Draft Notes
National Meeting on Environmental Compliance Assurance & Performance Measurement Strategies
Discussion of the Future of the ERP Consortium & State Coordination on Compliance Strategies & Performance Measurement
June 20, 2013

Participants: Tara Acker & Steve DeGabriele, EPS Consulting Group; Kimberly Ake, Renee Bashel, & John Schwabe, WI DNR; Keith Boisvert, VA DEQ; Scott Bowles, EPA HQs; Julie Churchill, ME DEP; Emily Chow, EPA HQs; Phyllis Copeland, SC DHEC; Michael Crow, Crow Environmental; Vanessa Crus & Jane Gregory, Orange County, FL; Daniel Davis, MD DNR; Richard Enander & Ron Gagnon, RI DEM; Terri Goldberg & Jennifer Griffith, NEWMOA; Gary Gulka & Lynnn Metcalf, VT DEC; Ryan Green, NE DEQ; Charles Haney, PA SBEAP; Carolyn Hanson, ECOS; Al Innes, MN PCA; Nicole Lugli & Roslyn Reeps, CT DEEP; Christopher Lynch, NV BEP; Julia McHugh, WA DoE; Robert Nakamoto, TN DEC; Victoria North, DDOE; Julie O'Shaughnessy, NW Clean Air Agency; Susan Peck, MA DEP; Kimberly Richards, NPPR; Mary Roy, NYS DEC; Kathryn Stewart & Amy Williams, CO DPHE; Beth Termini, EPA Region 3; Dianne Wilkins, OK DEQ; Mary Willett, ERG; Sheri Zendri, AZ DEQ. Notes drafted by Terri Goldberg and Jennifer Griffith, NEWMOA.

Renee Bashel, WI DNR started the discussion about the future of the ERP Consortium and state coordination on compliance strategies with a presentation on the history and accomplishments of the ERP Consortium from 2006 to the present (see www.newmoa.org/events/docs/73/BashelERPConsortiumHistoryJune2013.pdf).

She framed the goals for the discussion as:

- Develop a problem statement that frames the challenges the Consortium would be focused on addressing
- Discuss branding – who are we?
- Develop a proposed mission
- Identify participants and partners
- Develop proposed goals, activities and structure

Name of Future Consortium

She followed-up by reviewing a straw proposal (attached) that was prepared by a sub-group of members of the Consortium that helped to plan the June 19-20 meeting. This sub-group included Renee; Susan Peck, MassDEP; Amy Williams, CO DPHE; Al Innes, MN PCA; Rich Enander, RI DEM; Erin Conley, IL EPA; Scott Bowles, EPA HQs; Carolyn Hanson, ECOS; Terri Goldberg and Jennifer Griffith, NEWMOA. She started the discussion with a focus on ideas for a new name for the Consortium that would reflect a broader mission and focus. Suggestions in the straw proposal included:

- Environmental Compliance Strategies Consortium
- Environmental Compliance Strategies Partnership
- Environmental Compliance Partnership
- Environmental Compliance Consortium
- Environmental Performance Consortium

- Environmental Results Consortium
- Environmental Results and Performance (ERP)Consortium

Summary of the discussion:
- "Sustainability" instead of environmental?
- Use "Partnership" in the name
- Is the term "compliance" limiting?
- Beyond compliance included?
- Include measurement
- Evoke "good government, including efficiency & effectiveness"

Overall, the group appeared to want to keep the name broad so it includes a variety of key concepts but short.

Renee conducted a poll of the participants on the key words to include in the name and the following are the results:
- Environment (18 votes)
- Results (17)
- Compliance (11)
- Partnership (10)
- Consortium (7)
- Performance (5)

Based on the results of this polling the group narrowed the choices to:
- Environmental Compliance Strategies and Results Partnership
- Partnership for Environmental Compliance Results
- Environmental Compliance Strategies Partnership

Jennifer and Terri agreed to conduct a survey on these choices of the ERP Consortium members and the participants in the June 19-20th meeting to help the group make a final decision on the name.

