
Forum 2000
Building Compliance Assistance
Partnerships

March 1-2, 2000
Atlanta Hilton and Towers
Atlanta, GA

Forum 2000: Building Compliance Assistance Partnerships Summary Report

Participants:

Refer to the Attachment for a list of Participants.

DAY 1 PLENARY SESSION

Opening Presentation

Mike Stahl, Office Director for EPA's Office of Compliance, thanked everyone for attending the Forum 2000 and for striving to advance compliance assistance. He described the Forum as an opportunity for various compliance assistance providers to share their experiences and to learn what approaches work best.

Mr. Stahl introduced John Hankinson, EPA Region 4 Regional Administrator. Mr. Hankinson expressed his excitement about the opportunity the Forum provides to advance compliance assistance. He felt strongly that the Agency can only make this advancement by working with businesses and other groups to provide compliance assistance to those who need it. Mr. Hankinson highlighted three projects in Region 4 that have done this successfully:

- Kentucky Pollution Prevention (P2) Centers. Through this initiative, the agriculture department worked with schools to educate students about multi-media environmental issues and P2. The program is working with one specific pilot school and it has created compliance assistance school kits and a hotline for schools to call with questions about pesticides and agriculture practices and has reached 1,200 schools.
- Charleston, SC. The State developed workshops and training for auto repair and paint body shop facilities to help them come into compliance.
- Georgia. The State is working with small governments and small communities who are having problems with drinking water. The program is administered through a peer program in which communities who have a good drinking water program help other communities that are trying to develop one. This program received the Hammer Award in February 2000.

Mr. Stahl then introduced Steve Herman, Assistant Administrator for OECA. Mr. Herman thanked everyone for attending the Forum and said that the large turnout is an indication of the progress that has been made in bringing together diverse compliance assistance providers. In the last seven years since he has been with the Agency, Mr. Herman stated that he has seen compliance assistance efforts evolve. Current efforts are more structured and the system is more comprehensive. The shrinking budget has forced the Agency to be more focused and efficient and the ability to leverage resources has been crucial to the programs' successes. In 1999, the

Agency was able to reach 350,000 entities through compliance assistance efforts and its 10 compliance assistance centers are visited on-line 700 times a day. Mr. Herman recommended that the Agency expand its efforts to measure how much compliance assistance it is providing and the results of these activities.

Mr. Herman went on to explain that the Forum grew out of efforts to create a roadmap for future compliance assistance activities. In 1999 the Agency created a task force for Reinvention activities. This task force's report, *Aiming for Excellence*, was released in April 1999. Three of the recommendations specifically dealt with compliance assistance. The Agency sponsored two conferences, one on the west coast and one on the east coast. The Agency listened to the stakeholder in the sessions so it could determine what specific steps needed to be developed and implemented to improve compliance. The Innovative Approaches document lists these steps and details where OECA is going with compliance assistance and other activities. OECA is committed to Agency-wide strategies. One of these Agency-wide strategies is the development an annual Compliance Assistance Plan and a shift from a retailer of compliance assistance services to a wholesaler role. To support this shift in roles, the Agency is developing a Clearinghouse of compliance assistance materials.

Mr. Stahl then introduced Sylvia Lowrance, Principal Deputy Assistance Administrator, OECA. Ms. Lowrance thanked all the participants for attending the Forum. She said that the EPA created a Compliance Assistance Advisory Committee under the Federal Advisory Committee Act to get advice from stakeholders about the public and communities' compliance assistance needs. The Agency wants to make sure that it is meeting the needs of stakeholders.

Currently, there is a shift in EPA from being a retailer to a wholesaler of compliance assistance. Throughout the Forum, the Agency will be talking about this wholesaler role. The goal of the Forum is to build partnerships and relationships. It is also an opportunity to learn from each other and to build networks. The Agency needs input on the Clearinghouse and the Compliance Assistance Plan. The agenda is setup to encourage small group facilitated discussions. There are sets of questions that will be addressed at each sessions. The aim of the sessions are to bring providers with similar needs together.

The Agency realizes that everyone needs to make decisions on what the Agency's priorities should be. The Agency is trying to use the Plan to detail on an annual basis what compliance assistance activities it is going to pursue. The Agency needs initial help with setting up the Plan. The Agency hopes that the Forum participants will provide input on the Plan, and the Agency welcomes feedback on what will make the Plan valuable. The Plan will help EPA tap into regional offices to understand what they are doing and what activities are going to be implemented in the upcoming year.

The Clearinghouse is clearly easier said than done. Some sites are more useful than others so the task is to find those sites that are most useful. The Clearinghouse will have a providers directory which should be operational by the end of March 2000. The Clearinghouse should be completed in September 2000.

There are now 10 compliance assistance centers. The tenth one just came on-line and it is for Federal Facilities. This new center is for managers of Federal Facilities to easily find compliance assistance information. The center allows for a virtual tour of a Federal Facility, including a hazardous waste facility, auto repair center, etc. The new center can be accessed through the Federal Facility homepage on the EPA's site or from the site where all the compliance assistance centers are located.

Next, Mr. Stahl introduced Gary Hunt, Director of North Carolina's Division of Pollution Prevention and Environmental Assistance from the North Carolina Department of Environment and Natural Resources. Mr. Hunt described the environmental management continuum as the following:

Bad ◦ Action ◦ Compliance ◦ Beyond Compliance ◦ Sustainability

Mr. Hunt listed four "watch words" to be aware of when providing compliance assistance. These were consistent, accurate, predictable, and timely. Mr. Hunt then gave his perspective on EPA's compliance assistance activities:

- There is no EPA-wide mandate or policy for compliance assistance. The media groups within the Agency do not have a mandate to provide compliance assistance.
- The programs are fragmented.
- There is limited funding for compliance assistance.
- There is an enforcement focus within the Agency.

Mr. Hunt then described how compliance assistance should be embraced as a key component of environmental management.

- It should be made a core function of the media programs.
- There should also be an Agency-wide compliance assistance plan.
- Compliance assistance should look at the whole continuum of environmental actions, including those companies that are not in compliance, are in compliance, or are going beyond compliance.
- State compliance assistance programs need to be developed and supported, and the Agency should partner with other federal agencies and the states to provide compliance assistance.

Mr. Hunt pointed out that state compliance assistance efforts are often over looked. More capacity on existing state programs need to be built, but the problem is that there are little funds and many customers. Further information about North Carolina's compliance assistance and pollution prevention activities can be found at their Web site: www.p2pays.org.

Presentation on EPA's Compliance Assistance Clearinghouse

Emily Chow (USEPA OECA) and Scott Butner (Battelle) discussed the main components of the Clearinghouse and demonstrated its capabilities.

Ms. Chow explained that the Clearinghouse is being developed to address the needs expressed by compliance assistance providers at previous conferences. The goal of the Clearinghouse is to link existing networks of compliance assistance providers, facilitate the finding and the sharing of information, increase quality and speed of delivery of compliance assistance services, and increase the number of clients served. The Clearinghouse is a nationally accessible and searchable Web site that allows compliance assistance providers to link to existing networks to avoid duplication, find new tools/information, download existing tools and information, find experts, and exchange new ideas and information.

The Clearinghouse is intended to serve compliance assistance providers, such as Small Business Assistance Programs (SBAP), technical/pollution prevention (P2) providers, state and local governments, trade/professional associations, sector-based compliance assistance centers, USEPA, other federal agencies (DOD, DOT, OSHA), and universities. The Clearinghouse will support the tasks that providers perform on a day-to-day basis, such as responding to frequently asked questions and identifying experts.

There are three main components of the clearinghouse. The first is a Providers' Directory, which will help identify providers with expertise in a specific area. The second is a searchable database that will have a user friendly navigation system. The third component is a communications forum to foster communication among providers.

To date, the Agency has established a stakeholder advisory group to provide input on the development of the site and begin populating the site using on-line data entry forms. This group works closely with representatives from regions and offices across EPA. The Agency began collecting information last December. To date it has found approximately 1,000 useful Web sites. Over 70 people have signed up to help collect the information for the Clearinghouse. The address of the Clearinghouse test site is www.seattle.battelle.org/clearinghouse/directory.asp.

There are five main outstanding questions/issues concerning the Clearinghouse.

- Does the Clearinghouse provide access to useful information that will enable providers to deliver compliance assistance more effectively, and thus help a provider do his job better?
- What is the easiest/quickest way to collect information, and how do you know if the information that is collected is relevant?
- How can the Agency ensure data quality?
- How should the Clearinghouse be maintained?
- What roles should compliance assistance providers play during the development and operations of the Clearinghouse?

EPA plans to get feedback on these questions and issues as well as the design and operation of the Clearinghouse during the Forum in anticipation of making the Clearinghouse fully operational in September 2000.

The Agency is also requesting that service providers begin to help populate the site by entering links and information through the on-line data entry forms. The address for the forms is www.seattle.battelle.org/clearinghouse/forms.htm. Ms. Chow urged participants to help maintain and update information in the Clearinghouse and market it to colleagues.

After Ms. Chow's presentation, Scott Butner of Battelle demonstrated the site. He noted that there are over 300 million to a billion Web sites, which is a large universe of information. When looking for compliance assistance sites, it is similar to looking for a needle in a haystack. Usually when someone find a useful site, they throw it back into a different haystack. The idea of the Clearinghouse is to take useful sites and put them in a barrel instead of another haystack. This will enable a user to easily find useful compliance assistance sites.

The six basic organizing features of the clearinghouse are:

- Topic trees
- Frequently Asked Questions
- Compliance Tools
- News and Updates, including list serves and what's new
- General Topics - information that summarizes a program
- Personal Topics - place for users to put own information

A search box is provided on every page to allow users the ability to search from various locations within the site. The tools page provides useful information such as compliance assistance guides. There is a section on the site where a user can rate a specific page for such things as accuracy, completeness, and overall usefulness. The site gives the user the ability to annotate Web sites, which lets the user provide feedback about the quality or content of a site. A user can also edit and delete comments that he made, and keep a running list of sites he or she finds particular useful much like a bookmark function on a browser or a "favorites" folder on a desktop.

The Clearinghouse gives providers access to the compliance assistance community. It does this partly through the news and updates section and also through pages for on-line collaborative discussions. The Clearinghouse allows a user to type in a plain language question, and the site will try to match the question with one that is already on the site in the FAQs page.

Mr. Butner explained that all someone needs to access the Clearinghouse is a modem and access to the Internet. The Agency is intending for the site to be fairly basic so that slower modems can access the site easily.

EPA's Draft Compliance Assistance Plan

Joanne Berman (USEPA OECA) presented information on EPA's Annual Compliance Assistance Activity Plan. Ms. Berman explained that within the last eight months, the Agency has developed a 32 member EPA group and a 21 member Federal Advisory Committee Act group, created a database with 299 compliance assistance activities, and compiled the first draft of the Compliance Assistance Plan. The EPA's *Aiming for Excellence* and OECA's *Innovations Action Plan* reports laid the groundwork for the Agency to develop an annual Compliance Assistance Plan that would ensure the Agency's resources are focused where they are most needed.

The purpose of the Plan is to serve as EPA's first major effort to inventory compliance assistance activities agency-wide. It identifies specific compliance assistance activities planned for fiscal year 2001 (October 1, 2000 to September 30, 2001). Another purpose of the Plan is to provide a starting point for identifying FY 02 priorities. The budget planning period for FY 02 will begin this summer, so the Agency wants to begin thinking about what compliance assistance activities it should include in this upcoming budget cycle.

The Plan provides several benefits to external stakeholders. It provides a comprehensive list of what the Agency is planning for the upcoming year. It helps identify duplicative efforts and opportunities for collaboration between EPA and other compliance assistance providers. It also helps identify gaps where compliance assistance is needed but not addressed. The Plan provides clear and consistent information about projects to help stakeholders understand regulatory obligations. It also provides information on projects that enable stakeholders to go "beyond compliance" through the use of pollution prevention and other innovative ideas.

The following are the types of activities that are included in the Plan:

- Compliance guides for economically significant rules, SBREFA regulations, and new or existing rules
- Compliance assistance centers
- National initiatives, e.g. Clean Air Act Adopt a MACT Program
- Regional initiatives, e.g. Pharmaceutical Initiative in Region 1
- Federal initiatives
- Tribal activities, e.g. Region 7 and 9 outreach to tribes

The Plan begins with an overview, which includes background of the budget process. The Plan next gives a guide on how to identify project-specific information within the appendices of the Plan. Since the Plan is still in its interim stage, it is not Web-based yet, and therefore it cannot be electronically searched. The next part of the Plan is a summary of the major areas of focus. The end of the Plan includes project-specific information charts.

The project-specific information is displayed within six tables in the appendices of the Plan. The tables are sorted by activity type (e.g. tool development, training, outreach), audience (e.g. regulated community, EPA, states), chemical/pollutant, geographic focus, sector, and statute (single media or multimedia). The index table includes the project title, project description, and contact information.

