to gain a better understanding of how well the Framework process worked (where it worked well and where it did not); and 2) to revise and improve the Framework process. The information will remain confidential and will not be used for any other purposes.