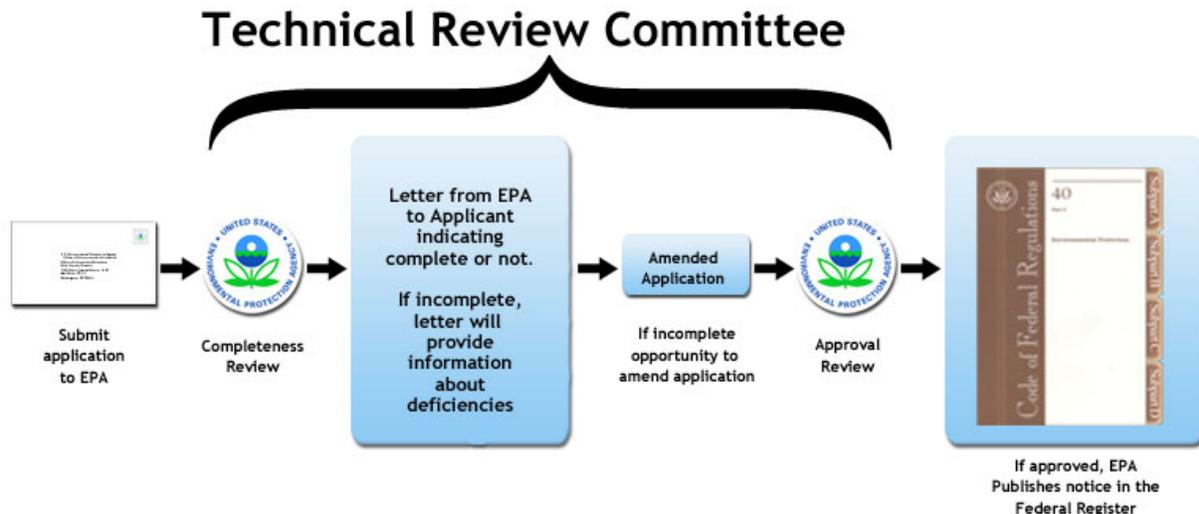


LESSON 4: THE EPA REVIEW AND APPROVAL PROCESS UNDER PART 3

While Lesson 4 focused on the preparation and submission of an application using the CROMERR Part 3 process, this lesson describes what happens next, that is, the CROMERR application review and approval process.



Topics covered in this lesson include:

- The Technical Review Committee (TRC);
- EPA's Completeness Review;
- EPA's Approval Review;
- The Public Hearing Provision for Public Water System Programs; and
- Special Notes Regarding the Application Process.

TECHNICAL REVIEW COMMITTEE (TRC)

Applications formally submitted to the EPA are reviewed by an Agency-wide TRC, which includes representatives from the following offices:

- Office of Environmental Information (OEI);
- Office of General Council (OGC);
- Office of Enforcement and Compliance Assurance (OECA);
- Office of Air and Radiation (OAR);
- Office of Solid Waste and Emergency Response (OSWER);
- Office of Water (OW);
- Office of Chemical Safety and Pollution Prevention (OCSPP);
- Office of the Inspector General (OIG); and
- Each of the 10 EPA Regions.

The TRC conducts both the completeness reviews and the approval reviews. The approval reviews conclude with a recommendation to the EPA Administrator, or their designee, to either approve or deny the application for program revision or modification.

CHECKING FOR COMPLETENESS

EPA first reviews an application for completeness, as described in § 3.1000(b)(3)(i) of CROMERR. Within 75 calendar days of receiving an application, EPA will send a letter to the applicant specifying whether or not the application is complete. For incomplete applications, the letter includes information on the application deficiencies.

States, tribes, and local governments may amend an application after EPA has determined the application package to be incomplete. For EPA to review an amended application, it must be resubmitted within “a reasonable period of time.”

If application deficiencies are not remedied within a “reasonable period of time,” EPA may act to approve or disapprove an incomplete application.

75-day Completeness Determination

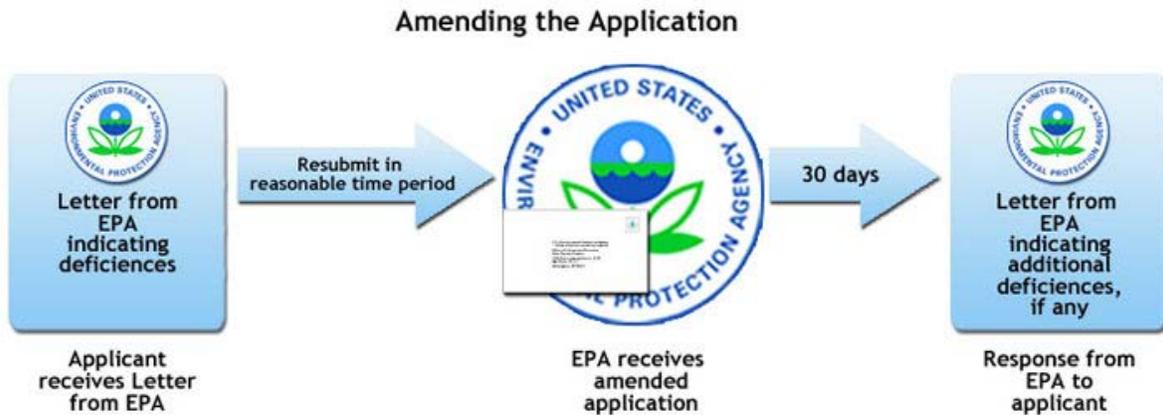


RESOURCES:

- CROMERR § 3.1000(b)(3)(i)

AMENDING THE APPLICATION

Applicants who receive a notice of deficiencies and then correct the issues in the application may resubmit the application. EPA then has 30 calendar days from time of receipt to respond with a new complete or incomplete determination.



