



NPDES Permitting Program Review

WORKBOOK

Friday, May 6, 2016

AGENDA

Friday, May 6th, 2016

Registration 9:30 a.m.

Regular Session 10:00 a.m. – 4:00 p.m.

Department of Environmental Quality (DEQ) Headquarters
811 SW Sixth Ave, Portland, OR 97204, 10th Floor

DEQ Staff Webinar Session 10: a.m. – Noon

<https://global.gotomeeting.com/join/761587589>

United States +1 (224) 501-3412

Access Code: 761-587-589

Meeting Goals

- Review Situation Assessment Results
- Discuss Project Plan Topics
- Identify Future Trends Impacting Statewide Water Quality Management

Discussion Items

Time	Item	Lead
9:30 A.M.	Registration <ul style="list-style-type: none">• <i>Name tags, handouts</i>• <i>Historic Timeline</i>• <i>Lunch Arrangements</i>	Josh Biggs, MWH
10:00	Greetings, and Agenda Review	Pete Shepherd, DEQ Joni Hammond, DEQ Abby Boudouris, DEQ Lisa Beutler, MWH
10:15	Project Overview and review of the Situation Assessment Process	Lisa Beutler
10:25	Summary Review of Background Research	Tom Grovhoug, Larry Walker Associates
11:00	Debrief from Stakeholder Interviews	Lisa Beutler & Tom Grovhoug
Noon	15-Minute Break	All
12:15 PM	Working Lunch <ul style="list-style-type: none">• <i>Discussion - Feedback on Research and Interviews</i>	All

Time	Item	Lead
1:00	Project Plan Part I <ul style="list-style-type: none"> Working Hypothesizes on Issues and Causes 	Tom Grovhoug & Lisa Beutler
1:45	Break	All
2:00	Project Plan Part II <ul style="list-style-type: none"> Discussion of Hypotheses 	All
3:00	Future Trends and Issues <ul style="list-style-type: none"> Full group discussion 	All
3:50	Next Steps	Lisa Beutler & Tom Grovhoug
4:00	Adjourn	

GROUND RULES

There will be many opportunities for participants to engage in group discussion. Participants are asked to subscribe to several key agreements to allow for productive outcomes

USE COMMON CONVERSATIONAL COURTESY

ALL IDEAS AND POINTS OF VIEW HAVE VALUE

You may hear something you do not agree with or you think is "silly" or "wrong." Please remember that the purpose of the forum is to share ideas. All ideas have value in this setting. The goal is to achieve understanding. Simply listen, you do not have to agree, defend or advocate.

HONOR TIME

SPELLING DOESN'T COUNT

HUMOR IS WELCOME

But not at another's expense.

BE COMFORTABLE

Help yourself to refreshments or take personal breaks. If you have other needs please let a facilitator know.

ELECTRONICS COURTESY

AVOID EDITORIALS

Please talk about YOUR ideas and thoughts

OTHER?.

WORKING IN GROUPS

Some parts of the workshop involve working in groups. As a group you will be asked to analyze or develop ideas, keep track of the issues, then make a report to the larger group. Each group will need:

Facilitators/ Leaders: One or more members should ensure that the group stays with the assigned task and that all participants have an opportunity to share ideas. This person and all group members should ensure use of the ground rules. Ask the session facilitator for assistance if needed.



Recorder: Group ideas will be shared. Information from flipcharts or written notes will be used to make reports AND used later to transcribe the proceedings of the meeting. Please prepare a Summary Sheet for the reporter and for use in preparing the group proceedings.

Reporter: Someone will report on behalf of the full group.

- Will summarize table conclusions
- Limit presentation to time allotted by session facilitator

Time Keeper: All activities will involve specific blocks of time. In order to complete tasks, at least one group member needs to keep track of time.

