THE U.S. EPA's OVERVIEW TO THE
FY 2018-2019 NATIONAL PROGRAM MANAGER (NPM) GUIDANCES

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I.   PURPOSE AND BACKGROUND

This overview introduces the EPA's two-year FY 2018-2019 NPM Guidances and discusses relevant grants management policies that apply across NPMs.

The NPM Guidances provide a national operational framework used by the regions, states, and tribes to implement programmatic activities protective of human health and the environment, consistent with the FY 2018 President's Budget. They also inform state-EPA grant work planning under the National Environmental Performance Partnership System (NEPPS).

Beginning with FY 2016-2017, EPA implemented a two-year cycle for the NPM Guidance process. The two-year cycle was developed collaboratively with the EPA-State NPM Guidance/NEPPS Workgroup. The two year-process emphasizes four key considerations:

1. Earlier and more meaningful state and tribal engagement in joint priority-setting to identify the most important areas of work for protecting the environment and human health;
2. Clear and transparent support for flexibility within the NPM Guidances, including guidelines for seeking approval where flexibility is requested;
3. Better alignment of NPM Guidances and Grant Guidances to minimize workload for regions, states and tribes; and
4. Earlier and more meaningful state and tribal engagement in commitment-setting, which is aligned with grant work planning to the extent possible.

II.   FY 2018-2019 NPM GUIDANCE PROCESS

In light of the transition to the new Administration and the adjusted FY 2018 President's Budget release date, the FY 2018-2019 NPM Guidances focus on key programmatic activities. In addition, due to the delayed release of the President's Budget, the normal schedule release of the NPM Guidance process was delayed.

The FY 2018-2019 NPM Guidance documents are planning documents based on the funding levels requested in the FY 2018 President's Budget. The EPA's funding levels for FY 2018 will be determined through the annual federal appropriations process. EPA will develop FY 2019 Addendums to address any significant changes identified after the release of the final FY 2018-2019 NPM Guidances.

III.   CONSIDERATIONS FOR GRANTS MANAGEMENT

A.   Pursuing Flexibilities through NEPPS

NEPPS was created in 1995 and supports strong and effective working relationships with states and tribes through a partnership model centered on achieving programmatic, financial, and management flexibility. The NEPPS approach provides tools for states and tribes to pursue programmatic and administrative flexibility to jointly identify and implement environmental priorities with EPA. Agreements, such as Performance Partnership Agreements (PPAs) and EPA-

Tribal Environmental Plans (ETEPS), can serve as strategic negotiated plans under the NEPPS - articulating joint goals and priorities, key activities, roles, and responsibilities. PPAs are often combined with and provide the strategic umbrella for Performance Partnership Grants (PPGs), which enable states and tribes to combine up to 20 categorical environmental program grants into a single blended grant agreement with one consolidated workplan and budget. PPGs offer savings on administrative costs as well as the ability to shift resources to address priorities and cross-cutting efforts that may be challenging to support through individual categorical grants.

The FY 2018-2019 NPM Guidances may include features that support Performance Partnerships with states and tribes, such as identifying areas where flexibilities can be sought and providing additional guidance for seeking approval.

B. Utilizing Multi-Year Grant Workplans

The EPA and States continue to work collaboratively to ensure alignment with NPM and programmatic Grant Guidances where possible to increase administrative efficiency. Multi-year grant workplans are used in varying degrees by EPA regions, states, and tribes and provide additional benefits over annual workplans for managing continuing environmental program grants and, in particular, those with a project component. Multi-year grant workplans broaden the planning horizon and allow for better alignment with the two-year NPM Guidances, thus providing a greater ability to plan strategically and address and respond to changing conditions during the term of the grant. In addition, longer project periods increase administrative efficiency by reducing the number of grant applications required and help ensure financial stability during periods of federal and state budget uncertainty, especially when using multi-year PPGs, which include funds for multiple years and grant programs.

The Office of Grants and Debarment (OGD) issued amended Grants Policy Issuance 12-06, "Timely Obligation, Award and Expenditure of EPA Grant Funds," to encourage the use of multi-year grant workplans. The State Grants Subgroup of the ECOS-EPA Partnership and Performance Workgroup will review and address implementation considerations around multi-year grant workplans, and OGD will provide additional guidance, as needed.

C. Ensuring Grants Comply with the Federal Civil Rights Laws, Including Title VI

Ensuring compliance with the federal civil rights laws, including Title VI of the Civil Rights Act of 1964, is an agency priority. The NPMs have coordinated with the Office of General Counsel (OGD) and OGD's External Civil Rights Compliance Office (ECRCO) to assign tasks to EPA regions to ensure applicants for, and recipients of, the EPA's financial assistance to whom the federal civil rights laws apply are in compliance and do not take actions involving either discriminatory treatment or that have discriminatory effects. In addition, EPA is collaborating with states to ensure compliance with the nondiscrimination laws and regulations. For example, many recipients do not have in place the civil rights programs and safeguards (e.g., grievance procedures, nondiscrimination coordinator) that are mandated by EPA's nondiscrimination regulation (40 C.F.R. Part 7), or public involvement processes and procedures that provide meaningful access to recipient programs and as required by Federal Civil Rights laws. As a result, many of these recipients are not equipped with the foundational tools and programs necessary to effectively address federal civil rights complaints and community concerns at the recipient

level. Accordingly, in every recent case resolution, complaint investigation process and other technical assistance delivery, ECRCO has worked collaboratively with recipients to assist them in developing and maintaining robust and effective civil rights programs that other recipients can model. Once these robust civil rights programs are in place at the recipient level and are effectively implemented, ECRCO anticipates that many civil rights complaints and concerns that otherwise would be elevated to EPA at the federal level, would be handled by recipients through their civil rights programs. Also, in 2017 ECRCO plans to roll out Chapter II of the External Civil Rights Compliance Office Toolkit – guidance for recipients, which will focus specifically on these nondiscrimination program requirements.

IV. EPA-STATES E-ENTERPRISE FOR THE ENVIRONMENT

E-Enterprise for the Environment (E-Enterprise) is EPA's pre-eminent shared governance initiative. Through E-Enterprise shared governance, EPA Regions proactively engage with states and tribes to improve environmental and public health outcomes by simplifying, streamlining, and modernizing the implementation of our environmental programs. These efforts enhance services to the regulated community and public as well as improve environmental results. As the Agency implements E-Enterprise activities in collaboration with states and tribes, projects currently proposed or underway may be connected to or informed by the NEPPS process. Regions are encouraged to consider temporary tradeoffs in traditional workplan activities in order to initiate and support streamlining and modernizing business process activities. Information on how to undertake temporary tradeoffs can be found in the Guidance on E-Enterprise Workload Tradeoffs Using Performance Partnership Grants.[1]

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[1] https://www.epa.gov/sites/production/files/2016-10/documents/e-enterprise-tradeoffs-guidance.pdf