State Notified If Changes needed

No Changes Requested

Comments

Explanation



Schedule



Schedule

Establish EPA Review Team

Log In State Application



Review Team Contacts State

State Receives Guidance Materials

State Shares Reg Development Timeline

State And EPA Agree On Review Schedule

State Offers Draft Regs And SPA Materials To EPA

EPA Reviews Draft Materials

OUST Informed

“No Further Comment” By EPA On ***Draft*** Regs And SPA Components

State Regulatory Process Complete

Final Regs And SPA Components Sent To EPA

EPA Review Of Draft Final Application

Regional Management Briefing

Changes Received

State Notified Of Final Draft

Pre-approval

State Submits Official SPA Application

EPA Checks Application For Completeness

Any Issues Resolved With State

Briefings For Regional Concurrence

Address Internal Concerns

Prepare FR Notice For Publication

Notify State Of RA Approval

Notify OUST Of RA Approval

Prepare RA Briefing Documents



EPA Begins Federal Register Process

See Stage 2 Details

Authorization: New SPA Tentative Approval

Authorization: New And Re-SPA Final Determination

Codification

State Program Approval Drafting And Preparation Process

Send FR Package To EPA HQ FR Office

Prepare Docket

Submit FR Package To OFR

OFR Publishes In Federal Register

30-Day Comment Period

Address Public Comments

Regional Briefings

Notify State

Prepare Final Determination FR Notice

New SPA Only

RA Final Determination Approval

Submit FR Package To EPA HQ FR Office

Submit To OFR

OFR Publishes Final Determination In Federal Register

Submit Codification Package To OFR

OFR Publishes Codification In Federal Register

Notify State Of Codification

Stage 2: Authorization

EPA Begins Federal Register Process

New SPA = Tentative Approval Re-SPA = Final Determination



Notify State

**SPA Complete**

Stage 3: Codification

EPA Prepares FR Notice For Codification

Include Broader-In-Scope Considerations

**SPA Codified**

Stage 2: SPA Federal Register Authorization And Codification Process

**UST SPA Process**

| **Step #** | **Step** | **How** | **Who is responsible for carrying out step?** | **Duration** | **Description/Key Info -- Includes Purpose And Who Needs To Be Involved** | **What is necessary for successful outcome? (Includes Tools/Template needed)** |
| --- | --- | --- | --- | --- | --- | --- |
| **STEP 1** | Establish EPA review team | Regional point of contact (POC) (regional UST staff) schedules meeting with appropriate regional program, legal, and management staff, facilitates and summarizes actions | Regional POC |  | Establish member roles and responsibilities, identify leadership and lines of communication; all appropriate EPA regional staff are involved (OUST involvement up to regional discretion) | Guidance exists for which team members to include and respective roles and responsibilities |
| **STEP 2** | EPA review team contacts state SPA team | Conference call between regional review team and state SPA team; regional POC schedules and moderates call and communicates EPA expectations of SPA process to state | Regional POC |  | Find out what state wants (no SPA, SPA, re-SPA) and request who state team members are; regional review team and state SPA team are involved | Conference line |
| **STEP 3** | Provide SPA and reg guidance documents to states | OUST to update/develop resources with regional, state, and ASTSWMO input; regional POC provides resources to states | Regional POC and OUST | 2 days after call to provide to state (separate timelines for doc develop) | Provide state with tools for successful completion of SPA package; OUST, regions, states, and ASTSWMO collaborate on doc development; regional POC provides (emails, etc.) docs/links to state | Review and update of existing handbook and guidance; development of templates for specific docs |
| **STEP 4** | State provides EPA region with information on state regulatory process and approximate timeline, as well as state SPA team members, to regional POC | State emails information to the region | State POC | 7 days after call | State gives information on schedule/timeline to the region |  |
| **STEP 5** | Establish SPA process schedule | Regional POC schedules and moderates conference call with regional review team and state SPA team | Regional POC | 2-3 weeks | Develop timeline and major process milestones based on state regulatory process and team member schedules; all appropriate regional review and state SPA team members are involved | Conference line; all appropriate parties involved must be able to discuss schedules and find consensus |
| **STEP 6** | Draft preliminary schedule | Regional POC compiles discussion from conference call into written schedule and share with regional review and state SPA team members | Regional POC | 2 weeks | Schedule of major SPA process milestones and expected timelines for hand-offs | Management buy-in and team consensus (with understanding that changes may be made throughout the process) |
| **STEP 7** | Inform OUST of preliminary schedule | Regional POC emails OUST SPA coordinator/regional liaison with preliminary timeline for state SPA process | Regional POC | 2 days | Keep OUST informed of states planning to come in for SPA |  |
| **STEP 8** | State submits draft regs to regional POC  *Iterative with step 9* | \*Ideally, state would submit drafts electronically to Regional POC | State to regional POC | As agreed in schedule |  | Reg cross-walks, guidance, etc. |