There are two main opportunities for stakeholders to provide feedback on this first Plan. The first is during the in-depth discussions during the Forum breakout sessions. The second opportunity is during the forty-five day public comment period after the Plan is published in the Federal Register on Thursday, March 2, 2000. EPA is seeking three main types of feedback on the Plan. Is EPA duplicating other CA providers' efforts? Are any of the proposed CA activities unnecessary? Do any of the proposed EPA CA activities suggest opportunities for collaboration with other providers?

For future plans, EPA needs feedback on what the most important environmental or regulatory problems are so the Agency can focus its compliance assistance efforts on these areas. It needs to know what type of compliance assistance is needed to address these key problems. Also, are there ways to improve the format and project descriptions in the Plan?

The feedback obtained from the stakeholders will be used to make limited changes to the FY01 planned activities. The Agency will evaluate the comments and where there is opportunity for change, it will try to make them. The comments will help EPA see where the priorities should be focused. The comments will help shape future annual Plans.

The time line for the CA Plans is as follows:

- March/April 2000 - Solicit public comments
- May 2000 - Agency begins initial budget development for FY02
- July 2000 - Submit FY01 Plan and stakeholder comments to Administrator
- Fall 2000 - Agency will outline the process and schedule for future compliance assistance activity Plan development
- Winter 2000 - Update inventory of activities to reflect FY01 appropriations.

The Plan can be found on the Internet at www.seattle.battelle.org/epa-icaa.

Questions and Discussion

- *How is the Agency going to update the Plan?*

Ms. Berman explained that after the Agency receives comments from stakeholders, it will analyze the Plan to determine if it should be updated based on the comments. All the comments received will be attached to the Plan that is submitted to the Administrator.

- *Will the Plan be continuously updated during the budget process?*

Ms. Berman said that yes, the Agency is hoping to continuously update the Plan during the budget process.

- *Does the Plan only include EPA activities?*

Ms. Berman explained that at this point the Plan is only focused on EPA activities because that is what the *Aiming for Excellence* report directed the Agency to do. There is a possibility that after FY02, the Plan will include state activities.

- *What is the process for selecting projects?*

Ms. Berman said that there are a host of factors for why specific projects were chosen, including the scope of the project. At this time, we do not know if it would be valuable to make a finite list of the factors.

- *Do the projects include projects from media offices?*

Ms. Berman said that yes, all the media offices participated in the Agency Plan workgroup. The regions are still working with their media offices to get a list of projects.

- *What is the completion date of projects that are included in the Plan?*

Ms. Berman explained that some of the projects started this year, FY00, and some are going to start next year, FY01. Some of the projects are short-term and some are long-term. The focus of the Plan is FY01 projects.

- *As you begin the process of defining the projects for 2002, do you think that you will take money out of other sources of EPA funding or will there be a specific source of money for compliance assistance activities? From the national perspective, will there be a slice of money for projects that begin after FY02?*

Ms. Berman explained that many of these projects do not have money allocated yet. They are projected projects and, although a portion of the Agency's budget will be dedicated for compliance assistance, it is uncertain how specific projects will be funded.

- *If the decision is not made until December about the budget, how will the Agency know whether certain projects will be funded?*

Ms. Berman explained that there is nothing unique about compliance assistance activities and the budget. The funding for activities are predicted by the President's budget. Congress does not give the Agency an operating Plan, so the Agency can determine where most of the money can be allocated. Congress will release the budget in October and the Agency can evaluate how much funding it has. At this point, the agency is going on the assumption that the budget is stable and that the Agency will not receive less funding than it did this year. This Plan is not timely with when the Agency receives its resources. As the Agency moves forward, the hope is that the Plan, MOAs, and the budget cycle will all be in synch. The Agency currently works with the regions on a two year cycle. The Plan will probably not align the compliance assistance activities in the budget since the budget is decentralized. What the Plan will do is lead to more efficient use of money in the budget.

- *What performance measures are you going to use to measure the Plan?*

Ms. Berman noted that this question was raised by the FACA and that OECA will work with people in the Agency to develop performance measures. The measures section of the Plan will discuss this factor.

- *This does not look like a strategic plan, it looks like an inventory. Is the Plan strategic?*

Ms. Berman explained that the Agency had to start somewhere. When it started the Plan development process, the Agency realized that it did not have all the compliance assistance activities coordinated, and therefore it did not know who was doing what type of compliance assistance. The Agency saw that the only way it could create strategic plans in the future would be to create an inventory of all its compliance assistance activities.

- *The U.S. Air Force's resources are drying out. Is EPA going to fund the implementation of these activities. Also, do federal facilities have to comply with the activities in the Plan?*

Ms. Berman said that yes, in all likelihood the activities will be funded. It is not mandated that facilities participate in compliance assistance activities. For instance, Environmental Management Systems (EMS) are voluntary. The Agency will let facilities know what type of activities are currently underway, but it will not mandate facilities to participate.

- *A list with the status of these projects would be useful. For instance, is a project in the planning or implementation stage. This would help states and regions work better together. Are you going to include a list with the status of the projects?*

Ms. Berman said that once the budget is in place, and the Agency has a better idea of which projects will be funded, it hopes to include this information.

- *How was this Plan format chosen?*

The Agency knew what information it wanted to collect, and it gave the categories to the Compliance Assistance Advisory Committee (CAAC). The current version of the Plan includes all the factors that the CAAC thought should be included. The Agency tried to highlight activities that it thought people would be most interested in.

- *Did you collect information about resources available or projected resources available? It would be useful if the Plan included which activities are more likely to be funded than others.*

The Agency tried to collect this information, but it did not get a lot of response. It thinks that this is because people are not comfortable with projecting what type of resources they will have.

- *A lot of the projects probably already have partners. Would it be feasible to list the partners?*

These are proposed projects so they could feasibly have state partners, but it should be noted that these projects are not set in stone. The Agency hopes that regions are partnering with the states on these projects. Whether or not partnerships were identified during the collecting effort was left up to the discretion of the region. This issue was brought up by the CAAC.

- *Is there a continuing effort to refine the Plan? For instance, some of the entries in the sectors table in the appendix of the Plan are blank.*

Yes, there will be an effort to refine the plan analysis data. If the field is not filled in at this time, it just means that the specific project is not as far along in the planning process.

Breakout Session : Providing Compliance Assistance to Large Corporations and Facilities

Questions addressed:

- What kind of assistance do you need?
- What barriers do you encounter?
- How would you like compliance assistance delivered?

Karen Leff, USEPA OECA

Karin Leff gave some background into compliance assistance activities for large corporations and facilities, including the root cause pilot project. As part of this project, EPA surveyed companies with violations and enforcement actions to determine how compliance assistance can help them. The survey looked at the root and secondary causes of noncompliance, and at the most frequent violations. Ms. Leff also explained that the Agency has developed media-specific audit protocols geared towards large facilities. These protocols describe how an auditor looks for environmental compliance.

Ms. Leff pointed out that many large facilities need compliance assistance, but many do not engage in the process. She suggested that the Agency could help facilities to incorporate tools for going beyond compliance into their operations. For instance, Region 2 is creating pharmaceutical assessments, and it hopes that pollution prevention will be incorporated into these assessments. P2 can cut costs and reduce pollution. The region is releasing a report that other pharmaceutical companies can use.

Greg Snyder, USEPA Federal Facilities Office

Mr. Snyder outlined the compliance assistance activities that EPA provides to federal agencies, including written materials and on-site assistance. Mr. Snyder described two tools that the Federal Facilities Office (FFO) offers.

The first tool is an Environmental Compliance Status Report for Agencies. The report pulls quarterly data from the Integrated Data for Enforcement Analysis (IDEA) system for every Federal agency (e.g., DOD, DON, AF). IDEA provides the status of environmental compliance. The report also provides a Discrepancy Report Form if data is incorrect so that the data can be corrected for accuracy.

The second tool are Environmental Management Reviews. These are on-site visits to review environmental management systems. Reviewers work with facility staff to assess management support for environmental systems and whether staff are trained adequately and are knowledgeable about environmental requirements. Twenty-nine reviews were done across 20 different facilities.

Susan Weiner, New Federal Facility (FF) Compliance Assistance Center

Ms. Weener discussed the new Federal Facility Compliance Assistance Center. It contains a centralized set of tools that assist federal facilities with meeting compliance requirements. The

center includes a virtual tour of a federal facility. It also has links to federal agency homepages and state compliance programs (www.complianceassiscenter.net). It also contains information on all Executive Orders. Finally, the center contains a feedback form so users can provide input on the Center's usefulness.

Ken Morin, Bureau of Land Management

Mr. Morin discussed the type of assistance that large facilities and federal facilities request. Although needs vary among facilities, he noted that compliance assistance should address more than just EPA regulations. Facilities are in need of training and summaries for regulations. They need specific citations so they know exactly what they need to do to comply. For instance, a citation could read, "sample the water in the field, and you need to do this because..."

Mr. Morin made the following suggestions for how EPA could improve its compliance assistance service:

1.) Improve EPA's Web site so that users can find information about regulations and interpretations quickly. The site should also link to product suppliers where, for instance, a user find a P2 provider or consultant.

Mr. Morin explained that the Bureau of Land Management provides training at the employee, executive, and collateral duty personnel levels, and the training address EPA, OSHA, and DOT requirements. They provide regulatory summaries that highlight how a State or Tribe's regulations differ from Federal regulations. They also provide links between regulations and existing compliance assistance Web sites.

2.) EPA employees should be allowed to visit a facility without the threat of enforcement action. It is difficult for the EPA to wear the compliance assistance hat.

3.) Write regulations in plain English.

4.) Make regulations more consistent between EPA, OSHA, and DOT regulations. For instance, an action may be exempt from EPA regulation, but not OSHA or DOT regulations.

5.) Compliance assistance needs to be delivered in a method that is Facility/Industry- specific, but further refined to reflect the environmental "risk" and size of the facility (i.e., conditionally exempt small quantity generator vs. a large quantity generator of hazardous waste).

Ron Johnson, Hampden Roads Sanitation District

Mr. Johnson explained the Hampden Roads Sanitation District consists of local-level facilities, but its environmental issues apply to large corporations, especially military installations. The military bases have sensitive areas and they are therefore reluctant to give immediate access. Site inspections are very thorough, and due to the size of facilities, they may take several days and require multiple visits. Some of the major challenges uncovered during inspections are floor

drains, dental clinics, photo labs, waste trucks in and out of a facility, groundwater remediation, and line cleaning.

Bernie Strohmeier, Hampden Roads Sanitation District

Mr. Strohmeier offered additional insight into working with large military facilities. Unlike civilians, military personnel do not seem to be very knowledgeable about environmental issues and there seems to be a need for environmental education. One challenge is that military personnel change every two to three years.

There are many enforcement initiatives that affect federal facilities. Notice of Violations are very important and Admirals definitely respond when one is issued.

Carolyn Anderson, Carolina Power & Light Co.

Carolina Power and Light Company is a large company servicing approximately 1.2 million customers. It will be the 8th largest electrical generator in U.S. The company has good corporate environmental management systems that incorporate ISO standards. It also has environmental performance accountability for all levels of responsibility (ownership). For instance, plant managers can go to jail. The company has audits and self-assessment. It trains its staff on environmental issues, which empowers them with tools to make the right decisions.

There are many tools that can be used to facilitate good environmental performance. By setting objectives and goals, a company can be rewarded when the goals are reached. For instance if a company is in compliance, the employees responsible for achieving environmental excellence can be rewarded. Another tool is an environmental guidance document, which is specific to a facility.

Ms. Anderson stated that EPA must change its culture. It seems that regulations are interpreted differently depending on who is in charge. Too many of the interpretations are based on politics. No compliance assistance tool is more valuable than trusting and listening to your clients. EPA must recognize the value of audits and the value of functional EMSs that have audits incorporated into them.

Questions and Discussion

- *What inspired Carolina Power and Light to create its environmental culture?*

Ms. Anderson responded that dollar savings on hazardous waste reduction inspired Carolina Power and Light's current culture.

A state participant noted that there seems to be a philosophical fracture within EPA. On the one hand there is an area that promotes education outreach and then there is another area that promotes strict enforcement. It is difficult to find a balance within the EPA.

Ms. Leff explained that OC and ORE are in the same office and EPA has realized that the two divisions do not talk to each other as much as they should. There is now an effort within the

Agency to integrate the two by using tools and working together better to provide compliance assistance.

Another person commented that it seems that compliance courses are geared to large facilities and not small facilities like small quantity generators. There needs to be more well-rounded training for small facilities, because at small facilities it is usually one person that takes care of all the environmental requirements. If OSHA requirements were also included, there would be better interface because one person would do it all.

Ms. Leff agreed that OSHA and EPA should have joint CA interface.

An Air Force representative said that federal facilities in the Air Force are hit by enforcement actions and by audits from citizens suits. EPA should consider passing a law that makes evaluation of Notice of Violations immune to citizen suits.

