

# Charter for State and EPA E-Enterprise Leadership Council

September 5, 2013

*E-Enterprise Vision: E-Enterprise for the Environment (E-Enterprise) is a joint initiative of states and EPA to improve environmental outcomes and dramatically enhance service to the regulated community and the public by maximizing the use of advanced monitoring and information technologies, optimizing operations, and increasing transparency.*

This charter establishes the State and U.S. Environmental Protection Agency (EPA) E-Enterprise Leadership Council (EELC).

## E-Enterprise Leadership Council Mission

*To lead and manage E-Enterprise for the Environment; a transformational 21st century approach to environmental protection.*

The EELC will lead and manage the refinement and implementation of the E-Enterprise initiative. The EELC's responsibilities include identifying, soliciting, reviewing, and prioritizing E-Enterprise projects, identifying State and EPA resources (existing and new investments) needed to support these projects, resolving policy issues impeding E-Enterprise project implementations, developing performance measure and tracking progress, ensuring inclusion of all relevant stakeholder perspectives, chartering and overseeing appropriate teams as needed, and taking other actions as deemed necessary to achieve the vision of E-Enterprise.

## The Work of E-Enterprise

E-Enterprise will improve transparency and efficiency, develop new environmental management approaches, and employ advanced information and monitoring technologies in a coordinated effort to manage and modernize environmental programs. Fully achieving the E-Enterprise vision requires States and the EPA to collectively recast the business model of environmental protection for the United States and, in doing so, redefine how regulators interact among themselves, with regulated entities, and with the public. This transformation occurs through the EELC managing, coordinating, and/or shaping projects to:

- streamline and improve existing processes, activities, and requirements, including looking for new ways to use information and advanced monitoring technologies;
- explore new ways of doing existing business, including enabling new environmental management approaches;
- assure new efforts are consistent with the E-Enterprise vision; and
- leverage E-Enterprise shared technical and programmatic services.

## Structure and Management Relationships

ECOS and EPA appointments to the EELC will bring together State and EPA executives to provide support and leadership to E-Enterprise. The E-Enterprise governance structure (Figure 1), of which the EELC is the head, dovetails with the Exchange Network governance and will build upon the Exchange Network's foundation of experience and success. The E-Enterprise governance structure formally ties EELC membership to existing ECOS and EPA management structures to assure that the recommendations of the EELC integrate into the respective State and EPA lines of authority. Through ECOS, EELC state members have a natural venue in which to discuss issues and collect feedback from other states. Linking to EPA's internal E-Enterprise governance

structure allows the EELC to establish an authoritative connection into the work of the program offices and advise on activities for specific program areas.

The EELC membership has an emphasis on senior *program* leadership to ensure that it is well positioned to consider programmatic and policy issues. This means that discussions of technical issues will largely occur elsewhere. The E-Enterprise governance structure expects the Exchange Network governance, the Exchange Network Leadership Council and Network Technology Board, to assume responsibility for E-Enterprise information technology issues and infrastructure. The EELC will work closely with the Exchange Network to ensure that ongoing technical evolutions are consistent and complementary. In situations in which existing internal process require updating, the EPA and the States may rely on internal governance processes to manage internal development activities. This may include both shared technical components and those components developed for internal use but offered to all partners.

The E-Enterprise Coordinator (Coordinator) is the primary staff for the EELC. The Coordinator manages the work portfolio of the entire E-Enterprise governance structure and coordinates the flow of issues as they work their way into and through the governance structure. The Coordinator will also conduct any necessary research on items as the EELC directs. The Coordinator reports to the EELC and will provide an independent voice in EELC deliberations and advocate for the E-Enterprise initiative within EPA, the States, and with outside stakeholders. The Coordinator works with the chairs of the EELC to ensure that issues are ready for the EELC to discuss.