| **STEP 8a** | State submits draft SPA components (MOA, AG statement, etc.)  *Iterative with step 9a* | \*Ideally, state would submit drafts electronically to regional POC | State to regional POC | As agreed in schedule | State submits its draft components of SPA application for initial regional review | SPA handbook, guidance, templates, checklists, cross-walks, etc. |
| **STEP 9** | EPA review team reviews draft regs  *Iterative with step 8* | Regional POC distributes drafts to EPA review team, EPA team reviews and provides comments to POC, POC consolidates comments and shares with state; state may make changes, re-starting step 8 | Regional POC takes lead, with input from other EPA review team members including OUST | As agreed in schedule | To develop acceptable drafts and identify and address concerns regarding stringency/scope; all appropriate EPA review team members (may include OUST at region’s discretion) | Management QA/QC, team consensus on review, guidance documents regarding EPA review |
| **STEP 9a** | EPA review team reviews draft regs  *Iterative with step 8a* | Regional POC distributes drafts to EPA review team, EPA team reviews and provides comments to POC, POC consolidates comments and shares with state; state may make changes, re-starting step 8a | Regional POC takes lead, with input from other EPA review team members | As agreed in schedule | To develop acceptable drafts and identify and address programmatic concerns; all appropriate EPA review team members | Management QA/QC, team consensus on review, guidance documents regarding EPA review |
| **STEP 10** | EPA offers “No further comment” on state draft regs | Regional POC emails state that EPA has finished review and has no further comments | Regional POC |  | Complete review of draft state regulations |  |
| **STEP 10a** | EPA offers “No further comment” on state draft SPA components | Regional POC emails state that EPA has finished review and has no further comments | Regional POC |  | Complete review of draft components of state |  |
| **STEP 11** | Scheduling checkpoint | Regional POC schedules and facilitates conference call with EPA review team and state SPA team | Regional POC | As agreed in schedule | Assess progress to date, determine schedule adjustments are necessary, and update schedule accordingly; all regional review team and state SPA team members involved | Conference line; team consensus |
| **STEP 12** | State regulatory process | State goes through regulatory process with draft regs and provides updates to Regional POC on any potential changes to reg language; regional POC updates EPA review team as necessary and EPA review team provides feedback to state as allowed by state process | State |  | To get acceptable final state regs; step reliant on state-specific process, EPA team members involved as appropriate | Frequent and effective communication between state and regional POC |
| **STEP 13** | Scheduling checkpoint | Regional POC schedules and facilitates conference call with EPA review team and state SPA team | Regional POC | As agreed in schedule | Assess progress to date, determine schedule adjustments are necessary, and update schedule accordingly; all regional review team and state SPA team members involved | Conference line; team consensus |
| **STEP 14** | State submits final regs to regional POC | \*Ideally, state would submit drafts electronically to regional POC | State to Regional POC |  |  |  |
| **STEP 14a** | State submits final draft SPA components to regional POC | \*Ideally, state would submit drafts electronically to regional POC | State to Regional POC |  |  |  |
| **STEP 15** | Assembly and review of draft final application | Regional POC assembles draft final package, distributes to regional review team, and compiles final comments | Regional POC | As agreed in schedule | Early review of draft application; regional team establishes consensus on draft documents and prepares recommendations to management; regional review team members are involved |  |
| **STEP 16** | EPA regional management briefing | Regional POC schedules and facilitates management briefing with regional review team and summarizes action items | Regional POC |  | Identify and provide updates, concerns, or recommendations to regional management | Region-specific documents for management briefing |
| **STEP 17** | Draft final application | Based on outcome of management briefing, regional POC will go back to state to address any issues or offer a go ahead to submit final application | Regional POC |  | Indicate to state whether further changes are needed before application package can be considered final (even if not yet *complete*) |  |
| **STEP 18** | EPA receives the official state SPA application  EPA staff alert regional management to package  EPA staff reserve funding for FR publication, public notices and public hearing | State submits package to EPA in paper and electronically | Regional POC |  | Purpose – submit official SPA application.  Who is involved – state and regional UST staff | Templates in guidance (used earlier in drafts) |
| **STEP 19** | Review SPA package for completeness and to ensure package is what expected (same as agreed to in drafts) | Regional UST staff and regional attorney review package | Regional POC and regional attorney | Up to 6 weeks | Purpose – ensure application is complete and as expected  Who is involved – regional UST staff and regional attorney | Crosswalks in guidance. Multiple prior reviews will ensure quality control. |
| **STEP 20** | If issues with application, contact state to resolve any issues, questions | Regional UST staff contacts state | Regional POC | 2-3 days | Purpose – ensure application complete and all issues resolved before log it in |  |