Bob Rose (USEPA) said that whether EPA is providing assistance to large or small facilities, EPA is hamstrung by a lack of consistency and support.

Breakout Session: Successful Methods for Providing Compliance Assistance to Communities and Tribal Governments

Questions addressed:

- Given communities and tribes' dual roles as regulators and members of the regulated community, what are their unique compliance assistance needs?
- What does it mean to successfully provide compliance assistance to communities and tribes, and how do you know that your efforts have been successful?
- What lessons have you learned in providing compliance assistance or working with compliance assistance providers?

Kenneth Harmon, USEPA OECA

Mr. Harmon Provided an overview of OECA's sector-based compliance assistance, and its goal of reducing violations and protecting public health and the environment by providing compliance assistance to regulated sectors. OECA's strategy involves identifying members of a sector, providing compliance assistance, and monitoring compliance within the sector. With respect to the municipal sector, the Chemical, Commercial Services and Municipal Division (CCSMD) decided to adopt an inclusive approach, with the result that compliance assistance can be offered to any communities of people who share exclusive receipt of service from a public utility. CCSMD offers three types of compliance assistance: Awareness, Information, and Mechanism. Mr. Harmon gave an example of each.

The *Profile of Local Government Operations* is one of CCSMD's efforts to ensure that all members of the municipal sector are aware of their environmental responsibilities. The *Local Government Environmental Assistance Network (LGEAN)* is a CCSMD effort to help members of the municipal sector get access to the information they need to build the technical, administrative, and financial capacity they need to achieve and maintain compliance.

EPA's *Policy on Flexible State Enforcement Responses to Small Community Violations*, provides a mechanism for States and small communities to deliver on a small community's commitment to achieve comprehensive environmental compliance in a timely fashion, without the traditional enforcement action.

Lessons learned: the inclusive approach allows assistance to reach a larger potential audience, and discussions with stakeholders helps ensure EPA's efforts are spent addressing the most important needs of the sector.

Jonathan Binder, USEPA OECA

Mr. Binder provided an overview of the status of Tribes as sovereign nations and the Federal government's trust relationship with Tribes. He also described some of the special needs of Tribes and the challenges associated with providing them compliance assistance.

Rich Sustich, Metropolitan Water Reclamation District of Greater Chicago

Mr. Sustich provided the perspective of a major metropolitan agency. The Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) provides waste water service to 5.5 million people in Chicago and 126 surrounding communities. Created under State law, the MWRDGC provides medium-specific compliance and technical assistance focused on environmental outputs and outcomes. The goals are to promote source controls, pretreatment, and pollution prevention; to reduce the quantity of pollutants entering wastewater; and to reduce the environmental impacts of wastewater treatment. Statutory requirements may not correspond to the actual risk to public health and the environment presented by an activity or circumstance.

Total Maximum Daily Load (TMDL) and aging infrastructure raise issues of long-term biosolids sustainability that may surpass water quality issues and require a shuffling of regulatory priorities. Competition may produce more efficient solutions, i.e., alternative utility choices, outsourcing, and privatization of utilities. Accountability to the taxpayers is important, but outside micromanagement can impede the progress of compliance projects, and community officials should not lose their long-term vision.

Strong enforcement is necessary to maintain credible deterrence against violations. The Chicago Project XL, which promotes the use of emerging technologies and performance-based approaches among the top-tier industrial users, could greatly reduce the amount of pollution entering waste water in the greater Chicago area. Participating industries would test new methods of pollution prevention and control, develop Toxic Reduction Action Plans that voluntarily include unregulated chemicals, and engage in effluent trading to produce pollution reduction in the most economically efficient way.

Lessons learned: a large component of compliance assistance needs to be the provision of technical assistance, compliance assistance is more welcome if coming from a neutral third party, and compliance assistance is more effective and more efficient if delivered as part of a planned strategy.

Rita Wayco, USEPA Region 4

Ms. Wayco described the Hammer Award winning Small Systems Peer Review Program (Peer Review Program) she developed and implemented in the State of Georgia. An outgrowth of the Innovations Task Force, the Peer Review Program is a voluntary program in which a participating small community or Indian Tribe performs a self-assessment of its drinking water facility known as a sanitary survey. The sanitary survey addresses both the environmental performance and management of the drinking water facility. The community or Tribe then requests an on-site review by a team of knowledgeable volunteers from other local governments in their district.

Georgia's program divides the State into nine districts, each of which has four peer advisors. Each participating community or Tribe receives a Peer Review Evaluation written on-site. The Peer Review Program helps drinking water systems develop management strategies to improve compliance, enhance viability, foster economic growth and sustainable development, and inform the public about what it can do to promote environmental compliance. One Georgia District,

which was found to have a 73% compliance rate at the initiation of the program, subsequently improved its rate of compliance to 96%. Georgia's Small Systems Peer Review Program is administered and managed by seven governmental and non-governmental partners, with training support from both the State of Georgia Environmental Protection Division and the EPA Regional Office.

To date, the Georgia peer review program has trained more than a hundred trainers, and more than 25 peer advisor volunteers. As a result, there have been thousands of self assessments and hundreds of peer reviews. The Georgia Peer Review Program has been replicated in Kentucky and Iowa. Virginia, Mississippi, Colorado, Vermont, Maine, Florida, and 23 Indian Tribes (from Maine to Texas) are currently developing Peer Review Programs, as well. For more information on the Peer Review Project, visit the EPA Region 4 Web site at <http://www.epa.gov/region4/peer/peergo.htm>.

Pete Dalke, State of Oregon

Mr. Dalke began by drawing the audience's attention to language in the recommendations of the Small Town Task Force that described the ways small towns are different from larger towns: it is not a matter of differing size, but of differing capacity. Mr. Dalke identified four kinds of capacity, the lack of which indicate that a community will need compliance assistance: *administrative* (does the community have adequate staff to see a compliance project to completion?), *technical* (does the community have trained personnel who understand and can implement the regulation?) *financial* (can the community afford the costs of compliance?); and *leadership* (is there someone in the community who can galvanize it to do what needs to be done to achieve compliance?).

Mr. Dalke then described Environmental Partnerships with Oregon Communities (EPOC), which he presented as Oregon's effort to implement EPA's *Policy on Flexible State Enforcement Responses to Small Community Violations*. EPOC is a voluntary program in which communities of fewer than 2,500 residents and limited capacity can request the State's assistance resolving multiple environmental compliance issues. In EPOC, Oregon has established a multi-agency team that works with participating communities to identify, evaluate, and prioritize among environmental concerns. Public participation in the decision making process is an important part of EPOC. If long-term compliance activities are needed, the State and the community negotiate an enforceable agreement and schedule for achieving and maintaining compliance with environmental requirements. EPOC also helps local officials identify sources of financial and technical assistance that may be essential to achieving and sustaining their environmental goals. EPOC assigns individual project managers to each participating community because the targeted small communities lack the capacity to achieve and sustain compliance unless they are led.

To date, 40 small Oregon communities (of the 140 with populations under 2,500) have received technical assistance from EPOC. Of these, only 15 required a "mutual agreement and order" to memorialize a long-term compliance schedule. During the past five years of delivering compliance assistance to small communities, EPOC has learned that its technical assistance can be delivered more efficiently by maintaining a "toolbox".

The EPOC toolbox is made up of an EPOC Advisory Committee, a group of stakeholders that meets quarterly to steer the further development and implementation of the EPOC effort; *A Guide to Environmental Requirements for Small Governments*, Small Community Workshops, conducted around the State to help local government staff and elected officials better understand environmental requirements that affect their communities; an Alternative, Affordable, Appropriate Technologies for Rural Wastewater, periodic discussions with State and EPA staff, funding agencies, consulting engineers, and other interested parties to identify and develop workable wastewater treatment technologies of an appropriate scale for small communities.

Mr. Dalke urged EPA that the most important technical assistance role that EPA can play is to establish quick entry points for access to meaningful, focused technical assistance for small communities' specific needs. For this reason, he would like to see EPA create a sector for small communities and Indian Tribes, as their compliance assistance needs are different from those of larger communities. Mr. Dalke advocated more peer-to-peer compliance assistance, and stressed the importance of more federal funding both for state compliance assistance programs and to address the pervasive problem of small communities' lack of financial capacity.

Breakout Session: Small Business: How to Encourage and Maintain Compliance

Questions addressed:

- What do small businesses need from EPA in the area of compliance assistance?
- What are the most effective and least effective types of compliance assistance tools?
- How should small businesses deal with resource limitations and their need for CA?
- How do you encourage small businesses to seek compliance assistance?

Pam Christenson, Wisconsin Small Business Assistance Program, was the moderator for this session. She explained that this session would be structured in the form of the panel members answering the questions listed above in their presentations.

Stan Hathcock, Webster South, Inc.

Mr. Hathcock responded to the question “What do small businesses need from EPA for Compliance Assistance?” He explained that today there are 12 million businesses in the U.S. and two-thirds of these are sole proprietors. The remainder are primarily small businesses. Two-thirds of innovation and technology comes from small businesses. He expressed the need for the image of EPA’s compliance and enforcement to change. Web based information Centers are nothing more than libraries, and many people are not going there. Small businesses need face to face, real world contacts when it comes to compliance assistance. They are also more likely to use hands-on materials that are delivered in person. The Internet is not the way to give compliance assistance information to small businesses.

Questions for Mr. Hathcock:

- *What is the most cost-effective/quality way to reach the hundreds of small businesses?*

Mr. Hathcock explained that the most effective method of reaching small businesses is through a business/trade association. For example, Georgia Tech’s automotive repair and the environment manual is excellent. Peer pressure also helps.

- *How do we reach those who don’t join an association?*

Mr. Hathcock explained that peer pressure/peer knowledge is the best way to reach those who don’t join an association. Also, offering a competitive product and tying it in with environmental stewardship helps. Insurance companies are happy when businesses are in compliance with environmental regulations. When insurance company representatives come by and see a green shop sign, they are impressed.

- *Can insurance companies be communicators of the environmental message?*

Mr. Hathcock said that insurance companies can definitely be used as communicators of the environmental message. Insurance companies are great motivators. Ms. Christensen explained that insurance companies can get compliance information to their clients.

Gary Jones, Graphic Arts Technical Foundation

Mr. Jones addressed the question “What are effective compliance assistance tools?” He conducted an informal survey on-line to determine what his constituents found to be effective about training tools. When asked why they came to training programs, he found that the main reason was because they wanted to come to learn about compliance. Another reason participants came to training events is because trade association and inspectors came to their business to advertise about the training. There needs to be a relationship between a regulated entity and the person who has the information. Suppliers, trade associations, and inspectors are great avenues for information. The correct environment is needed to do this. For instance, when inspectors hammer printers and compliance, the printers do not respond to their events.

Question and Discussion

- *How do you find small businesses?*

Trade associations know what small businesses are members as well as what small businesses are not members. The Internet can also be helpful in finding auto body shops. Tax authorities and permitting authorities are also good resources to find small businesses. Mr. Hathcock stated that his business would welcome enforcement against the bad actors or increased compliance assistance so small auto body shops know what they have to do to comply. Mr. Gilberg (USEPA) said that another possible avenue to find small businesses is to do a cross walk between permitted folks and those small businesses that are listed on the Internet white pages.

Dan Nickey, Iowa Waste Reduction Center

Mr. Nickey shared his insights related to the question “How do you encourage small business to come to you?” He explained that to have small businesses come to compliance assistance programs, you must have an effective small business program that is free, non-regulatory, confidential, and has an impeccable reputation. The 507 program is free. Small businesses have nothing to lose by using the program because it is free. Free is one less barrier between a small business and a provider.

A non-regulatory program produces a non-combative atmosphere and a more open and honest relationship, which will lead to a program that encourages more businesses to request assistance. Businesses are more willing to request assistance from a confidential program because it instills a feeling of trust, which leads to businesses being more open and honest. The Iowa Waste Reduction Center is completely confidential.

The Small Business Assistance Program (SBAP) can help a small business prioritize issues because small businesses cannot afford to address all of its issues right away. A program with a good reputation equals referrals, which can come from the business community, trade associations (most effective), regulatory agencies, legislators, and educational partners (high schools, community colleges). To get referrals, you need good communication. An SBAP must be accurate, timely, and responsive. Because a small business assistance person cannot do anything in terms of enforcement, a good relationship can be built with the small business owner.

Questions and Discussion

- *After the presentation, a person in the audience did not agree with the complete confidentiality aspect associated with some SBAPs, and he questioned the example of a compliance assistance provider not reporting someone who is caught in a violation just because they have a confidential nonenforcement relationship. Another person in the audience did agree with the confidentiality agreements because by reporting a small business you are breaking down the walls of trust.*

Richard Rassmussen, VA small business program, explained that this can be approached from two perspectives. First, if there is a risk to human health and the environment, it needs to be reported. In contrast, you have the 507 enforcement policy. Israel Anderson, Texas Natural Resource Conservation Commission (TNRCC) said that if a compliance assistance provider sees something that is an imminent and substantial threat to the environment and public health, it needs to be reported.