Much of the work of the EELC is conducted between meetings by staff and resources identified by the EELC and managed by the Coordinator. The EELC may fulfill this support function through a variety of configurations, including contractors, the formation of issue-specific “Joint Policy or Process Teams” or the designation of individual State and/or EPA subject matter experts who are asked to prepare materials for the EELC. The EELC will charter the Joint Policy or Process Teams to, at a minimum, identify their scope, charge, membership, and duration. The EELC may also charter teams to perform ongoing functions such as communications and stakeholder engagement. The EELC will recognize and work with existing collaborative State-EPA groups that are implementing parts of E-Enterprise to ensure alignment with the E-Enterprise vision. The EELC may charter additional teams or rely on other organizations to develop and implement parts of E-Enterprise, e.g., the advanced monitoring component of E-Enterprise. The Coordinator will be the primary interface between the EELC and the staff and teams working on E-Enterprise.

## EELC Membership

The EELC will have 18 standing members, consisting of nine representatives from the states and nine representatives from the EPA. Of the 18 members, there will be one EPA co-chair and one State co-chair. The co-chairs have the additional responsibility of working closely with the Coordinator to establish the agenda for EELC calls and meetings. They will also cooperatively chair all EELC calls and meetings.

The members of the EELC must have a suitable level of responsibility to make recommendations on policy and programmatic issues likely to be involved in E-Enterprise projects and EELC membership will have expertise across most media areas. Establishing and maintaining the appropriate level of authority, skill sets, expertise, and experience mix will remain an explicit responsibility of EPA and ECOS as they work to select and replace members. ECOS and EPA will both strive to fill vacancies as expeditiously as possible.

The nine State members on the EELC will be appointed exclusively by the ECOS Officers and will consist primarily of Commissioner and Assistant Commissioner-level personnel and State senior-level program leaders. The members will, as a general matter, be drawn from the leadership and membership of the range of ECOS standing committees and work groups, with the overall objective of providing a diverse range of talents,

interests, geographic variation, program area responsibility and experience, and other factors deemed appropriate by the ECOS Officers as being essential to the success of the EELC. All ECOS members will serve set, staggered terms as prescribed by, and at the will of, the ECOS Officers. The State Co-Chair will provide regular updates to ECOS per its by-laws and other procedures established by ECOS.

The nine EPA members of the EELC will be selected by the EPA Deputy Administrator. These members will include an EPA Co-Chair (e.g., the EPA Deputy Administrator) and senior managers from most of the national program offices, including the Office of Environmental Information, the Office of Enforcement and Compliance Assurance, and two regional offices. Most of the EPA members will be at the Assistant Administrator, Regional Administrator, Deputy Assistant Administrator, or Deputy Regional Administrator level. The EPA members will represent the interests of EPA’s programs and policies and will work in close coordination and collaboration with EPA’s internal management structure for E-Enterprise.

The EELC structure does not yet provide a role for Tribal governments. However, recognizing that Tribes are partners in environmental protection, the EELC will explore how to provide for Tribal involvement in E-Enterprise governance. Certain provisions, including explicit membership on the EELC, may require an amendment to this Charter to include representation of Tribes.

The EELC may occasionally need additional expertise or perspectives beyond that of the regular membership. In such cases, they may invite subject matter experts to participate in meetings.

The following diagram depicts the E-Enterprise Governance Structure:

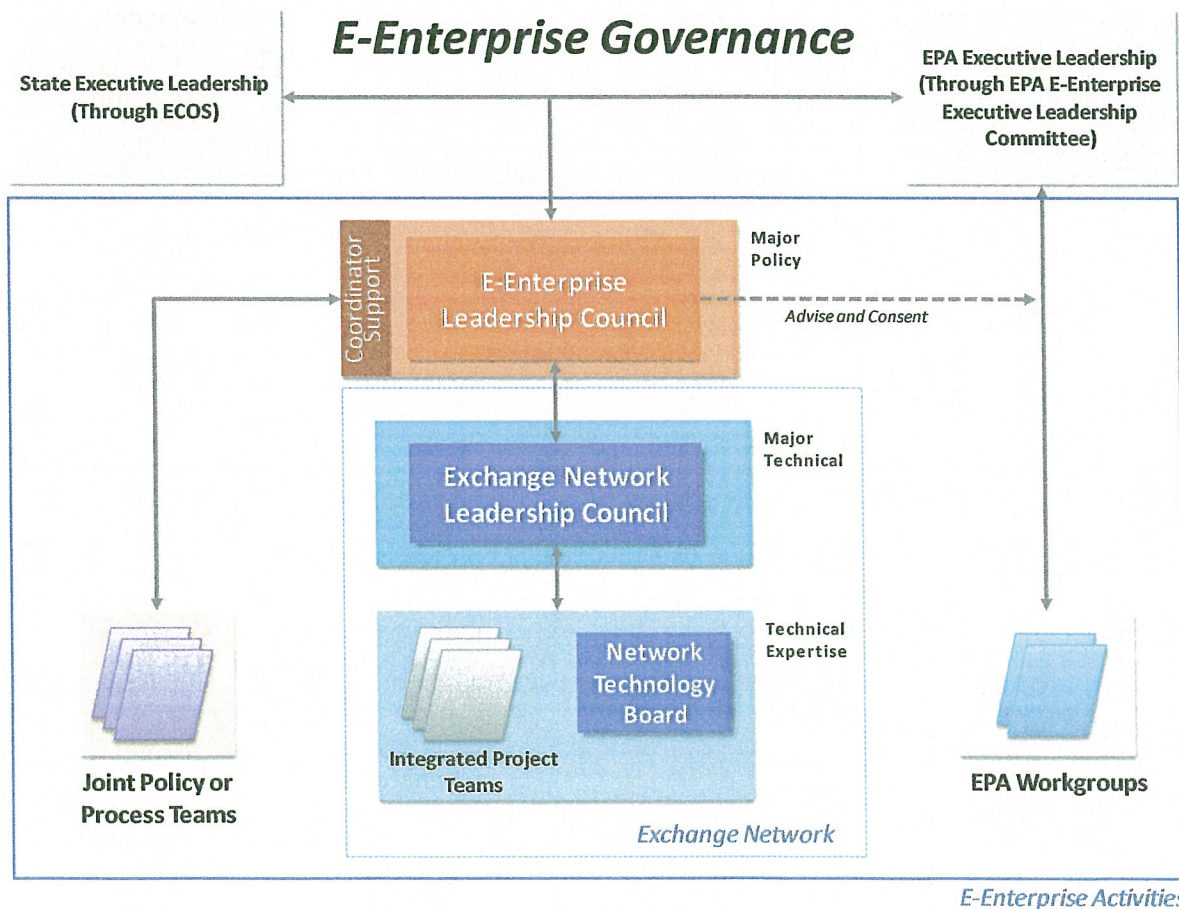


Figure 1: E-Enterprise Joint Governance Structure

## Managing Principles

### *Decision Making and Voting Procedures*

To the extent practicable, the EELC will strive for consensus decision making and will follow a formal voting process only when a consensus cannot be achieved. It is anticipated that instances in which voting is necessary will be rare. The voting procedures described here seek a balance between preventing a small minority of dissenting opinions from impeding progress and ensuring that more than a simple majority is required to make decisions. The voting procedures are:

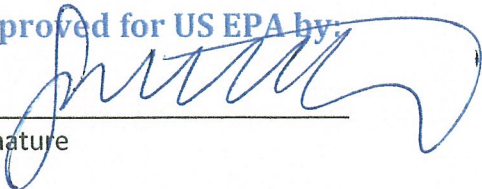
- Three-quarters of the full membership (rounded up to the nearest whole number) will constitute a quorum. The quorum must include one of the co-chairs and at least five EPA and five State members.
- Approval of a recommendation or decision will require an affirmative vote by three-quarters of the full membership.
  - For recommendations on project proposals the EELC will recommend, recommend with reservations, or not recommend.
- EELC members will not be allowed to designate an alternate or to give proxies for voting purposes. An EELC member may ask an individual to sit-in on EELC discussions to report back to the member but will not be counted towards quorum.
- The co-chairs maintain the right to:
  - Postpone a vote
  - Recess a meeting or conference call to enable State or EPA caucusing prior to voting
  - Request that votes be conducted by email following discussion in a meeting or conference call so that all voting members are able to participate
  - Ask that the meeting minutes contain a brief statement by one or more EELC members who voted 'no' to explain their opposition.

