

Draft Notes
National Meeting on Environmental Compliance Assurance & Performance Measurement
Strategies
Roundtable Discussion of State and Local Activities
June 19, 2013

Participants: Tara Acker & Steve DeGabriele, EPS Consulting Group; Kimberly Ake, Renee Bashel, Beth Goldowitz, & Sue Bangert, WI DNR; Valerie Belding, NYS DEC; Scott Bowles, Trine Rae, Emily Chow, Tom Ripp, & Jon Silberman, EPA HQs; Julie Churchill, ME DEP; Phyllis Copeland, SC DHEC; Erin Conley, IL EPA; Michael Crow, Crow Environmental; Vanessa Cruz & Jane Gregory, Orange County, FL; Daniel Davis, Enobong Umoh, & Janay Wheeler, MD DNR; Mary Dever-Putnam & Tom D'Avanzo, EPA Region 1; Richard Enander & Ron Gagnon, RI DEM; Terri Goldberg & Jennifer Griffith, NEWMOA; David Greer, TX CEQ; Gary Gulka & Lynn Metcalf, VT DEC; Ryan Green, NE DEQ; Charles Haney, PA SBEAP; Carolyn Hanson, ECOS; Al Innes, MN PCA; Carrie Jacobson, SD; Kim Trella & Roslyn Reeps, CT DEEP; Christopher Lynch, NV BEP; Julia McHugh, WA DoE; Allan Moore; Robert Nakamoto, TN DEC; Victoria North, DDOE; Julie O'Shaughnessy, NW Clean Air Agency; Susan Peck and Gary Moran, MA DEP; Rick Reibstein, MA OTA; Kimberly Richards, NPPR; Mary Roy, NYS DEC; Bill Sirull, formerly MA DEP; Kathryn Stewart & Amy Williams, CO DPHE; Beth Termini, EPA Region 3; Thomas Vinson, Univ. of TX; Dianne Wilkins, OK DEQ; Mary Willett, ERG; Sheri Zendri, AZ DEQ. Notes prepared by Tara Acker and edited by Terri Goldberg, NEWMOA.

Introductions

Steve DeGabriele, formerly with Mass DEP opened the discussion with an introduction and a presentation on the continuum of compliance monitoring strategies available to government agencies (<http://www.newmoa.org/events/event.cfm?m=73>).

Steve asked the participants to comment on the environmental issues they would like to tackle and pressures they face. The group discussed:

- Pressure to do more with less
- Decrease in available resources
- Increase in accountability leading to measurement

Steve noted that these drivers can lead to activities like ERP and other newer compliance monitoring strategies that can complement and enhance traditional inspection and enforcement activities.

He asked the group to describe programs they are working on that are solving one of these kinds of problems. The following summarizes the response from the participants.

Vanessa Cruz, Orange County FL

Proactive compliance-based program delegated to counties. They collect all of the data and conduct all of the activities – compliance assistance and inspections/enforcement. They fund their work through a surcharge on business taxes - can assess up to \$50 per inspection.

Julia McHugh - Washington State

WA delegates to local jurisdictions programs that address small quantity generators (SQGs). They are finding that they are making large impact and the program is working. They contract with these local partners. Lots of benefits -improves safety. The program creates local solutions to local problems. The funding is in the state budget plus federal money that is restricted to work in Puget Sound.

Terri Goldberg - NEWMOA

Some state enforcement programs are experimenting with ways to communicate proactively with regulated facilities about compliance. For example, in some Northeast states RCRA inspectors provide help to companies as soon as they declare themselves as a large quantity generator (LQGs). Inspectors visit them to help them understand their compliance obligations. These RCRA inspectors promote compliance and inform facilities about RCRA requirements. They conduct a mock inspection that mimics what they would cover in a real one. They do not take enforcement during these visits but warn about the possibility of future enforcement inspections.

Rich Enander - Rhode Island

RI DEM has partnered with the Narragansett Bay Commission, a large POTW, which gives them access to P2 engineers and inspectors to conduct inspections. The Agency is also partnering with the University of Rhode Island and State Health Department. The inspectors are involved with bringing industry up-to-speed. They also tell auto body shops participating in their ERP that they will get inspected if they are randomly selected if they don't participate. The compliance and enforcement side focuses on them if they are randomly selected. This stronger arm approach is working. They are targeting SQGs as a new sector.

Victoria North – Washington, DC

Require all generators to register so they can inspect them. Problem is they tend to inspect folks they know about. How do we fix that? Sister agency gives business licenses. How does the Agency track down those who don't register?

DC has a self-certification program. If a facility does not apply, nothing comes out of it. It takes considerable staff time to chase down those who have not sent it in their certifications. Steve suggested that the DC program ask for information and ideas from other states and local government and use the ERP Consortium listserv.

Robert Nakamoto – Tennessee

TN has a list of every type of inspection they conduct. Instead of tracking 415 facilities, their program tracks 3,000 which is a large inventory that covers every type of company. They give EPA data, which is more than they require. They have started doing random inspections. Incorrect hazardous waste determinations are coming up as a problem at many locations. If that's wrong, they are out-of-compliance with the rest of RCRA.

Discussion about Working with Trade Associations

- Can play great role in partnering
- Build momentum from individual businesses before associations are receptive
- Non-trade association members can get left behind

Susie Peck and Gary Moran, Mass DEP

Mass DEP relies on third party providers to help implement a number of compliance programs. The State licenses them. Training by the Agency is critical.

Charles Haney - PA SBEAP

Their program focuses on tank handlers and they have found that they had to keep on top of inspectors to explain what requirements mean.

Additional Ideas and Comments

Terri Goldberg noted that CT DEEP has developed an online e-learning training module for generators that covers all of the RCRA requirements with a certification at end. This could be a model for other programs.

Amy Williams, CO DPHE – CO conducts face-to-face training that is not mandatory but counts towards their training requirement for regulations. They have incorporated video and new software with a game. They engage facilities to help them learn about the regulations.

CT DEEP has worksheets on hazardous waste determination that would be good to turn that into an online tool. All notifications records biannual reporting and everything else associated with the rules.

Thomas Vinson, University of Texas Arlington reported that TCEQ has a waste determination matrix that is also designed to be helpful for facilities struggling to understand how to do their determinations properly.

Wrap-up

Steve concluded the discussion with the following:

- Exchange demonstrates the value of the Consortium
- Need to keep sharing ideas and experiences
- Need to be able to show how much environmental performance improvement has happened using measurement