- *Have you seen a serious violation?*

Mr. Nickey explained that yes, he has seen a serious violation, but because of the confidentiality agreement he did not report the violator(s). He has never seen a company in serious violation who did not correct the situation immediately.

- *What is in it for the small business to come into compliance?*

Mr. Nickey explained that if the IWRC found a small business in violation, then most likely the enforcement agency will also. In some cases it is cost-effective for the company to come into compliance, especially after they learn what the fine is if enforcement catches a violation. Many of the small businesses do not know the financial implications of getting caught out of compliance. Ms. Christenson explained that in many cases the cost-benefit and the bottom-line are important factors. A provider needs to show the small business that it makes sense to come into compliance and that it will help them save money in the long-term.

- *Sometimes a compliance assistance provider has to charge a nominal fee for folks to attend a training workshop. What should be done in these instances?*

Site visits should not have a charge associated with them. Nominal fees for training and printed materials are alright. Mr. Hathcock concurred with the first response, as long as the fee for training and printed materials is under \$150. Site visits should definitely not be charged. Also, know that if you are not-for-profit, this will help justify the fee.

Gary Jones, Graphic Arts Technical Foundation

Mr. Jones' presentation responded to the question "What are the most effective and least effective types of compliance assistance tools. What is working, what is not working?" On the PNEAC listserv, Mr. Jones posted the following question: "What are most and least effective tools: tool development and delivery?" He found that the most effective tool in terms of tool development is the development of materials that will be distributed. Market research should be done to determine what type of materials regulated entities need and want. Partnerships should be created with target industries. Involvement in the process produces ownership. Materials should be tailored to a certain level of understanding and terms and language specific to an industry

should be used. The KISS approach should be utilized. The most popular tools that PNEAC uses are fact sheets, case studies, and articles. The most effective form of tool delivery is direct contact. A provider needs to get out in the field.

A provider needs to understand the needs and concerns of a specific industry. “They don’t know what they don’t know.” Determine the specific assistance required, build relationships, and provide correct and consistent information. Seminars and workshops are great only if the small businesses participate, and hotlines are only good if the small business owner picks up the phone. Direct mail has mixed results of efficiency. Mailings are generally not effective, and information repositories must be strategically located.

Web-based resources also have mixed results. State of Ohio found that the use of the Internet is limited. Only 50% of small businesses have access to the Internet, and only a fraction of them use it for compliance information. Information must be kept up-to-date and fresh. To be most effective, a provider should partner with other agencies that interact with specific businesses. The least effect method of tool delivery is video conferences. The other least effective tool is sending poorly trained and inexperienced staff to provide on-site assistance. For example, one on-site provider suggested using water-based ink for lithographic process, but you cannot use water-based ink for lithographic process. Another ineffective method is when the EPA publicizes statistics on enforcement. This intimidates small business.

Questions for Mr. Jones

- *Why are video conferences not effective?*

Mr. Jones explained that attendance is the main reason video conferences are ineffective. Knocking on people’s doors and giving them the compliance assistance information is much more effective.

- *If EPA could make the perfect compliance assistance tool, what would it be?*

Mr. Jones said that the greatest assistance any provider can give is to help small businesses walk through the paperwork.

- *When is good time to put on a seminar? What time of day?*

Mr. Jones explained that a seminar should start at 7:30 and it should end by 11:30. The program should be done in the middle of the week. Saturdays also might work, but that will compete with family priorities. Programs should not be all day. They should only last 2 ½ to 3 hours. The program needs to be kept basic. Ms. Christensen also explained that the season should be kept in mind. Winters is too busy for the auto repair sector, as well as the end of the month because of heavy insurance paperwork at that time.

Elliott Gilberg, USEPA OECA

Mr. Gilberg discussed the question “What can EPA do to help people come into compliance and go beyond compliance?” He shared EPA’s small business compliance assistance successes and highlighted those programs that have not work. A successful program is one that is easily accessible and reaches its target audience; creates customer demand for a product or service; and

demonstrates a high degree of customer satisfaction. Demand and interest for the product must be stimulated, and the product should be readily integrated into other projects, initiatives, or programs. Sometimes there is a disconnect between compliance assistance and priorities. At the federal level, enforcement and incentives should be combined. The program must cause recipients to change their behavior, and it must contribute to a benefit to the environment. The program should have measurable results. Mr. Gilberg discussed the Minimill initiative in Region V, and how the threat of enforcement creates a driver for customers. Mr. Gilberg also spoke about environmental compliance audit protocols. EPA is developing 13 compliance audit protocols. He also explained the initiative with the dry cleaning sector. The EPA developed small business guides for dry cleaners, and encouraged dry cleaners in compliance to mentor those that were having difficulty coming into compliance.

Questions and Discussion

- *Mike Tibits, MN, said that it is clear that a compliance assistance provider needs to understand the issues. What is it that small businesses need? The provider always assumes that he understands the issue, but it is clear that providers need to ask specifically what small businesses need from providers.*

Ms. Christenson explained that in order for providers to be more effective, he needs to think of the best compliance assistance tool and what made it work. For instance, a calendar is a good tool because it simplifies record keeping. Dick Kherer from Louisiana, said that Louisiana has engineers in each part of the state and they have personal relationships with industries in their area. They have found that electronic versions of documents are good because they can be modified to include local help numbers, etc. Dry cleaning calendars can also be useful because they can be downloaded from the Internet into Word. He explained that it should be kept in mind that PDF files may not allow you to modify documents to fit the specific needs of your area. Steve, MI DEP, explained that he has found that massive regulatory guidebooks are useful tools because they put all the information in one location. Another valuable tool is to have all OSHA health and safety information in one place. Mr. Jones cautioned that you can deliver a big guide book, but you should deliver it in small doses. Deb Elmore, USEPA, noted that the 507 program's autobody guide book and tool kit has all the information in one binder with color tabs.

- *What is the role of trade associations in providing compliance assistance?*

Mr. Gilberg explained that trade associations can help EPA by letting providers know what their members need. Associations can also help the EPA market compliance assistance tools it develops. He thinks that the fear factor of the government and enforcement is lowered with the trade associations there. With the trade associations, the relationship between government and the small business owners can be built over time.

- *Is it helpful for the EPA to provide guidebooks that explain the rule and that are developed as the rule is being written? Is it a waste of time for the EPA to make detailed documents? Should the EPA give the information to providers to develop the assistance documents?*

Mr. Nickey explained that guides are effective tools, but the Agency needs to make sure that it knows its target audience and that it writes the guide for that specific group. Mr. Hathcock

explained that he finds the on-line centers to be useful, but the type of materials that he needs is very different than what a trade association or someone in Congress needs. A product out of any Agency is generally hard to read and comprehend. Agencies need to consider their multiple customers and who they are trying to reach. There also needs to be a better link between the region and the state.

- *In respect to the 507 program, how does the Agency measure when some businesses are not even in the system? Is the measurement trying to get them in the system?*

Mr. Gilberg explained that the measurement of compliance assistance is difference in situations where there is confidentiality. In some cases there are not a lot of quantifiable measures.

Karen V. Brown, EPA Small Business Ombudsman

Ms. Brown provided her insights on the definition of compliance assistance. She described compliance assistance as giving information to the regulated community and encouraging them to do the right thing. Encouraging them to go beyond compliance and use innovative technologies. Assistance can be provided via telephone, hotlines, workshops, training, tools, newsletters, fact sheets, self-audits, expert systems, CD ROMS, calendars, satellite broadcasting, videos, on-site assistance (most effective, but most costly). It also includes flexibility in permits, compliance options, and other techniques. Compliance assistance is educating the community about coming into compliance or avoiding compliance by pollution prevention (P2). The 507 program has done a great job and has become a trusted resource. In 1998, small business assistance programs helped over 1 million small businesses.

- *What would providers like in the definition of compliance assistance?*

The definition should be consistent and it should include all businesses, both large and small. Voluntary programs should be counted as compliance assistance.

- *Ms. Christenson noted that no one wants to wear the black hat of the inspector/enforcer anymore. She asked if there were any thoughts about what the EPA should include in its definition of compliance assistance?*

Dan Eddinger, NE, noted that compliance assistance is not limited to those regulated by EPA. It helps all people, public, industry, small business, etc. EPA needs to set thresholds – small businesses still have obligations that they have to meet even though they fall below the threshold. Not everyone needs a permit. Someone else noted that there is a difference between environmental assistance as opposed to compliance assistance. Ask small businesses what the compliance assistance should be. Some have the “got you” included and this leads to mistrust. The agriculture initiative can be called call it stewardship because it is getting people to do the right thing; for example, using pesticides correctly. Someone else noted that the term compliance assistance sends mixed messages because it is enforcement related. “Compliance” is a negative word. Filling out the permit is the ultimate assistance—it is like going to an accountant to fill out the Form 1040.

- *What should the definition of compliance assistance be and who should deliver it? In the Compliance Assistance Plan, EPA separated green/voluntary projects from compliance assistance projects.*

Ms. Elmore said that it is not whether the term should be called compliance assistance, assurance, etc. The most important thing is that the different terms are used consistently and that they are applied consistently. The key is communication among all of the partners. Regional offices need to talk to states and states need to talk to local governments.

- *How can EPA get more small businesses to use the Disclosure Policy?*

Mr. Jones said that EPA should come up with a matrix of common violations and situations where it will not go after the small business for a violation. At this point a small business does not know when the Agency will take action for a violation and when it will not under the Disclosure Policy. Another person commented that Karen Brown's Small Business Ombudsman Office should try to get the word out about the Audit Policy. Mr. Gilberg (USEPA OECA) said that the disclosure policy is very specific in saying that if a regulated entity is in violation and it discloses the violation and corrects the violation in a specified amount of time, then the Agency will not go after entity for a violation. A participant from Region 2 said that they tried to market the policy and to combine the incentive program with the small business policy. The region went to facilities and offered a free on-site checklist and then offered them amnesty if in violation. 155 or 160 were in violation and some used the amnesty. The region also gave them an official letter saying that it wouldn't go after a business in violation unless it was a criminal violation.

Breakout Session: Compliance Assistance Needs of Environmental Justice Communities

Nicholas Targ, OECA, Office of Environmental Justice

Mr. Targ is the Counsel to the Office of Environmental Justice within the Office of Enforcement and Compliance Assurance (OECA). He explained that by integrating environmental justice issues into compliance it can create a common understanding of issues that can be addressed before they develop into problems.

Communities need access to information. They have a role in the compliance assistance process, not just as a group in need of protection, but as active participants. With proper information, communities can become more involved. The EPA can help communities build the capacity to help the EPA do its job and to help themselves. Empowering citizens to understand what is or is not a violation can be a great asset to state and federal environmental law enforcement and regulatory officials.

The EPA can develop materials in form as well as substance that address environmental justice concerns. The Agency has gone a long way toward making the language in compliance assistance documents understandable. Writing in plain language has given community members a realistic chance of understanding what constitutes compliance. Moreover, making the information available over the Web has also increased the availability of documents.

Attention to minority and/or low-income communities is necessary because actions that adequately protect the majority population may not always protect discrete segments of the population. There are many factors that go into this. Some of these include:

- Cumulative risks due to exposure from pollution sources in addition to the applicant (or any specific) facility (e.g., high blood lead levels from lead paint, and other existing permitted or unregulated sources).
- Unique exposure pathways and scenarios (e.g., subsistence fishers and farming communities).
- Vulnerable populations (e.g., high levels of asthma, inadequate nutrition, low birth weight, availability of medical care).
- Lack of meaningful participation in decision-making process (e.g., lack of literacy or fluency in English, lack of technical or financial resources, historical non-inclusion or negative experience in deliberative decision-making process).

The regulated community needs to be aware of these issues, and the regulated community needs to know that regulators and enforcers take these issues into account when making decisions. Only if a facility understands these concerns can it address them up front. This is one of the main principles of compliance assistance.

Among other things, communities could help with the following:

- Increase dissemination of materials to local residents.

- Target information dissemination to specific facilities perceived to be in special need of compliance assistance.
- Create documents relevant in both form and substance to low-income and/or minority communities. Involve communities in the compliance assistance scoping process.
- Increase the regulated communities' understanding of local needs and conditions by addressing issues such as cumulative impacts in compliance assistance documents.
- Set priorities for development of compliance assistance materials.
- Provide insight on how to conduct public hearings and outreach in a manner that lets a community know that it has been heard.

Working with communities, as stakeholders, from the perspective of a regulator can be as rewarding as it is frustrating. Communities typically do not speak the same acronym laced language as the EPA does, and they do not understand the limitations of the statutes with which the EPA has to work. Communities do, however, have a very good understanding of local conditions and have an unmatched ability to describe the issues that are most important to them. With some amount of patience and learning on all sides, we can improve compliance and the way we provide assistance to each other.