### *Update Procedures for this Charter and the Operating Guidelines*

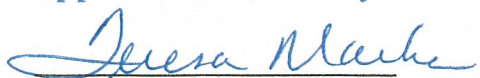
Additional operating guidelines for the EELC are documented in the EELC Operating Guidelines for 2014-2015, included as an appendix to this Charter. The EELC will biennially revise and adopt a new version of the Operating Guidelines. These routine updates must be supported by three quarters of the members and do not constitute an amendment to this Charter.

The EELC will initiate an annual review of its Charter and seek input from the ECOS Executive Committee and EPA Executive Leadership Committee, except the first review need not be completed until 18 months from the first meeting of the EELC. Updates to the charter will be initiated by the EELC and changes to the charter will require approval of EELC members per the processes described in this Charter and then submitted to ECOS and EPA for approval.

Approved for US EPA by:

  
\_\_\_\_\_  
Signature

Approved for ECOS by:

  
\_\_\_\_\_  
Signature

## Appendix I: 2014-2015 Operating Guidelines

### Meeting Guidelines

The EELC will meet a minimum of six times per calendar year and will not exceed twelve meetings per year. These meetings will be held via teleconference with web casting services utilized as necessary to share and collaborate on documents. At least one face-to-face meeting will be scheduled per calendar year to allow members to discuss topics in more depth. Conference calls will be allowed to continue without a quorum at the discretion of at least one co-chair. However, no final decisions can be made in the absence of a quorum. The Coordinator has the responsibility of ensuring that meeting minutes are produced in a timely fashion and made available publicly.

### E-Enterprise Implementation Plan

The EELC will create an E-Enterprise Implementation Plan that has a 3-5 year planning horizon. Using this document, the EELC will work with the Coordinator to develop an annual work plan for the EELC. The annual work plan must also include measures and targets for success. The Coordinator will work with the co-chairs of the Exchange Network Leadership Council (ENLC) to ensure that E-Enterprise needs are considered and addressed in the ENLC's annual work planning process.

### Member Expectations and Term Limits

EELC members are expected to attend most calls and meetings. Members may send non-voting designees to meetings when necessary and the expectation is that the designees are 'up to speed' on the EELC agenda. Designees for co-chairs will not assume the role of co-chair. Member term limits will be determined independently by the States and EPA and will recognize both the steep learning curve faced by new members and the importance of maintaining some continuity in membership to ensure that the EELC retains institutional knowledge and momentum.

### E-Enterprise Coordinator

The E-Enterprise Coordinator function is to support the EELC, manage the work portfolio of the entire governance structure, and fully manage issues as they work their way into and through the governance structure. The role of the E-Enterprise Coordinator is analogous to that of the successful Exchange Network Executive Coordinator position.

The Coordinator's functions will be fulfilled at a minimum by one fully assigned individual. The Coordinator reports to the EELC and is expected to provide an independent voice to discussions and be an advocate for the E-Enterprise initiative. The Coordinator will coordinate and manage the work done between meetings by staff and resources as directed by the EELC. The staff and resources available to the EELC include issue-specific "Joint Policy or Process Teams" or individual subject matter experts who are tasked by the EELC to prepare materials. These policy teams will be composed of members, from both the States and EPA, who have specific expertise.

The E-Enterprise Joint Working Group will initially determine how to staff the Coordinator function and subsequent decisions regarding the Coordinator will become the responsibility of the EELC. Staffing options may include an EPA or ECOS contractor, existing manager from a state or EPA, an ECOS employee, or some combination of these. Regardless of the mechanism to hire the Coordinator, the job description and responsibilities must remain the same.