Personal Worksheets: In addition to the group notes, you may wish to make more in-depth individual or organizational comments. Extra workbooks will be available in each group to do this. These may also be turned in at the end of the session. If you are willing to include your name and contact information, it will help the person preparing the notes in the event they have questions.

WORKING LUNCH DISCUSSION

Feedback on Research and Interviews

- Structural
- Capabilities
- Resources
- Cultural
- Legal/ Policy

GENERAL CATEGORIES

1. Results from the situation assessment were grouped into five (5) general categories. Additional questions will explore what topics are in each category. Regarding the CATEGORIES, what would you add, subtract or change?
2. To what extent do the categories provide a useful framework for understanding the complexity of the issue and/or the variability of issues?

STRUCTURAL

- Tools, records and tracking
- Input process (permit and monitoring information)
- Decision making structures/
Integration of Decision Processes
- Standardized procedures and directives
- Funding
- Multi-tasking
- Performance metrics

3. The structural topics addressed the adequacy of systems and structures and included the listed topics. What would you add, subtract or change about this grouping of topics into the discussion of structural issues?
4. Thinking about the discussion on structural issues, to what extent was your perspective reflected in the recap? What, if anything, would you want to reframe or provide additional insight on?
5. What, if any, new topics should be added to this list?

CAPABILITIES

- 5 years to high competence
- Inadequate expertise of NPDES permit writers/ Inadequate training
- Managers are managers vs. experts in in CWA policy complexities
- Utilization of tools needs assessment
- Recruitment of essential talent
- Job performance metrics

6. The capabilities topics considered the importance of expertise in successfully executing the NPDES process. What would you add, subtract or change about this grouping of topics?

7. Thinking about the discussion on capabilities, to what extent was your perspective reflected in the recap? What, if anything, would you want to reframe or provide additional insight on?

8. What, if any, new topics should be added to this list?

RESOURCES

- Available resources (as deployed) inadequate to resolve backlog
- Available resources not always efficiently utilized
- Uncertainties in DEQ funding , funding structure limit resources
- Blue Ribbon Committee Status

9. The resources topics considered the adequacy and/or utilization of resources to successfully execute the NPDES process. What would you add, subtract or change about this grouping of topics?

10. Thinking about the discussion on resources, to what extent was your perspective reflected in the recap? What, if anything, would you want to reframe or provide additional insight on?

11. What, if any, new topics should be added to this list?

CULTURAL

- The Oregon Way
- Customer service v Regulatory identity
- Reluctance to impose/Resistance to top down leadership
- Customization v Standardization of NPDES process

12. The cultural topics considered the extent to which philosophical perspectives and identity may affect successful execution of the NPDES process. What would you add, subtract or change about this grouping of topics?

13. Thinking about the discussion on culture, to what extent was your perspective reflected in the recap? What, if anything, would you want to reframe or provide additional insight on

14. What, if any, new topics should be added to this list?

LEGAL/ POLICY

- Permits are increasing in complexity
- Procedural accuracy overarching requirement
- Need more proactive approaches to meet clean water act mandates
- Requirements may not result in desired outcomes
- Shift in EPA role and increasing oversight by EPA delays NPDES permit issuance

15. The legal/policy topics considered the extent to which external or programmatic considerations may affect successful execution of the NPDES process. What would you add, subtract or change about this grouping of topics?

16. Thinking about the discussion on legal and policy issues, to what extent was your perspective reflected in the recap? What, if anything, would you want to reframe or provide additional insight on?

17. What, if any, new topics should be added to this list?

18. What, if any additional, concepts should the team consider in addressing the NPDES permit backlog issue?

DISCUSSION OF HYPOTHESES

Based on the Situation Assessment and background research a series of hypotheses were developed. These are tentative insights into the issue or concepts not yet fully verified. If true, they explain or predict certain facts or phenomena. This in turn creates the foundation for findings, recommendations and implementation plans.