Challenges Facing States
Renee reviewed a statement in the straw proposal of the challenges that are facing states that the future group would be designed to address, including:
- Traditional strategies give key information on individual facilities
- Government resources are becoming more limited all the time
- How to maximize environmental protection with current resources?
- Need cost effective:
    - compliance assurance – monitoring and enforcement – strategies to prevent and address critical instances of non-compliance
    - sector-based environmental performance measurement strategies to identify and focus attention on the worst performing sectors
- Need methods/strategies that can be used to:
    - oversee thousands of small business with local and cumulative impacts

    - oversee traditional majors that have demonstrated consistently high rates of compliance
    - assure compliance with all the new requirements affecting a large number of businesses

The group brainstormed the following additional challenges:

- Need to reinvigorate programs with new vision/direction/relationships
- Low morale in state environmental agencies
- Reduce source size/impact

Additional ideas to emphasize:

- Focus on promoting beyond compliance and opportunities for other ideas (e.g., energy savings, sustainable practices, and toxics reduction)
- Empower and engage compliance and enforcement staff
- Change management for agencies; together we can share lessons learned/suggestions
- Link to other efforts within ECOS and EPA
- Develop effective communications and messaging
- Use data from projects conducted to date to provide a compelling messaging
- Maintain gains at large sources; acknowledge there are still problems at large sources
- Emphasize credibility of alternative approaches
- Promote evidence-based alternatives
- Focus on goal of environmental protection/improvement; not just enforcement
- Use data to prove results
- Focus on continuous improvement

Proposed Mission

Renee introduced the following ideas for the mission of the future group from the straw proposal:

- Facilitate collaboration among states and with U.S. EPA
    - promoting the use of a variety of approaches to monitoring, and enforcing compliance with regulatory requirements and
    - measuring performance as critical to effective, efficient, and sustainable environmental protection

Approaches can include

- Permits by rule, general permits, and performance standards coupled with incentives
- Mandatory training
- Third party or self-certification programs
- Advanced emissions, discharge, and work practice monitoring and reporting techniques
- Statistical approaches to estimating compliance rates backed up by inspections and enforcement when violations are suspected or found

Approaches can be used singly or in combination, including the Environmental Results Programs (ERPs) package of performance standards in lieu of permits, compliance assistance, self-

certification, inspections and enforcement, and statistically-based measurement of environmental performance.

The group brainstormed additional ideas to add, including:

- Link with e-enterprise and advanced data management approaches
- Measuring and reporting results
- Collaboration among government environmental programs
- Identify and promote the use of the most efficient and effective tools including inspections and enforcement and traditional permits
- Incorporate the mix and match idea – one or a combination
- Expand the toolbox and pick the right strategy to address the problem
- Add "effective" approaches – and "efficient"
- Remove 3rd bullet
- Include ideas about enhancing inspection and enforcement approaches
- Use just "training" not "mandatory"

Possible Partners

Renee introduced the current participants and partners of the Consortium as:

- State agencies
- EPA
- ECOS
- NEWMOA

The group brainstormed who should be engaged in any future consortium or partnership, including:

- State, local, and tribal environmental agencies
- EPA HQs and Regional Offices
- ECOS
- Small Business Environmental Assistance Program Network
- ASTSWMO
- NACCA
- ACWA
- NEWWMOA
- NPPR
- Universities
- OMB
- Regional enforcement groups, including Western States Project, Northeast Environmental Enforcement Project

Goals

Renee introduced the following ideas for goals for the future group from the straw proposal:

- Developing and testing new tools
- Communicating success stories to build stakeholder support
- Sharing information and tools

- Expanding support for various performance measurement, compliance assurance, and compliance monitoring approaches and strategies to promote their wider use and institutional acceptance
- Improving available tools and methodologies

The group brainstormed the following additional ideas:
- Sustaining long-term compliance
- Advancing sustainability
- Coordinating with e-enterprise so new information management tools support these approaches
- Communicating outcomes to build understanding (including publishing results in trade and academic journals)
- Promoting flexibility to use all effective strategies/options
- Promoting professionalism and raising performance

Proposed Activities of the Group

Renee introduced the following ideas for activities for the future group from the straw proposal:
- Conduct joint multi-jurisdictional projects
- Hold information-sharing webinars
- Conduct conference calls
- Support a listserv and electronic communications
- Maintain and update website

The group brainstormed the following additional ideas:
- Reach out to foundations for support and emphasize good governance and environmental results
- Reach out to open government groups that are interested in data and transparency
- Reach out to environmental advocacy groups to educate them about the value of the alternative compliance strategies
- Publish results in professional, academic, and trade journals, such as National Association of Environmental Professionals

The group has a wealth of expertise and wants to share outcomes.

Proposed Next Steps
- Advance through ECOS; need an outline of future objectives
- Ask to be on the agenda of the ECOS Compliance Committee session during the September ECOS meeting in Crystal City to present a proposal; CT DEEP is the vice chair and NH DES and MA DEP are involved; work through the state commissioners to ask for 10-15 minutes on the agenda
- Form a working group to work on revising the straw proposal
- Hold conference calls to revise the straw proposal based on the discussion
- Send out a Doodle scheduler to schedule the first call
- Use Consortium listserv to share draft proposals and ask for comments