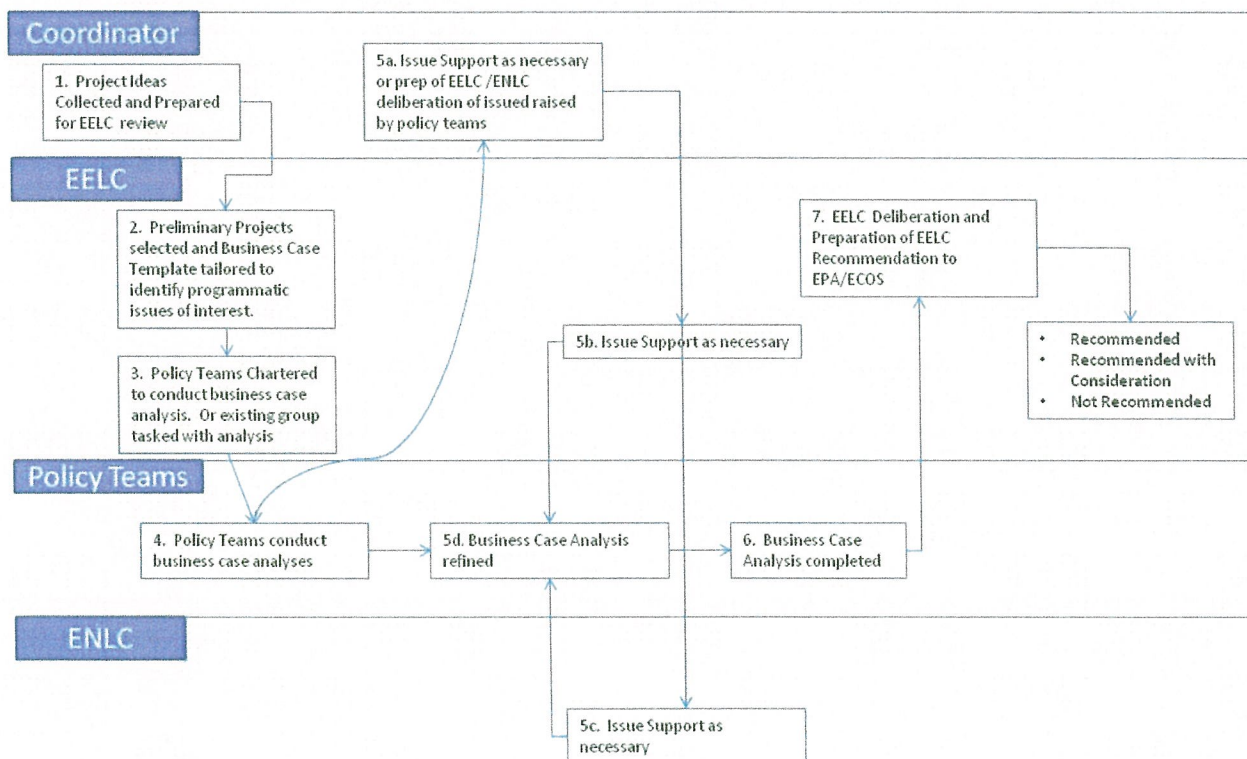
## Communications

Communication is an essential function of the EELC. The EELC must actively promote E-Enterprise and widely disseminate the outcomes of its deliverables. The E-Enterprise Coordinator will be responsible for maintaining a list of communication priorities and managing the outreach responsibilities of the EELC.