The focus of this discussion is to evaluate each hypothesis and determine to what extent:

- They are likely to be verifiable
- Identified issue areas are a significant driver of backlog
 - Short term & Long term
- Issues are within DEQ control versus outside DEQ control
- Stakeholders can affect issues outside of DEQ Control


An additional goal is to identify information sources that may assisting in testing the hypotheses and assumptions.

Hypothesis 1- Structural

1. Are inadequate Data Systems a barrier to NPDES permit production?

a. Do permit backlogs compound data problems by requiring additional data collection and synthesis prior to permit preparation?

b. Is permit preparation is delayed by lack of adequate data?

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Hypothesis 1- Structural


1. Are inadequate Data Systems a barrier to NPDES permit production?

Investigate:

• Basic data needs for individual permits.

• Requirements for improved electronic database.

• Need for improved access to data by permit writers and stakeholders.

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1. In considering the adequacy of data systems:

QUESTION	RESPONSE
a. To what extent are these issues verifiable?	
b. To what extent is this a significant driver of backlog, both short term & long term?	

QUESTION	RESPONSE
c. To what extent is this issue under the control of DEQ?	
d. To what extent is this issue under the control of outside parties? (List outside parties.)	
e. To what extent can external stakeholders can affect issues outside of DEQ Control?	
f. What information or sources would you recommend be used in: <ul style="list-style-type: none"> i. Testing the hypotheses and assumptions ii. Preparing findings and recommendations? iii. Preparing an implementation plan? 	
g. Other?	


Hypothesis 2 -

Structural

2. Are NPDES permit writers doing too many tasks?

Investigate:

- Need for a workload assessment to determine what tasks done by permit writers could be realigned or as needed re-assigned without a drop in NPDES permit quality or program effectiveness (e.g. enforcement, inspection reports, ...).


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Hypothesis 2 -

Structural

2. Are NPDES permit writers doing too many tasks?

Investigate:

- Need to evaluate potential for teaming approaches to augment support for the permit writers and to meet other organizational needs.
- Need to properly prioritize NPDES permit preparation ahead of other tasks.


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2. In considering the number of tasks permit writers are responsible for:

QUESTION	RESPONSE
a. To what extent are these issues verifiable?	
b. To what extent is this a significant driver of backlog, both short term & long term?	
c. To what extent is this issue under the control of DEQ?	
d. To what extent is this issue under the control of outside parties? (List outside parties.)	
e. To what extent can external stakeholders can affect issues outside of DEQ Control?	
f. What information or sources would you recommend be used in: <ul style="list-style-type: none"> i. Testing the hypotheses and assumptions ii. Preparing findings and recommendations? iii. Preparing an implementation plan? 	
g. Other?	

Hypothesis 3-

Structural

3. Are DEQ Leadership/ Management systems contributing to NPDES permit backlog?

Investigate:

- Needs for clear process direction including policies, decision trees, process maps and requirements for utilization.
- Needs for established accountability measures based on realistic goals and targets.



Hypothesis 3-

Structural

3. Are DEQ Leadership/Management systems contributing to NPDES permit backlog?

Investigate:

- Need process to accommodate factors that may interfere with achieving goals.
- Need to realign other priorities that override attainment of permit issuance plans. Need to properly account for impacts associated with addressing other urgent needs.
- Need clear, transparent, decision making processes such as decision trees, RACI Charts,* etc.

* RACI stands for Responsible, Accountable, Consulted, Informed. RACI charts are often utilized when multiple people are engaged in a process and there is a need to more tightly define the roles and tasks that each are responsible for.



Hypothesis 3-

Structural

3. Are DEQ Leadership/Management systems contributing to NPDES permit backlog?

Investigate:

- Need to ensure alignment of all change efforts, particularly related to hand-offs and trade-offs.
- Need change management and accountability for execution of high value improvement measures.
- Need improved systems for tracking permit issuance and schedule variance
- Need processes such as dashboards and other tracking mechanisms to create visibility and transparency for progress in achieving desired changes.