| **STEP 21** | Log in state SPA application | Regional UST staff date stamps official SPA application and emails the state that application complete and logged in | Regional POC | 1 day | Purpose – officially start the 180-day clock for EPA’s review of SPA application  Multiple prior reviews to ensure QC/QA | Legally, EPA must review application in 180 days |
| **STEP 22** | Brief regional management (via email or in meeting)  Recommend management concurs | Regional UST staff prepares briefing and briefs management (via email or in meeting) | Regional POC | 1 week | Purpose – brief regional management to resolve any questions, concerns because RA must approve application |  |
| **STEP 23** | If regional management has questions or concerns, regional staff will answer or contact staff to resolve issues | Regional UST staff answers question or contacts state to answer question | Regional POC | 1 week | Purpose – answer regional management questions  Who is involved – UST regional staff and state |  |
| **STEP 24** | Prepare FR notice (including cost estimate, typesetting form) for publication in FR | Regional UST staff prepares FR notice | Regional POC | 2 weeks | Purpose – legal requirement to publish in FR so must prepare FR notice  Who is involved – UST regional staff | FR notice templates |
| **STEP 25** | Prepare briefing documents for Regional Administrator | Regional UST staff prepares briefing for RA | Regional POC | 1 week | Purpose – brief RA who must sign off on state SPA application |  |
| **STEP 26** | Regional Administrator approves state SPA application | RA approves state SPA application | Regional POC and RA |  | Purpose - it is a legal requirement |  |
| **Step 27** | Notify state that package is approved by the RA  Notify OUST that RA approved SPA application. | EPA UST regional program staff will e-mail state and OUST that RA approved SPA application | Regional POC |  | Purpose – to let HQ and state know that RA approved SPA application. |  |
| **Step 28** | Send FR package to EPA HQ FR office (in OP) with cost estimate  Either final determination or tentative approval (non-SPA state) Make application available to public | EPA UST regional program staff will send the FR package to EPA HQ FR office | Regional POC and EPA HQ FR office (EPA Office of Policy) |  | Purpose – it is an EPA requirement | FR template |
| **Step 29** | Prepare docket  Everything must be in the docket by the day of publication | EPA UST regional program staff will prepare the docket | Regional POC |  | Purpose – it is a legal requirement to document everything in the docket | OUST draft guidance on doing dockets (i.e. who to call) |
| **Step 30** | Submit to Office of Federal Register | EPA FR staff will submit to the FR  Quality will be assured through multiple prior reviews. | EPA HQ FR Office | 1 week | Purpose – it is a legal requirement, we need to publish it | Guidance on what to submit with FR notice |
| **Step 31** | Publish in Federal Register | Office of Federal Register will publish in the federal register | Office of Federal Register | 1 week | Purpose – to get SPA or re-SPA application published in the federal register | Funding for publication |
| **Step 32** | Inform the state regarding publication in the Federal Register | EPA regional UST program staff will  email their state contacts | Regional POC | 1 day | EPA regional UST program staff, state contacts |  |
| **Step 33** | 30-day comment period |  |  | 30 days |  |  |
| **Step 34** | Address any public comments and brief management |  | Regional POC |  | To address public’s concerns and alert regional management to comments |  |
| **Step 35** | If it’s a new SPA application, prepare FR notice for final determination (with cost estimate) | EPA regional UST staff will prepare FR notice for final determination and develop cost estimate | Regional POC |  | To prepare for publication in FR | Template for FR notice (most recent one accepted) |
| **Step 36** | RA final determination (briefing package for this) |  | RA  Regional POC |  | To make a final determination on SPA application | This is when the 180 day period ends |
| **Step 37** | If it’s a new SPA application, submit the FR notice to EPA FR office |  | Regional POC and  EPA FR office |  | Document approval of SPA application into the Federal Register (rather than a re-SPA application) | 2 weeks |
| **Step 38** | Submit to OFR | EPA OFR will submit to the OFR  Quality will be assured through multiple prior reviews | EPA HQ FR office | 1 week | Purpose – it is a legal requirement, we need to publish it in the FR | Guidance on what to submit with FR notice |
| **Step 39** | Publish final determination in Federal Register | OFR will publish final determination in Federal Register | Office of Federal Register | 1 week | To document final determination in FR |  |
| **Step 40** | Prepare FR Notice for Codification with cost estimate. Incorporate broader in scope considerations in the FR notice | EPA UST regional program staff will prepare FR notice for codification | Regional POC |  | Document codification in the FR | Template for FR notice codification |
| **Step 41** | Submit to OFR | EPA OFR will submit to the OFR  Quality will be assured through multiple prior reviews | EPA HQ FR office | 1 week | Document codification in the FR |  |
| **Step 42** | Publish codification in FR | OFR will publish codification in FR | Office of Federal Register |  | Document codification in the FR |  |
| **Step 43** | Notify state of codification | EPA UST regional program staff will notify state of codification | Regional POC | 1 day | To inform states of completion of the process |  |