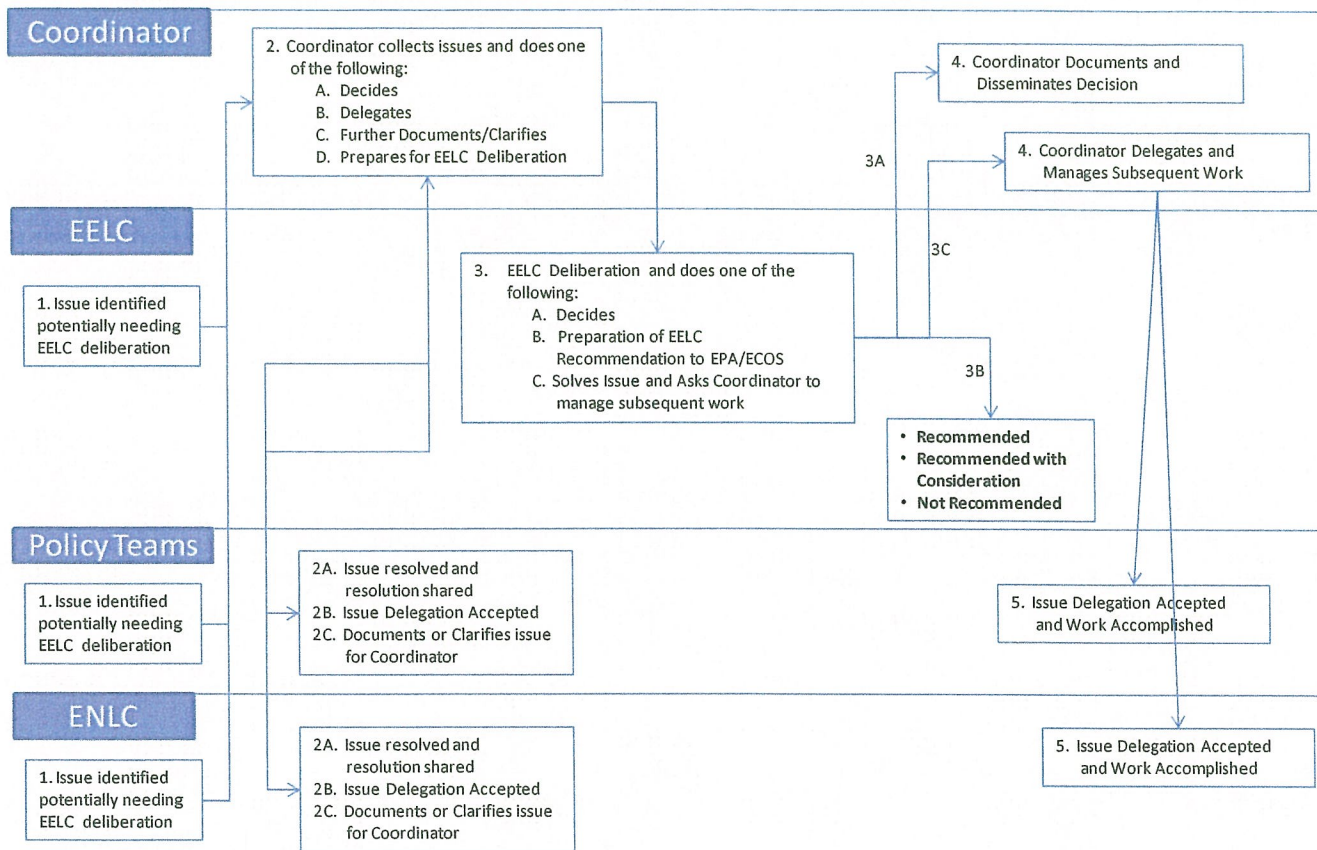
## Workflow

The following diagrams describe two types of EELC workflows. These workflows specify sequence and roles and responsibilities for the Coordinator, EELC, Joint Policy or Process Teams, and the ENLC. The workflows presented here should not be seen as holding the EELC to strictly following the diagrams in performing either the project vetting/deliberation/recommendation function or the issue resolution function. Rather, they represent the wisdom and experience of the E-Enterprise Joint Working Group and are intended simply to provide guidance and direction to the EELC as the group works to carry out its responsibilities.

## Project Vetting, Deliberation, Recommendation



# Issue Resolution



## Appendix II: Acknowledgments

The Working Group would like to explicitly acknowledge the contribution of Ira Leighton, Deputy Regional Administrator, EPA Region 1, who passed away during the development of this Charter. Ira provided inspiration and leadership and was the catalyst for the formation of the State-EPA E-Enterprise Working Group. Ira's steadfast belief that E-Enterprise could only be successful through a meaningful partnership between States and EPA is now indelibly etched in the foundation of this initiative, including his recognition of the vital role of concerted and ongoing communications among and between all the involved and interested parties.

Also, this Charter and the E-Enterprise joint governance structure, along with the other documents developed to implement the E-Enterprise for the Environment initiative, reflect the collaborative spirit and the hard work and dedication of all of the individuals who participated on the Joint Working Group and/or one of the four teams – Governance, Blueprint, Business Case and Communications, as listed below:

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