Hypothesis 4 -

Structural

4. Is decentralization of NPDES permitting created unintended consequences such as less accountability, more inefficiencies, and inconsistencies within the NPDES functions?



Hypothesis 4 -

Structural

4. Does decentralization create unintended consequences?

Investigate:

- Need for improved communication among headquarters and regional offices focused on improved NPDES results.
- Needed authority for and capability to make decisions in a transparent decision process.
- Need for commitment to use of tools and guidance to prevent unpredictability and lack of consistency. Need a transparent process to make adjustments where required.



Hypothesis 5 -

Structural

5. Are the Standards and TMDL group processes properly integrated with NPDES permit writers' needs and requirements?

Investigate:

- The extent to which Standards and TMDL group process are not well integrated with NPDES permit writers needs and requirements.



Hypothesis 5 -

Structural

5. Are the Standards and TMDL group processes properly integrated with NPDES permit writers' needs and requirements?

Investigate:

- Need to establish the appropriate level of integration and collaboration in policy development.
- Need to determine the role of stakeholders in framing policy and engage as appropriate.

3. Related to the other structural issues:

QUESTION	RESPONSE
a. To what extent are these issues verifiable?	
b. To what extent is this a significant driver of backlog, both short term & long term?	
c. To what extent is this issue under the control of DEQ?	
d. To what extent is this issue under the control of outside parties? (List outside parties.)	
e. To what extent can external stakeholders can affect issues outside of DEQ Control?	
f. What information or sources would you recommend be used in: <ul style="list-style-type: none"> i. Testing the hypotheses and assumptions ii. Preparing findings and recommendations? iii. Preparing an implementation plan? 	
g. Other?	

Hypothesis 6 - Capability

6. Given managers are managers, and not necessarily NPDES permitting or Clean Water Act experts, are there difficulties with internal oversight?

Investigate:

- Determine and account for in-house CWA and NPDES expertise at management and staff level.

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Hypothesis 6 - Capability

6. Given managers are managers, and not necessarily NPDES permitting or Clean Water Act experts, are there difficulties with internal oversight?

Investigate:

- Determine if consolidation of available permitting expertise could achieve short term improvements in processes and production.
- Determine if outside NPDES permitting expertise could assist in training and development of management and staff and process development.

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Hypothesis 7 - Capability

7. Do inadequate tools and/or does utilization of tools affect efficiency of the NPDES process?

Investigate:

- Need for an easy to use, updated Permit Writers Guide.
- Need for updated and improved NPDES Permit and Fact Sheet templates.

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Hypothesis 7 - Capability

7. Do inadequate tools and/or does utilization of tools affect efficiency of the NPDES process?

Investigate:

- Need for improved data access and data tools.
- Need for additional collaboration with NPDES permit applicants to ensure adequate information for permit preparation.

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Hypothesis 8 - Capability

8. Does inadequate expertise of NPDES permit writers and/or inadequate training result in NPDES quality and production issues?

Investigate:

- Need for upgraded/improved NPDES permit writer training program.

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Hypothesis 8 - Capability

8. Does inadequate expertise of NPDES permit writers and/or inadequate training result in NPDES quality and production issues?

Investigate:

- To what extent hiring practices contribute to availability of expertise.
- Need for consistently implemented and maintained NPDES training program to address continuing changes in requirements.

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Hypothesis 9 - Capability

9. Does a lack of a strategic approach to CWA implementation impede development of NPDES permits?

Investigate:

- To what extent there is a need for forward thinking, active assessment and understanding of the implications of future WQ standards or TMDL waste load allocations (WLAs) on NPDES permit requirements and/or treatment improvements.

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Hypothesis 9 - Capability

9. Does a lack of a strategic approach to CWA implementation impede development of NPDES permits?

Investigate:

- Requirements for planning related to increased NPDES permit requirements in the near future that will be created by new WQ standards.
- Needed strategies to address permit appeals and EPA disapprovals.
- Ways to address permit development in the context of litigation given conflicts and new interpretations of CWA requirements.