RESOURCES:

[CROMERR § 3.1000\(b\)\(3\)\(i\)](#)

APPROVAL REVIEW

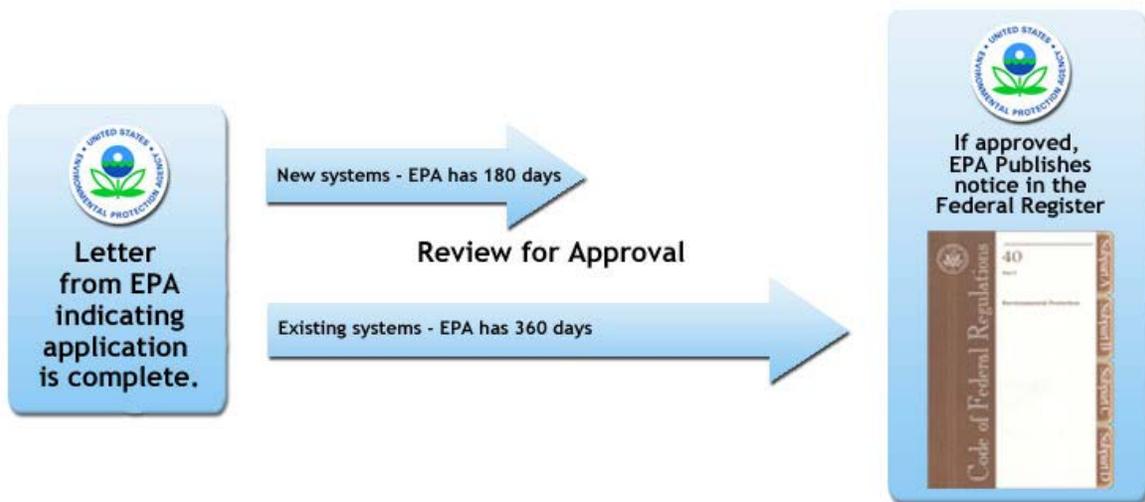
Once EPA determines that an application is complete, the next step is to determine whether the application is approvable by reviewing it for compliance with CROMERR requirements spelled out in § 3.2000 of CROMERR.

For new systems, the Agency has 180 days from notification of completeness to conduct the approval review. If EPA does not act on a program revision or modification by the end of the 180-day approval review period, then that revision or modification is automatically approved.

For existing systems, the Agency has 360 days to evaluate the application for approval, and, again, failure to act before the review period ends results in automatic approval.

CROMERR does not require EPA to take the same action on all the program revisions or modifications in a consolidated application. EPA may approve some of the program revisions or modifications in the consolidated application, and disapprove others, as provided under § 3.1000(c)(2).

The approval generally becomes effective as of the date that EPA publishes a notice of the approval in the Federal Register.



If EPA does not take action within the allotted time period, the request for program revisions or modifications is automatically approved (unless the review period is extended at the request of the applicant).

RESOURCES:

- CROMERR § 3.1000(c);
- CROMERR § 3.1000(c)(4)(ii);
- CROMERR § 3.1000(d); and
- [Sample EPA Response](#) from the Federal Register.

PUBLIC HEARING PROVISION FOR PUBLIC WATER SYSTEM PROGRAMS

Applications for authorized public water system programs under Part 142 must provide the opportunity for a public hearing. Once EPA makes a preliminary determination to approve or deny the request for program revision or modification, EPA will publish a notice in the Federal Register. Requests for hearings must be submitted to EPA within 30 days after publication.

If a hearing is requested, EPA will announce the hearing in the Federal Register at least 15 days before the scheduled date. Based upon the results of the hearing, EPA will issue an order, either affirming or rescinding its preliminary determination, and will publish a Final Notice in the Federal Register.

If the order is to approve the program revision or modification, EPA's approval is effective upon publication of the Final Notice. However, if no hearing is requested, EPA's preliminary determination will be effective 30 days after the first notice was published.

RESOURCES:

- CROMERR § 3.1000(f) (PDF) (43 pp, 520 K)

SPECIAL NOTES REGARDING THE APPLICATION PROCESS

Remember that in consolidated applications, EPA is not required to take the same action on all revisions and modifications. For more information on this topic, reference § 3.1000(c)(2) of CROMERR.

Also note that authorized programs with approved program modifications or revisions to incorporate electronic reporting must apprise EPA of any changes (including laws, policies, and systems) that may affect program compliance with CROMERR requirements. For further information on this topic, reference § 3.1000(a)(4) of the CROMERR.

RESOURCES:

- CROMERR § 3.1000(c)(2); and
- CROMERR § 3.1000(a)(4).