

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: J. Steven Hart
Sent: Mon 8/7/2017 5:38:11 PM
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[ATT00001.htm](#)

Denis Treacy thought you would be interested in the thoughts of His state agency (Virginia)

From: Treacy, Dennis [mailto:dtreacy@smithfield.com]
Sent: Monday, July 31, 2017 6:40 PM
To: J. Steven Hart
Subject:

Steve, My state agency environmental colleague prepared this .

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RECALIBRATING THE STATE/FEDERAL RELATIONSHIP

When the EPA Regional Offices were created nearly 40 years ago, many State environmental programs were in their infancy and most of the work of implementing Federal Statutes fell to EPA. Since then states have developed significant expertise and capacity and nearly 96% of Federal Environmental Programs are now delegated to the states. Nevertheless, many of the –programs have not sufficiently evolved to accommodate the new reality. In many cases there continues to be a Parent/Child relationship envisioned by some EPA offices. The time has come to re-evaluate the EPA regional role in administration of our environmental programs.

- I. Eliminate redundancy in fully delegated programs.
 - a. Stop permit-by-permit reviews requiring some level of federal input before permits are issued. Program level reviews of state permitting efforts are appropriate.
 - b. Stop federal compliance inspections. Compliance inspections should be done by states to avoid a “double-jeopardy” for the regulated community. Again, program level reviews by EPA are appropriate.
 - c. Leave enforcement efforts to the states with enforcement assistance available from EPA and DOJ upon request. Program reviews by EPA are appropriate.
 - d. EPA’s primary function in delegated programs is a periodic auditing function
 - e. EPA provides technical and policy support to delegated states
 - f. Environmental Management can be more effective with less redundancy, however, this would require a shift of some resources from the Federal to the State level.
- II. Eliminate internal redundancy – currently EPA enforcement has been handled by OECA and the individual media offices, with separate staff for each effort. The States have long advocated that the OECA division is unnecessary and limited enforcement efforts (subject to comments above) should be provided by the media offices as it was prior to the creation of OECA
- III. Develop a standing process to receive state feedback on EPA policy decisions. In the past the States have advocated something like a standing group of representative state leaders to advise the Administrator on state concerns and perspectives prior to final decisions. Other networks might also serve this function.
- IV. Eliminate all Sue-and-Settle activities. Always include the affected state(s) in settlement discussions. Don’t make settlement decisions affecting other jurisdictions without their involvement.
- V. Establish a robust process for internal accountability – There are significant differences in interpretation of federal programs between regions and personnel.
 - a. Regulatory and Policy decisions should be consistent across the agency and regional offices. Policies should be instruments of the Agency as a whole and not

subject to individual opinions that vary. Federal Programs should have a consistent environmental and economic impact across the country.

- b. Eliminate “extra-regulatory” directives from EPA to the states. There have been a number of regional decisions that have pushed the states to go beyond standard regulatory practice because certain individuals think it is “a good idea.” Environmental regulations should be consistently applied and changes in those programs should come at the regulatory level rather than case-by-case.