Wilma Subra, Louisiana Environmental Action Network

Ms. Subra discussed how to involve the environmental justice community in the compliance assistance process. She also discussed how compliance assistance providers can increase industry compliance in environmental justice communities. Providers can increase compliance by performing more frequent/multi-media inspections. They can also track permit emission levels versus annual reports such as toxic release inventory, emissions inventory reports, and waste generator reports. Providers can examine accidental release information on a regular basis, and they can evaluate ambient air data and correlate the data with facility operations.

Ms. Subra discussed the types of inputs citizens can have into the development of compliance assistance tools. She said that citizens need to be allowed to work with the Agency to better understand the Agency process. She said that citizens should be given access to the information generated by the facilities when evaluating compliance. Citizens are currently playing a critical role in making the Agency aware of noncompliance situations. Citizens have raised the Agency's level of awareness on specific noncompliance issues. The Agency should assist the communities' efforts in their role as "watch dog" over the industrial facilities in their neighborhood.

Ms. Subra listed the following needs of EJ Communities: reduced emissions, zero emissions; buffer zones between facilities and the community; additional ambient air monitoring stations; fence line monitors; access to data; technical assistance in interpreting data and formulating strategies based on the data.

Questions and Discussion

- Develop guidance material on SEPs to include communities and then get input from the communities on the SEPs.

- It seems that compliance assistance tools go to a limited number of stakeholders, and in most cases they only go to industry stakeholders. Compliance assistance tools should be given to communities so the communities can increase their awareness about compliance and therefore help the state and the EPA monitor for compliance. Communities would like to be involved in the process of creating compliance assistance tools. They would like to be involved in the process more than the actual creation of the tools.
- Compliance assistance tools should not be just Web-based. Tools should be provided in a variety of forms so everyone can access them.
- The Agency should seek more integration of compliance assistance and enforcement opportunities. The state or the EPA should not provide compliance assistance to a particular sector and then abandon the sector from future enforcement activities.
- *How can we more effectively use TRI and other data in EJ communities to help with environmental results?*

The first step to more effectively use data to improve environmental results is to identify the appropriate data that will be used to determine environmental improvements/behavior. After the data is identified, it should be made available to industry and the community.

- Compliance is a goal of communities, and when a community around a facility knows about regulations affecting that facility, they can assist the state in monitoring by recording tips and complaints.
- One suggestion is to educate a community before a new permit or rule is issued. With this process, the community will feel more involved and can be educated from the beginning of a process.
- Compliance assistance providers need to think more about public participation opportunities for compliance assistance, and they need to think about the type of community they are trying to reach. For instance, the EPCRA plan is only in English, but it affects mostly non-English speaking communities and is therefore of little use to the community.
- Resources are an issue. Is EJ a priority for EPA? Is it possible to use grant funds to develop strategic plans? Can EJ be incorporated in day-to-day operations, and therefore can money be allocated to analyze data, talk to communities, and set priorities?
- Communities are kept in dark, and companies can hide behind confidentiality.
- Compliance Assistance should include community education.

- EPA/state partnerships should not exclude the possibility of including communities in the partnership.
- Stakeholder plans should be required. The plans would force industry to identify community leaders and to work with them to identify issues that they need to improve upon.
- Business and industry typically meet with the community after their plans are done. They need to meet with the community during the development of the plan in order to get the community's input.
- A communication plan with outreach mechanisms need to be developed before a permit is finalized. EPA should also try to do more to involve communities prior to the release of new rules.
- Resources will always be an issue, but involving stakeholders early is good investment
- Rural communities assistance programs is the 4th leg of the stool. These programs are not- for- profit organizations that help bridge gap between communities and regulated facilities.
- Using people in communities to teach business is an effective tool and it builds trust.
- Children's issues help encourage changes. Recognition also encourages change.

Breakout Session: Input on EPA's Compliance Assistance Clearinghouse

Below are the comments received during the two breakout sessions to discuss EPA's Compliance Assistance Clearinghouse. During the plenary session of the first day of the Forum, the EPA provided an overview of the Clearinghouse and demonstration of its capabilities. The comments below reflect different stakeholder's views about the content and the format of the Clearinghouse.

Comments and Discussion

General Services Administration

- The site needs to be well connected to other federal agencies. There is a need for information exchange on Environmental Management Systems (EMS). This should include tools for Federal workers – curricula development, uniform statements of work for contracts etc..
- GSA has a list of environmental services vendors that can be made available on-line to Federal Agencies

Bureau of Land Management

- Presenting a solution to implementing requirements and then having a link to a vendor who can help with the solution is very important for the user community.
- The EPA regulatory link is useless. The system needs to mirror OSHA

State

- Contacts at the state level need to be at the working level.
- STAPPA/ALAPCO provides contacts and may be a good model.
- State regulatory sites need to be linked.

Industry

- Links to commercial sites would need a disclaimer.
- It is a problem for industry that EPA will not stand behind their own data.
- You need some way to indicate the quality of the data you post from other sources. Possibly use a ranking system based on comments etc.
- To increase the number of providers in the directory you could use the log-in feature to add names to the directory.
- Data editing of the Clearinghouse information needs to be a faster process to encourage folks to keep the material up to date.

CA Providers

- Some EPA sites have had problems with including .com sites. The Ag Center in particular has experienced this problem.
- It is very important to keep the links "live." The three "tier" plan the CAAC has developed would be a good start.

- Michigan has a P2 network of providers that could be a good model for the directory.

General

- For including your links, you just need to use the “add a link” feature. The program will pull in the meta-data tags from the site. This will decrease the amount of data entry required.
- When the comment field is used, it is important that the author include their name.
- Marketing is extremely important for the success of the Clearinghouse. Presentations should be made at conferences. The Compliance Assistance Centers should also participate in the marketing.

Breakout Session: How to Use Compliance Assistance Tools to Go Beyond Compliance

Questions addressed:

- Why did your organization or organizations you have worked with choose to go beyond compliance?
- What barriers did that organization encounter?
- What role can government play to encourage facilities to go beyond compliance, (i.e., what incentives can it provide)?

Dave Kling USEPA OPPTS

"The New Federal Role in Environmental Quality: Helping the Good Guy"

Mr. Kling explained that traditional environmental protection approaches, including those by the U.S. Environmental Protection Agency (EPA), have largely been "defensive" or "reactive" in dealing with pollution "after the fact" – control, treatment, disposal and remediation. This orientation has served the nation well, but many observers now seem to suggest that it should be supplemented with new kinds of efforts. First, they argue that we should do more to prevent pollution from occurring in the first place – so there's less need to control, treat, dispose of and clean up pollution later. Second, they feel that companies can become better environmental stewards as they become more productive and efficient – that environmental benefits, rather than degradation, can be a product of economic development and progress.

Mr. Kling said that there are already a variety of programs at all levels of government and in the private sector that promote greater source reduction and enhance corporate profitability and environmental stewardship at the same time. He then asked what more can the EPA do to accelerate and fully realize these trends?

Pat Gallagher, Green Zia Environmental Excellence Program

Ms. Gallagher discussed the need for a program that stresses beyond compliance goals for a regulatory agency, since no other program stresses this. She explained that an organization should strive to go beyond compliance because of the following four reasons:

- Environment is a business competitiveness issue.
- Strive for excellence rather than focusing on minimum requirements.
- Push for sustainability, stretch goals for the next generation of environmental protection.
- Better environmental results.

The Green Zia Program is a voluntary program that promotes environmental excellence with a prevention focus. The program has three tiers that promote continuous improvement and learning. Twenty-two companies participated in the Green Zia Program in 1999. The companies ranged from a three person company to Intel and Los Alamos National Laboratory. The program uses the Malcolm Baldrige Performance Excellence Program. The Baldrige quality model is prevention by definition and is proven to promote excellence in business, education and

healthcare, and now environment. The program stresses deep integration of environment into core business practices, and it provides a valuable self-assessment tool.

Participants in the program measure their performance against a theoretical “best-in-class” company. The examiners provide feedback reports for improvement. There are a few barriers to the program. It takes a while for a company to understand the program. It is not an easy program, and companies have to make a significant effort to participate. There is also a difficulty of moving from a standard of “compliance only” to excellence and prevention.

There are four main incentives for companies to participate:

- Public recognition for those who participate by the Governor’s office.
- The feedback report provides free consulting and objective third-party review.
- The focus of the program is on results and improvement.
- The program links financial performance and environmental performance.

Eric Siy, Resource Renewal Institute

Mr. Siy explained how Resource Renewal Institute (RRI) is the nation’s leading green plan advocate and since 1985 has been catalyzing their development and implementation in the U.S. and beyond. RRI advocates for a new policy paradigm better defined by goals and performance than command and control. Green plans or cooperative environmental management, are comprehensive, providing both the map and the rules of the road for reaching our desired destination. This innovative strategy enables the regulated community to break through the compliance barrier. Green Plans are designed to remedy the major shortcomings of the current regulatory system, replacing fragmentation with integration, frustration with vision, conflict with cooperation, and compliance with performance.

Green plans are proving their value in a growing number of locations worldwide. The best known example of a green plan in action is the National Environmental Policy Plan (NEPP) of the Netherlands. This plan reveals what can be achieved through a deliberative process that focuses on the future—the next generation—not just the next election cycle. In the Netherlands, more than 250,000 businesses are participating in the National Environmental Policy Plan, which has been responsible for a dramatic “decoupling” of economic growth and environmental pressure. Through its Campaign for a Sustainable Future, RRI is sharing the successes of the Netherlands and other green plan countries to stimulate action in the U.S. This groundbreaking endeavor promises to transform environmental management for the benefit of every sector, now and for generations to come.

The biggest challenge that RRI has encountered in pursuing this new paradigm has been moving interests beyond the status quo. There is an institutional resistance to abandoning the known for the unknown, and this is compounded by a pervasive lack of trust among the sectors. RRI has sought to overcome this obstacle with an outreach effort based on the facts. The centerpiece of RRI’s work is the Green Plan Leadership Program, which aims to equip public and private leaders with the tools needed to initiate and sustain the change called for.

Green Plans stimulated the thinking that went into EPA's National Environmental Performance Partnership System (NEPPS). It was unveiled in 1995, and it offers a major opportunity for advancing the principles of green plans and providing a complementary role for the Agency to plan in working with states. The NEPPS represents an acknowledgment of current shortcomings and a big step in the right direction, possessing features that coincide with those of the green plan model. Like green plans, the program emphasizes management for results with a shift from compliance to performance through its use of long-term goals and indicators as measures of progress. The NEPPS program has the potential to redefine the roles of federal and state government as needed, and in the process, foster broad public involvement and partnerships across sectors. The federal government should be the chief facilitator of this transformation providing the necessary training and technical support to ensure long-term success. New laws will be needed to allow the program to realize its full potential and to make the essential shift from command and control to strategic planning and performance.

Tim Lindsey, Illinois Hazardous Waste Research Center

Mr. Lindsey's presentation described effective methods used by pollution prevention change agents to facilitate the adoption of innovative P2 strategies by industrial facilities. Emphasis is placed on providing assistance with "how-to" implementation issues including technology demonstrations and pilot trials to the opinion leaders of specific industrial sectors. The effectiveness of these methods will be compared to other technical assistance models that promote only technology awareness.

Mr. Lindsey concluded that P2 technologies need to be test driven. "Awareness" information is not enough. "Demonstrations" can increase interest. Pilot trials reduce uncertainty, resolve compatibility issues, reduce perceived complexity, and give "champions" the information they need.

The accelerated Diffusion of Pollution Prevention Technologies (ADOP²T) program extends effectiveness of existing programs that promote P2 awareness. It focuses on issues associated with P2 technical principles and "how to" implement them. It also reduces uncertainty regarding the complexity and compatibility of P2 technologies. Key ADOP²T activities include identifying proven practices and technologies, demonstrations of proven practices and technologies by mentors, extended pilot trials to reduce uncertainty, and the identification of information gaps that prevent technology adoption. There are some financing issues that have created barriers. Most technologies will require \$5K to \$50K for implementation. There is a loan security issue and it is difficult to get funding for technical assistance.

Bill Hanson, USEPA OPPTS

Mr. Hanson discussed EPA's Design for the Environment (DfE) program. The DfE vision is for business decision-makers to integrate environmental concerns into cost and performance criteria. The focus is on technology and chemical formation as they relate to everyday business and beyond compliance issues. Project goals address process changes, product design, and workplace practices. Through partnerships, DfE develops substitutes assessment of relative risk, performance, and cost. DfE helps achieve beyond compliance by integrating regulatory

requirements, managing unregulated risks, conducting substitutes assessments, considering life cycle impacts, and using cleaner technologies and safer formulations. DfE augments traditional Environmental Management Systems (EMSs) that are tailored to small business, provide an analysis of processes and material flows, focused on chemical risks, provide substitutes assessment, and promote cleaner technologies and safer chemicals. DfE provides a manual, tools, Web site, video, and fact sheets on the EMSs.