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4. Related to the capabilities issues:

QUESTION	RESPONSE
a. To what extent are these issues verifiable?	
b. To what extent is this a significant driver of backlog, both short term & long term?	
c. To what extent is this issue under the control of DEQ?	
d. To what extent is this issue under the control of outside parties? (List outside parties.)	
e. To what extent can external stakeholders can affect issues outside of DEQ Control?	
f. What information or sources would you recommend be used in: <ul style="list-style-type: none"> i. Testing the hypotheses and assumptions ii. Preparing findings and recommendations? iii. Preparing an implementation plan? 	
g. Other?	

Hypothesis 10 - Resources

10. Can available resources resolve backlog? Are inadequate resources devoted to NPDES permit issuance?

Investigate:

- Need for an adequate assessment of resource needs, including workload evaluation.
- What external resources would be needed to address short term backlog needs.

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Hypothesis 11 - Resources

11. Are available resources fully utilized?

Investigate:

- What existing staff resources in DEQ can be utilized to support NPDES permitting goals.
- Need to identify the best staff resources available to the process.
- Need for better utilization of the most skilled staff in process development and training.

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Hypothesis 12 - Resources

12. Do uncertainties in DEQ funding streams and funding structure limit resources, and therefore restrict NPDES permit writing capacity?

- Need to determine to what extent annual changes in overall funding impact NPDES permit writing.

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Hypothesis 12 - Resources

12. Do uncertainties in DEQ funding streams and funding structure limit resources, and therefore restrict NPDES permit writing capacity?

Investigate:

- Need for allocation of available funding adequately aligned with NPDES permit priorities.
- Need to examine the benefits of different funding approaches and elevate for decision maker consideration. May include a discussion of items such as dedicated fees for permit writing.

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Hypothesis 13 - Resources

13. Can the Blue Ribbon Committee assist in advancing its original purpose of resolving NPDES permit backlog?

Investigate:

- Need to reestablish the Mission, goals and objectives of BRC

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Hypothesis 13 - Resources

13. Can the Blue Ribbon Committee assist in advancing its original purpose of resolving NPDES permit backlog?

Investigate:

- Need to evaluate BRC membership in consideration of future CWA requirements.
- Need to explore the role the BRC may serve in resolution of short and long-term NPDES backlog.

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Hypothesis 14 - Resources

14. Will succession planning be essential to future NPDES permitting success?

a. Do identified needs for expertise coupled with a pending loss of the most senior personnel predict future deficiencies?

Investigate:

- Need to plan for this eventuality. Determine if job shadowing, knowledge transfer and other transition tools should be utilized.

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5. Related to the resources issues:

QUESTION	RESPONSE
a. To what extent are these issues verifiable?	
b. To what extent is this a significant driver of backlog, both short term & long term?	
c. To what extent is this issue under the control of DEQ?	
d. To what extent is this issue under the control of outside parties? (List outside parties.)	
e. To what extent can external stakeholders can affect issues outside of DEQ Control?	
f. What information or sources would you recommend be used in: <ul style="list-style-type: none"> i. Testing the hypotheses and assumptions ii. Preparing findings and recommendations? iii. Preparing an implementation plan? 	
g. Other?	

15. Does a focus on customer service confuse NPDES permit writing priorities?

Investigate:

- Need to consider and budget for time spent on technical assistance rather than NPDES permit writing.

15. Does a focus on customer service confuse NPDES permit writing priorities?

Investigate:

- Concerns regarding “difficult” NPDES permits precluding successful implementation by smaller permittees.
- Need for strategies to support compliance attainability and address the ultimate cost of NPDES requirements.
- The degree to which small community permits consume proportionally more resources.