Questions and Discussion

- *What are the geographic limitations of extrapolating the Netherlands' success to other regional areas of the world?*

Mr. Siy believes that the geographics of the Netherlands has a lot to do with its success. There is often a concern about how you take something from a small country and bring it over to a large country. This is why the lessons learned from the Netherlands should be applied at the state level. The Netherlands' program should be used as a model to learn from and build on. Mr. Hunt, NC DENR, said that North Carolina looked at the Netherlands' plan and took pieces and concepts of it and applied them to specific permits and covenants. The problem that North Carolina ran into is Federal laws. Massachusetts got around federal law with the Environmental Results Program (ERP) through the use of EPA's Project XL.

- *Does the Netherlands' Plan take Economy of Scale into account?*

Mr. Siy said that he imagines that it does. The goals are going to be the same in the Netherlands as they are in the U.S. states. The details will be different.

- *Does ISO 9000 or ISO 1400 have the biggest bang for the buck?*

Ms. Gallagher explained that ISO certification does not have that much to do with integration. Baldrige has more impact because it is similar to ISO, but it has more integration. ISO has done a lot for environmental improvement and Baldrige works well with ISO. Baldrige focuses on results and ISO does not.

Breakout Session: Using a Sector Approach

Questions addressed:

- What are the benefits to using a sector-based approach?
- What are the barriers and how did you overcome them?
- What factors contributed to the success of your sector approach?

Andy Teplitzky, USEPA OPR

After introducing the speakers that would be presenting at the session, Mr. Teplitzky provided participants with an overview of the Agency's sector-based efforts. He defined a sector approach as one that was focused on particular Standard Industrial Classification (SIC) code or North American Industrial Classification System (NAICS) code and considers producers, consumers and suppliers of products in a particular category.

The benefits to a sector-based approach that Mr. Teplitzky highlighted included the fact that it helps enhance EPA's understanding of a particular sector's activities, helps build trust and lasting relationships, helps enable non-regulatory solutions, and helps promote solutions that go beyond compliance. Mr. Teplitzky noted that a sector-based approach may also include a multi-media approach, and he noted the benefits of this combined approach. These benefits included: Preventing/controlling transfer of pollution from one media to another, facilitating consideration of Pollution Prevention, enabling identification and avoidance of duplication and inconsistency, and more cost-effective solutions. Finally, Mr. Teplitzky noted that public participation, public access, and accountability is increased if multiple stakeholders are involved in these sector approaches.

The main barrier that Mr. Teplitzky noted was the culture and organization of the Agency around media-specific approaches. He also noted that industry competitiveness and a lack of common ground in some heterogeneous sectors can also be a barrier.

Mr. Teplitzky identified several general factors that can enhance the success of sector-based approaches, including: relative homogeneity in size of entities, issues, interests; ability to agree on important issues; ability to identify representative(s) who are leaders and can speak for the sector; commitment to the process and a willingness to participate and be part of solution. More specifically, he noted that the factors that contributed to the Agency's success included: senior management support, simple and measurable goals, cross-agency participation and an integrated approach.

For further information on the Agency's sector activities, Mr. Teplitzky encouraged people to go to EPA's Web site at <http://www.epa.gov/sectors>.

Marcia Kinter, Screen Printing and Graphic Imaging Association International

Ms. Kinter is a proponent of sector-based initiatives and she shared her experience with two training programs associated with the Screen Printing and Graphic Imaging sector. She explained that her organization developed training material for industry representatives. The course was designed to help those representatives then train regulators on issues unique to their sector. The goal of the training was to help increase the knowledge of the regulators about the sector so that they could be better informed when forming policy and interacting with members of that sector. The key factor in the success of the training was that the material was specifically geared to the printing sector. The thing that was lacking from the training was an evaluation component that indicated the long term effectiveness of the training or behavior change, although there was an increased understanding of issues on the part of participants and about half of the participants called a compliance assistance provider for help. Ms. Kinter also noted that her organization is just starting a similar program with the State of Pennsylvania and there will be a measurement component to this training.

One EPA participant asked Ms. Kinter to explain her planned measurement activities. She explained that her organization is preparing a measurement package that would include measures like incorporation of new technologies, whether or not an organization is in compliance, whether they received a particular permit. However, she emphasized that the measurement aspects would be those agreed to by the group.

Jim Walsh, Georgia Tech Research Institute - Food Processors

Mr. Walsh shared his experience with the Georgia Environmental Technical Assistance Program (GETAP) for Food Processors. The program provides technical assistance related to compliance assistance (e.g., wastewater, air permitting, Emergency Planning and Community Right-to-Know, risk management programs, and storm water management), water conservation and waste reduction, and byproduct recovery. It utilizes staff from The University of Georgia and the Georgia Institute of Technology. The primary types of assistance provided under the program are on-site assistance, seminars and workshops, and technical publications. The recruiting techniques include direct contact through advertising, referrals from the Georgia Tech Regional Offices, and referrals from the Department of Natural Resources. Accomplishments of the GETAP Program since it was initiated in 1994 included: direct assistance to more than 70 companies; resulting savings of more than \$2,000,000 per year; and establishment of the Georgia Ammonia Refrigeration Training Institute (GARTI) and the Malodor Control and Assessment Program.

Mr. Walsh described some of the benefits of the program, including the fact that it was university based and that they were able to use the resources of other universities and agencies. The fact that the program was university based helped alleviate company's fears about enforcement actions. The main barrier that Mr. Walsh noted was that many of the industries in the sector were not Internet literate (which made it more difficult to share resources) and lack of knowledge on the part of environmental staff within companies about the regulations. Planned program additions include distance learning opportunities, Web-based technical assistance, and improved e-mail networking.

Mary Dever, USEPA Region 1

Ms. Dever discussed the creation and operation of EPA New England's New England Environmental Assistance Team. The team was formed to emphasize compliance assistance and pollution prevention as legitimate tools in EPA's tool box to achieve good environmental results focusing on sectors. The first sectors targeted by the team were Common Sense Initiative sectors (e.g., metal finishing, electronics/computers, printing, and municipalities). The team approach was unique and contributed to the success of the projects implemented because staff were committed to the project, there was a good skill mix among team members, and they valued a true team approach. As part of its efforts, the team has developed written tools, held events like workshops, conferences and trade shows; provided on-site assistance; Web-based assistance; and recognition.

Among the benefits of this sector-based approach that Ms. Dever noted were that the Agency was more in tune with the sector needs and compliance problems, which allowed them to be more responsive. She also noted that the customers were more likely to use the variety of tools that were developed because they were specific to the sector. Barriers included time commitment, cost commitment, and only being able to work on a limited number of sectors at any one time.

Additional factors that contributed to NEAT's success were that: assistance was wanted and needed in the regulated community; there was constant interaction with stakeholders; there was continued improvement in the relationship between assistance and enforcement programs; the team approach; and there was commitment from management and staff. Recommendations that Ms. Dever had for others considering such an approach were: having timely discussions with states; developing a process to evaluate efforts; developing sector selection criteria; hearing success stories; and reexamining the tools used to achieve compliance.

Terry Fabian, State of Pennsylvania

Mr. Fabian began by explaining that, to him, compliance assistance includes outreach, education and training, and hands-on assistance with the intent of helping the regulated community come into or maintain compliance. He then discussed the Pennsylvania Strategic Goals Program with the metal finishing industry and a project that the State undertook with the Powdered Metal Industry. The SGP program was focused on those facilities that were currently in compliance with regulations. The Powdered metals project was aimed at the a sector that had minor problems with air pollution violations. He explained that the State's efforts are primarily driven by pollution prevention and getting companies to go beyond compliance and felt that the way to be successful in these efforts was to show companies the economic benefits of participating.

For the Powdered Metal sector, Mr. Fabian explained that, although there was a great deal of distrust of regulators, they were able to build trust over the course of the project. In addition, the project resulted in establishing compliance, regional consistency and establishing and promoting pollution prevention. The success of the program was measured by the reduction in zinc stearate usage, which went from 80% to 25%.

Finally, Mr. Fabian briefly explained that his organization is working on a direct outreach program that will work with bringing industries back into compliance on a one-on-one basis.

Overall benefits to a sector approach that Mr. Fabian noted to a sector approach included the opportunity to get industry to share problems and solutions, it enhances their capacity for developing solutions, and the development of EMSs. The primary barrier noted was the lack of environmental expertise on the part of individuals.

Melissa Smith, USEPA Region 6, Compliance Assistance in the Maritime Industry

The Lower Mississippi and Southern Louisiana area have been identified as an environmental sector with a vast array of sensitive ecosystems. The Mississippi River, between Baton Rouge and New Orleans, houses a variety of different industries including the maritime industry. Information gathered from previous EPA inspections, and from the State of Louisiana, indicate that the maritime industry (especially shipbuilders, service dry docks, and barge cleaners) has environmental problems. Following several years of compliance evaluation inspections, a compliance assistance conference was held in an effort to reach the rest of the industry in this sector and to improve compliance with the RCRA regulations.

Questions and Discussion

- *How do you integrate enforcement into a sector approach?*

The panel responded that there are a number of possibilities depending on the situation. For example, you can do enforcement, advertise it and then encourage people to seek compliance assistance tools to avoid future enforcement. Or, you can provide comprehensive compliance assistance and use enforcement if all else fails. One participant pointed out that another component to consider is compliance incentives.

- *If you have a geographic focus, how you deal with situations in environmental justice communities?*

Participants recommended contacting Wilma Subra, another presenter at the Forum for more information and consulting the National Environmental Justice Advisory Committee's publications. Participants felt it was particularly important that regulators understand what sector is causing the problems in the EJ community so as not to target the wrong source of the problem.

- *Often sector-based initiatives depend on strong leadership from an industry trade association, is this the case with the agriculture sector?*

Mr. Walsh indicated that this is generally not the case. Although some associations exist, they do not have a large number of members.

Mr. Teplitzky asked the group to share their thoughts on how the Agency might better institutionalize a sector-based approach. Participants had the following suggestions:

- find a sector that has a lot of issues across different media so that all media offices would have an interest;
- make the sector guidance more broad, because they are typically focused on a particular media;

- have clear management support for the concept; and
- have multi-media audits with members from different program offices.

However, some participants expressed concern over doing a multi-media approach within a particular sector and felt that it may be too big of a job to do right. Although environmental groups seem to encourage a multi-media approach, sectors do not seem to want to be locked into such an approach.

Breakout Session: Performance Measures

Questions addressed:

- What are the roles of federal, state and other compliance assistance providers in measuring performance?
- How can we move from measuring outputs to outcomes?
- How can we encourage compliance assistance providers, especially states, to measure performance?

Lynn Vendinello, EPA/OECA

Ms. Vendinello described OECA's Compliance Assistance Measurement Activities. OECA is committed to measuring its compliance assistance activities to demonstrate its accomplishments under the Government Performance and Review Act (GPRA). Under EPA's Strategic Plan, Goal 9, Objective 2, deals with the bringing the regulated industry into compliance through voluntary compliance and compliance assistance programs. For FY 2001 under Objective 2, OECA is committed to developing 200 tools, reaching 500,000 entities through targeted compliance assistance, and improving 50% of the recipients from 10 selected projects use or handling of pollutants or improving their facility management practices.

Ms. Vendinello described OECA's contribution to measuring compliance assistance as the identification of a measurement continuum to serve as a framework, the tracking of compliance assistance outputs since 1996, piloting "outcome" measurement projects, and encouraging and training states on measurement. EPA's Outcome Measurement Activities have produced several results including a series of outcome measures within OECA, the publication of the "Guide for Measuring Compliance Assistance Outcomes, conducting several training seminars for regional and state staff generic ICR for Outcome Measurement and pilot regional outcome measurement projects for FY 2000. Some of OECA's outcome measures that use the measurement of continuum include awareness and understanding, behavioral change, and environmental and human health improvements. Other measures can provide useful program evaluation including the number of referrals to other assistance agencies, number of requests for on-site visits as a result of initial consultation, and the percentage of customers satisfied with services provided.

OECA's Outcome Measurement Guide explains in plain language how to write surveys that aim for high response rate and it explains how to analyze and present the survey's findings. The guide provides sample surveys and ready to use survey forms. They are available in hard copy or via the Internet at www.epa.gov/oeca/perfmeas or www.smallbiz-envrioweb.org/perfmeas.asp

Funds have been awarded to eight state projects. Five have a compliance assistance measurement component. States receiving funds are: Washington, Texas, Connecticut, California and New Hampshire. Activities for FY 2000 include solicitation for feedback on OECA's approach, additional training, review of the results from ongoing outcome projects, development of outcome measures for a federal compliance database, and the development of new "compliance assistance evaluation questions" for a new ICR.