16. What are the polarities between a desire and need for staff autonomy and the opposite need for managerial controls?

- Do differences in expertise and skills between NPDES permit writers and management create barriers to implementing some managerial controls?
- NPDES permit writers have observed multiple false starts in attempting to resolve backlog. Have some personnel have defaulted to “waiting it out” until the next change comes along?

16. What are the polarities between a desire and need for staff autonomy and the opposite need for managerial controls?

Investigate:

- Need for headquarters/management to address a lack of adherence to procedures when it leads to lack of standardization and a breakdown of processes.
- Need for significant change management to address understandable resistance.

17. Does customization versus Standardization of NPDES processes create losses in efficiency?

Investigate:

- What activities and sub activities that involve repetitive processes can to be considered candidates for standardization.

6. Related to the cultural issues:

QUESTION	RESPONSE
a. To what extent are these issues verifiable?	
b. To what extent is this a significant driver of backlog, both short term & long term?	
c. To what extent is this issue under the control of DEQ?	
d. To what extent is this issue under the control of outside parties? (List outside parties.)	
e. To what extent can external stakeholders can affect issues outside of DEQ Control?	
f. What information or sources would you recommend be used in: <ul style="list-style-type: none"> i. Testing the hypotheses and assumptions ii. Preparing findings and recommendations? iii. Preparing an implementation plan? 	
g. Other?	

18. Do pending litigation and anticipated litigation outcomes hinder/delay NPDES permit issuance?

- Need to document evidence /linkage between litigation outcomes and permit delays.

18. Do pending litigation and anticipate litigation outcomes hinder/delay NPDES permit issuance?

Investigate:

- Need for solutions to address impact of litigation on NPDES permit issuance.
- Need to provide NPDES permit writers alternatives when litigation outcomes create untenable situations for permit issuance.

19. Does disapproval of standards and permits by EPA disrupt the NPDES permit process?

- Have specific EPA determinations (for example, issues related to water quality trading) eliminated the flexibility that previously allowed NPDES permits to be written?

19. Does disapproval of standards and permits by EPA disrupt the NPDES permit process?

Investigate:

- Need to document evidence/linkage between EPA actions and NPDES permit delays.
- Needed solutions/strategies to deal with likelihood of increasing EPA actions due to increased oversight and changes to the CWA.

20. Does the anticipated inability to attain WQS, TMDLs on NPDES permits result in delays in permit issuance?

Investigate:

- The need for a transparent nexus between WQ standards/TMDLs and achievement of TMDL requirements.

20. Does the inability to attain of WQS, TMDLs on NPDES permits result in delays in permit issuance?

Investigate:

- Need to create stronger linkages among staff developing in all parts of the NPDES system (standards, TMDL, permit staff and management) to express the impact of their work on NPDES permit outcomes.
- Need to fully document examples where WQ standards or TMDL issues have been directly linked to delays in NPDES permits

7. Related to the legal/policy issues:

QUESTION	RESPONSE
a. To what extent are these issues verifiable?	
b. To what extent is this a significant driver of backlog, both short term & long term?	
c. To what extent is this issue under the control of DEQ?	
d. To what extent is this issue under the control of outside parties? (List outside parties.)	
e. To what extent can external stakeholders can affect issues outside of DEQ Control?	
f. What information or sources would you recommend be used in: <ul style="list-style-type: none"> i. Testing the hypotheses and assumptions ii. Preparing findings and recommendations? iii. Preparing an implementation plan? 	
g. Other?	

FUTURE TRENDS AND ISSUES

Ground rules for mind mapping--

1. A trend implies direction of movement, from more to less, less to more, greater to smaller, smaller to greater, and so on. We want to observe what is happening and defer judgment and analysis.
2. This is a group brainstorm--no evaluation, no censorship, no agreement is required.
3. The person who names a trend says where it goes on the map. They also indicate if it is a category or part of a category.
4. Opposing trends are OK when backed up by examples.
5. Give concrete examples of your trends. Say **Who** and/or **What** leads you to your observation.