Tracy Back, USEPA OECA

Ms. Back presented the results of the Compliance Assistance Centers FY 1999 On-Line Survey. There are nine Compliance Assistance Centers that serve small and medium size businesses by providing environmental assistance information. The centers are the first place to obtain basic environmental information applicable to the industry sector. Such information may include sector-specific multi-program regulatory explanations, compliance tools, process-specific training, Q&As, pollution prevention tips and ideas, and databases on technologies and techniques.

FY 99, eight centers participated in an on-line survey. The Agriculture Center will conduct an on-line survey in Spring 2000. The respondents to the survey remained anonymous to EPA. Over 1,100 users responded – 34 percent were from a facility or local government, 47 percent were assistance providers, and 18 percent were in the “other” category. Seventy percent of the surveyed users visit the Centers at least monthly while 30 percent of the users visited weekly. Fifty-nine percent of the users learned of the Centers through the Internet.

Seventy-eight percent of the respondents rated the Centers as useful or very useful in providing information to help comply with environmental regulation, and an even higher percentage rated the Centers as useful or very useful in improving their understanding of applicable environmental regulations. About this same percentage of users took one or more actions as a result of using a center.

Overall there were positive responses and results from the survey. Sixty-three of the respondents indicated a cost savings from actions taken as a result of using a center. Seventy-three percent of the respondents indicated an environmental improvement because of actions taken as a result of using a Center. Specific improvements included the following: 31% in reduced waste, 29% in reduced risk, 27% in reduced air emissions, 20% in water conservation, 13% in energy conservation.

Participants were asked what the most popular features of the centers were. Eighty-five percent of respondents rated compliance assistance as either useful or very useful. Technical and compliance assistance rated as the top resources for each Center. Specific popular features identified were Updated News/Hot Topics, EPA regulatory determinations and list serves or update services.

Darryl Boudreau, State of Florida Department of Environmental Protection

Mr. Boudreau discussed performance measurement in Florida. By measuring compliance assistance activities, states can justify resource allocations for compliance assistance actions. To be effective, the measurement system must track environmental outcomes and evaluate relevant activities, efficiencies and impacts on the environmental goals identified by the organization.

The State of Florida has implemented a four-tier measurement system. Tier 1 includes Environmental Outcomes, and it measures the real world outcomes. For instance the percent of

the population that is breathing “healthful” air or the percent of water bodies meeting their designated use. Tier 2 includes behavioral and cultural measures, which measures the change in the way we behave towards the environment. This type of measure captures the percent of regulated facilities in significant compliance and the per capita energy use. Tier 3 includes department outputs and activities, which measure what the Agency does. This measure includes the number of inspections and the number of facilities in compliance. Tier 4 measures resource efficiency including the measure of fiscal accountability and the “bang for the buck.”

Mr. Boudreau gave some examples of the State’s tiered measurement system. After the state makes some measures using its tiered measurement system, it can determine what tools, i.e., compliance assistance, enforcement and education when strategically integrated and targeted, have caused an improvement in the environmental factor.

Sherman Titens, Coordinating Committee for Automotive Repair - GreenLink®

Mr. Titens discussed the National Survey Results of the Automotive Service and Repair Industry. He noted that to have an effective outreach effort, you need to have an appropriate design that incorporates your goals and serves your particular audience. The system needs to have ease of use and access and it must be dynamic and stimulating. The content of the outreach effort is also important. The information must be relevant to your audience and developed in the language of the industry and in English. The information must be current. By involving your partners, you will develop more effective outreach mechanism.

From the survey, it was found that the automotive industry is supportive of good environmental practices, but it is not knowledgeable of rules or where it can go to get information. There seems to be some confusion due to various interpretations of similar rules by federal, state, county and municipal environmental programs. There also seems to be general industry distrust of government.

The national survey found that 25.9 percent of the shops were 80 percent compliant or better (this was calculated by combining the 81-91 percent and 96-100 percent level of compliance in the original 1997 study). The level of compliance refers to the measurement of all shop activities that are affected by an environmental statute. The level of compliance was calculated by dividing the number of compliant shop activities by the total number of shop activities conducted on a site.

The survey also found that outreach efforts have improved the recognition and usage of the *GreenLink®* Center. The number of people that have heard of the *GreenLink®* Center increased from 28,000+ in 1997 to 127,000+ in 1999. The use of *GreenLink®* improved from 682 users in 1997 to 21,250 in 1999. The numbers from the survey are based on a population of 500,000 automotive shops in the United States.

Questions and Discussion

- *How do you credit for education/technical assistance?*

GPRA requires us to describe our compliance assistance efforts to the Congress. Information about our output and outcome activities was included in this report to Congress. Much of our output information came from the RCATs database. Outcome information came from a variety of headquarters and regional sources. In the newest edition of RCATs, we are collecting some outcome data. In addition, there are ten projects (one per region) that are collecting outcome information.

- *As far as incentives for users to respond, is there anything that you have done that has improved your return response?*

Some activities include a mouse pad for users that complete the on-line surveys for the compliance centers, and some states reimburse part of their program fee if the program participant returns a completed survey card. In the second update of EPA's Evaluation Manual, there will be a four step process that can assist in obtaining a greater response to your evaluation questionnaire. For EPA staff faced with the Paperwork Reduction Act requirements, there is currently a generic ICR with many program evaluation questions. This can reduce the time in getting an evaluation instrument approved by OMB. This ICR expires in 2001. It has not been determined if the Agency will continue with this current ICR or create a new ICR with additional program evaluation questions.

In order to obtain more responses from a sector you should work with that sector to determine the most effective time to send out the survey because timing could be a factor. Some sectors have busier schedules at certain times of the year. You may not get the number of returns you need because the people are focused on other activities.

- *How do you know if service has been satisfactory at the centers?*

For the centers, we looked at the repeat visitor only. It did not make sense to look at first-time users. It is extremely difficult to determine how many of the first-time users might have come to the center at some earlier time and then never returned for whatever reason.

- *What is driving the measurement program?*

Mr. Boudreau explained that three to four years ago, the State of Florida experienced a decline in the number of enforcement actions. The Director met with the regional managers to figure out the situation. The overall picture was not being reported to senior managers. Florida DEP was being hit hard between the public and federal EPA on low numbers for enforcement, but there was no corresponding increase in any other measure. A new office was created to present the whole picture of DEP's activities to the public, the legislature, and the EPA. The measurement system as outlined in Mr. Boudreau's presentation not only measures the old-standby "beans" (outputs) but also the outcomes and changes in the environment and human health. In Florida they found that this has helped them to survive budget cuts by the state legislature.

- *In the report to Congress (GPRA), what activities did you talk about?*

The report reported on both sectors and media. The information was found in the RCATs database. It does not report at the facility level. The Agency knows through various analyses the approximate number of facilities by sector.

- *Do you know if it is possible to collect pollution prevention information, i.e., the reduction in gallons in the amount of solvents?*

It can be collected, but it will be difficult to collect especially from small businesses. Some may not keep records because it is not required by the state. Others businesses may keep the kind of records you are looking for, but they may collect it for other business purposes. They may not understand your request for the information because the business is not keeping its inventory for pollution prevention reasons. The owner may not realize the information he is maintaining may not have value to him but could be of value to someone else.

There may be some current business software , i.e., Quicken, that if modified could be used for environmental accounting through inventory tracking. This could help in collecting the information you are seeking but we have not seen publicly available software at a reasonable price.

- *How many assessments do the states do?*

There is no mandatory number of assessments or evaluations required by the states for EPA. EPA asked states to volunteer, but none have done so at this time. EPA is currently running 10 different evaluation pilots, one per Region. EPA has provided basic program evaluation training in most Regions and has encourage states to participate. EPA has awarded a number of grants to states for evaluating outcome measures. A participant from an EPA region explained that it the EPA is evaluating a particular industry and the state has no such industry, instead of having the state perform work, the region allows the state flexibility in working with another sector. This approach has worked with EPA's priority sectors.

Plenary Panel Session: Sharing Elements of Successful Programs

Questions addressed:

- Why is the program successful?
- What are the factors that contributed to the success? What are the indicators of this success?
- How has the community been involved or responded to the program?

Art May, Midwest Assistance Program (MAP)

Mr. May provided an overview of the variety of activities provided by Rural Community Assistance Program (RCAP), Inc. RCAP consists of organizations that assist communities with compliance problems. He provided case examples of three communities, including Spickard, Missouri (population 238) who had a problem with discharge of raw sewerage into the ditches in town. He also presented an example of Waterbury, Nebraska (pop. 100) who had a problem with MCL violation with high nitrates. He also described the case of the Omaha Tribe of Nebraska (pop. 1800) who had a problem with a failure to close a non-compliant landfill.

Mr. May found that the main factor for success in compliance assistance with small communities is third party assistance. This type of assistance can work because of flexibility, experience, and because a third party has the time to give the assistance that is needed. A third party can communicate personally with the community, and this type of assistance works because the third party is working for the community, not the EPA and therefore the third party is not seen as an enforcer.

James Conrad, Chemical Manufacturers Association

Mr. Conrad discussed several successful projects that involve regulators and the regulated community working together to develop timely and effective compliance assistance tools. These projects have involved CMA and the New Jersey Chemical Industry Council on the one hand and EPA, DOT and NJDEP on the other. Mr. Conrad found that there are several success indicators, including participant reviews, user satisfaction forms, number of units distributed, resources saved, willingness to participate again, and quicker and higher rates of compliance. They have learned many lessons from successful projects that have developed compliance tools jointly, including that the projects are legal, practical, faster, and cheaper. The resulting tools are more useful and in most cases the tools can improve the rules.

Rick Reibstein, Massachusetts Office of Technical Assistance for Toxics Use Reduction

Mr. Reibstein discussed the Massachusetts Office of Technical Assistance for Toxics Use Reduction and its success. Compliance assistance and enforcement go hand-in-hand. His program is successful because it believes in enforcement. The first step to bringing an entity into compliance is to use assistance to establish a relationship. Enforcement should be used if it is needed. A relationship with enforcement and education about enforcement is key to the success of a compliance assistance program. Enforcement and compliance assistance need to be a package.

There are many reasons for Massachusetts' program success. Firstly, it has stable funding, which has allowed them to hire expertise. Secondly, they make the mission of service explicit. Their specialists have been trained in regulations, and they have been carefully and repeatedly warned against making interpretations of the rules themselves. They do not represent companies, and they are advocates for the P2 solution and for working out a negotiated solution. They do not command solutions, they suggest and ask questions. Another key to their success is that they are confidential. They are able to access companies because enforcement agencies refer them to notices of noncompliance. Another component of their success is that they do follow-up and they deliver the reports to companies. They do not just send them in the mail.

The program has funding because of the state law, but companies do not like this so the funding could go away at anytime. Without funding from the state, the program would not exist. Mr. Reibstein's hope is that enforcement and assistance programs can begin working together to get adequate and stable funding.

Ginah Mortensen, USEPA National Agriculture Compliance Assistance Center

The Agriculture Compliance Assistance Center's success is based on multiple elements, including analysis, leveraging resources, partnering, and measuring. For a program to be successful it needs support from management and colleagues. Long range goals and objectives and the mission of the project need to be established. The audience needs to be identified. A measurement plan needs to be in place so the level of success can be determined. In order to leverage resources successfully, an organization should identify and use the resources and materials that have already been developed. Programs should identify and tap into experts' experience. Partnerships with other organizations is also an effective way to leverage resources. Both traditional experts, states and regions, and non-traditional partners, trade associations and non-government organizations, have resources and experience that can be used to advance a project.

From measuring the success/progress of the National Agriculture Compliance Assistance Center, they found that the center has received over 52,070 inquires and requests for documents, and in 1999 the center had over 35,000 user sessions. Eighty percent of the users indicated that the center is "useful" or "very useful."

Questions and Discussion

- *Who are the "Big Friends" of compliance assistance programs?*

Mr. Reibstein responded that "Big Friends" are such people as Congressmen who are on appropriations committees, environmental activists, people who write for newspapers and write books, academicians, and political pundits. These are the type of people who need to know about the success of programs so they can publicize and share the success with others, which could lead to more funding.

- *Since it is important to work with both compliance assistance and enforcement, why not look at integration and have one office instead of two?*

Mr. Rebstein believes that it is important to work together, but it should be realized that EPA cannot reach everyone. Ms. Mortensen said that she has seen a lot of work involving integration and she agrees that more is needed. She said that it should be noted that distrust is a factor that should be considered when these two elements, assistance and enforcement, work too close. Mr. May said that on the state level, staff have been overwhelmed because they have to keep up with the regulatory function so it is difficult to provide assistance. Enforcement is crunching numbers instead of assistance.

Breakout Session: Integrating Enforcement and Compliance Assistance to Achieve Compliance

Questions addressed:

- What is an integrated approach and what are the barriers and benefits to such an approach?
- How do you see different CA tools, including incentives, fitting into an integrated approach?
- What are some tools to promote this integration (e.g., environmental management standards, the Clearinghouse, etc.)?

Desi Crouther, USEPA OECA

Mr. Crouther began by reviewing the OECA *Action Plan for Innovation*, which was released in September 1999. The *Action Plan* was developed with stakeholder input and outreach including the 1999 East and West Coast Conferences. It highlights the actions EPA will take to further new directions in compliance assistance, incentives, information, accountability, and enforcement. One action item within the Plan calls for EPA to expand the use of integrated strategies to address the priorities of the enforcement and compliance assurance program. Mr. Crouther explained that EPA's experience has shown that this approach can be effective in addressing environmental and compliance problems if

- there is a clear understanding of the problems,
- there are clear and measurable goals,
- there are clear roles and responsibilities of the parties involved,
- it builds on previous experience,
- there are good measures of success, and
- the approach is tailored to the problems identified.

Mr. Crouther explained that EPA is seeking to build on its initial efforts to integrate compliance assistance, compliance incentive, compliance monitoring, and enforcement activities. EPA will analyze the appropriateness of integrated strategies for each program priority and where appropriate, implement these strategies in partnership with states through the regional/state planning process. These integrated efforts will complement the Agency's ongoing compliance assurance and enforcement efforts.

By June 2000, Mr. Crouther explained that EPA will develop the appropriate strategy and begin implementation of strategies for each FY 2000/2001 priority area. Strategies for FY 2002/2003 priorities will be developed and transmitted with the OECA Memorandum of Agreement Guidance.

Anne Leiby, USEPA Region 1

Ms. Leiby described EPA New England's efforts to implement integrated compliance assistance strategies in three sectors - the Rhode Island Department of Transportation (RI DOT), Colleges

and Universities, and the Chemical Industry. The RI DOT project represents enforcement followed by compliance assistance, the Chemical Industry project is an example of compliance assistance followed by enforcement, while the Colleges and Universities project reflects a combination of enforcement, compliance assistance and incentives.

As part of the RI DOT Project, EPA New England issued letters to RI DOT staff that included a strong enforcement message and encouraged them to attend compliance workshops and use other assistance resources. The goals of the effort were to leverage enforcement resources and efforts, reach out directly to the affected sector, and combine an enforcement and assistance message to encourage behavior change.

Under the college and universities initiative, EPA performed multi-media inspections and found many violations at a number of New England colleges and universities. The Agency notified the institutions of the proposed fines issued to one university and then highly publicized the initiative that targeted colleges and universities in the region. The Agency followed this announcement up with compliance assistance workshops and a focus group. As a result of the workshops the Agency was requested to provide more sophisticated compliance assistance and assist environmental staff at these institutions by contacting administrators directly. Focus groups indicated the need for a compliance assistance information clearinghouse and the need to institutionalize best management practices.

Finally, the chemical industry audit project involved talking to stakeholders, partnering with these stakeholders, announcing targeted assistance followed by enforcement, offering compliance assistance, conducting inspections, and evaluating the project. The project resulted in a noticeable behavior change after 50-50 audits were conducted and 10 self disclosures.

Ms. Leiby shared her perspectives on the benefits of a strategic integrated approach, including:

- encouraging problem identification and effective use of tools to solve problems,
- encouraging cultural change and expectations,
- increasing efficiency/effectiveness,
- encouraging innovation,
- can be replicated, and
- can be applied to all types/levels of problems

Ms. Leiby also shared barriers that still exist for promoting such an approach:

- cultural attitudes,
- measurement challenges,
- resource barriers,
- partnering issues,
- cross-office planning challenges, and
- start-up costs.

To promote a strategic approach, Ms. Leiby suggested the following actions:

- identify the environmental problem,

- incorporate “integrated thinking” into planning process,
- encourage/require cultural change,
- anticipate measurement challenges, and
- understand/know “audience.”

Bob Barkanic, State of Pennsylvania

Mr. Barkanic shared his state’s perspective on integrating compliance assistance and enforcement activities. He explained that Pennsylvania adopted a thorough and thoughtful approach in which it works with facilities, gives them credit as much as possible for their efforts, but pursues enforcement actions when necessary. The approach is also focused on results using performance based indicators. The State’s philosophy is that an integrated approach to compliance assistance leads to pollution prevention and environmental stewardship.

Mr. Barkanic explained that an integrated approach reflects an evolution in environmental protection from the early days of pollution control to a new understanding of industrial ecology in hopes of achieving more sustainable communities. Recognizing that one size does not fit all when it comes to compliance assistance, Mr. Barkanic described compliance assistance efforts as being

- * Thoughtful and thorough
- * Environmental Assistance Network
- * ENVIROHELP
- * Site Visits
- * Roundtables
- * Workshops
- * Environmental Financial Management

Paul Chalmer, National Center for Manufacturing Sciences

Mr. Chalmer explained that an integrated approach to compliance assistance should include, among other things, convenient access to the full panoply of available resources, including people, reference materials, and tools. Resource providers might include federal, state, or local organizations, as well as institutions in the private sector. Like many other environmental assistance providers, the NCMS compliance assistance centers deal with a steady stream of companies seeking help with a wide variety of situations. Mr. Chalmer thinks that NCMS does a good job of linking clients with the appropriate resource, when it knows about the resource. But NCMS is continually learning of resources that may have been around for a while, but they did not know about, and therefore might have been just the thing to help a person who called six months before. The centers and compliance assistance providers need a way to get comprehensive and up-to-date information on what is out there, beyond what the provider himself can provide, so they can offer the most information to whomever may call for assistance.

Efforts like the Clearinghouse may go a long way toward filling that need. In support of such efforts, Mr. Chalmer gave a demonstration of how such an environmental assistance resource database might function, assuming that the person using the resource might not necessarily be a specialist in environmental matters.

Peggy Bagnoli

Ms. Bagnoli's presentation focused on the evolution of the region's integrated strategy and its attempts to involve the college and university community in its development. Their joint hope is that strategies such as this will result in a more environmentally sustainable college and university community. Through their teaching and practice, these institutions will be creating a legacy of graduates who will make sound environmental decisions in the future.

Breakout Session: Draft Agency Compliance Assistance Plan

EPA hosted two breakout sessions for the FY 01 Compliance Assistance Activity Plan. The comments and questions, were based on the Plan presentation from the Plenary Session on the first day of the Forum. Participants of the session were predominately from state and small business assistance programs.

Clarifications about the Plan

Participants of the session requested a more detailed review of the Plan, its status, and the role of stakeholders in assisting in the development of the Plan. Joanne Berman, EPA OECA, explained that the Plan is a work in progress, and stakeholder input is critical to the success of the Plan. This first Plan is essentially not a planning document but rather an inventory of projected projects for FY 01, because:

- The budget and planning cycle for FY 01 was well underway when the development of the first plan began.
- Many of the Agency's priorities have already been identified for FY 01.
- The Agency needs to establish a baseline of its compliance assistance projects to begin dialogue with external stakeholders for future plans, identify potential partnership opportunities, and avoid potential duplication of compliance assistance efforts.

The Plan includes projects that began prior to FY 01 but will continue into FY 01 and new projects proposed for FY 01. EPA included a broad range of activities in the Plan to determine how far reaching compliance assistance activities are across the Agency. The Agency recognizes that some of the projects listed may not be viewed by everyone as compliance assistance.

The Agency hopes that, in the future, the Plan process will be coordinated with the Agency's budgeting and planning cycle so that input on potential compliance assistance priorities can be incorporated into the budget concerns. The comments the Agency receives from the Forum and the Federal Register Notice about the FY 01 Plan will be shared with the NACEPT Compliance Assistance Advisory Committee to incorporate into their recommendations to the Agency.

Distinguishing Projects in the Plan

A state representative suggested that the tables of activities in the appendices of the Plan distinguish between ongoing projects and new projects. This will help folks keep track of the status of the projects.

A state representative suggested that the Agency develop and institute a process for the public to track the development projects.

Types of Projects included in the Plan

Industry representatives asked why Environmental Management System (EMS) projects were included in the Plan when the Agency does not have a definition of what an EMS is. EMSs are still under investigation and are evolving. Ms. Berman explained that the plan includes EMS

projects to the extent that they are linked to regulations. For example, review of a company's corporate practices would not be included in the Plan.

Public Access to the Plan

Small Business representatives and state representatives requested that the Plan be available both in electronic format and in hard copy, at least in the beginning.

Breakout Session: Factors Used to Target Compliance Assistance Activities

Below are questions that were posed to the participants of this session and their responses.

What factors should be used to identify compliance assistance activities?

- Senior management priority (overriding factor)
- New rules/complex rules
- Regulated community compliance rates
- Ability to affect the compliance rate
- Health risk/environmental impacts
- Size/demographics/community (EJ, tribe)
- Institutional knowledge/feedback from enforcement staff
- Statutory requirements (SBREFA, Agency priority)
- Requests for compliance assistance from regulated community/communities

Where can we find data to support compliance assistance activities?

- Emission data
- Size of universe
- Ambient data
- TRI
- Compliance history information
- Information from states, local governments, community groups, and other agencies
- Enforcement feedback/information from inspectors

How do you prioritize compliance assistance activities?

- Overlap; is someone else doing already providing assistance in that area?
- Risk based; biggest environmental impact
- New rule vs. existing
- Health risk
- Compliance status
- Regulatory status
- Size of universe
- National and Agency goals and priorities
- Regulatory/state and local priorities
- Need and willingness of regulated community

Below is a list of general comments and information needs:

- Need statistically valid compliance rates
- Need categorized universe
- Need to have databases in place to ensure that information that is collected can be accessed, i.e, notifications, certifications, etc.
- Needs to be better coordination with delegated states as well as other stakeholders

- Need to ensure that information is timely
- EPA should partner with other groups who have relevant information

Breakout Session: Marketing Compliance Assistance Activities

Mary Boyer, California Air Resources Board

Ms. Boyer explained that the California Air Resources Board has been in existence since 1986. It is divided into local air pollution control districts. There are a lot of sources of air emissions, but not a lot of entities to enforce. A goal of the organization is to improve industry's knowledge of federal, state, and often more stringent local requirements. Some additional goals include clarifying rule requirements, identifying compliance issues, and promoting compliance. The program includes the integration of assistance, training, and enforcement. The program also translates documents into foreign languages.

The board releases two to three technical manuals and two to three handbooks per year. The focus for the next five to six years will be on EPA Maximum Achievable Control Technology (MACT) standards.

Ms. Boyer has found that mass mailings using Internet mailing lists do not work because Internet lists are not up-to-date. A new training schedule is sent to everyone who has taken a course in the past. They have set up permit assistance centers. They send out an annual survey to ask the users what their needs are. They have given awards in the past, but not recently.

Greg Guyer, P2 Net

Mr. Guyer provided several suggestions for how to get users to visit your Web site. He suggested starting by asking the customer what is valuable to them. You need to provide information, not just through your Web site, but via other methods. Although there are many strengths of the Internet, e.g. open seven days a week and 24 hours a day, updated easily, it can be ineffective if your target audience does not have access to the Internet, if they have a slow modem, or if your site is not updated frequently.

Other ways to market sites include:

- Have site guides and overviews.
- Have a search capability.
- Always direct people to your homepage.
- Include metatags to title your pages the way you want search engines to catalogue your sites.
- Register your site with search engines.
- Use e-mail to draw people to your site and ask user permission to send them messages.

Mr. Guyer stated that most people found the P2Net site via e-mail rather than from a search engine. He also suggested that content sharing-- bring information from other Web sites into your own Web site, where the user feels comfortable--can be a valuable feature.

Mr. Titen's site gets paid for endorsing products/publications. By doing this, you are lending the authority of your center, so make sure the information is reviewed.

Roc Tschirhart, Georgia Institute of Technology

The Georgia Tech Research Institute provides environmental technical assistance to Georgia companies through its Waste Reduction and Environmental Compliance (WREC) Program. The WREC Program has been successful in helping companies for over 15 years. Marketing compliance (and other environmental) technical assistance is a serious challenge because of the sensitive nature of these issues for a business. This is why companies are very concerned about keeping their environmental issues confidential and why companies are reluctant to seek assistance. Some companies are also skeptical of technical assistance because they are not sure how the results of the assistance will impact them, through exposure of problems and financial burdens.

With these barriers in mind, GaTech has used a variety of marketing approaches, and has established policies that provide a model that encourages companies to seek assistance. It reaches out through articles in various publications—chambers newsletters, Ga Environmental Law Newsletter, and trade association newsletters. It drafts the article instead of the publication. In the article, they tell success stories, quantify results, and discuss timely topics. Referrals is another way to reach out and sending out materials when companies renew their business licenses annually can get information to an array of businesses. Mr. Tschierhart also suggested working with OSHA counterparts in the state to identify businesses. Outreach presentations and compliance session usually get people in the door, which can give you the opportunity to talk to them about other issues that they may not have cared enough about to come initially. Morning, lunch, or dinner meetings that last less than two hours are generally more successful. Fear is also a good way to market, for instance use risk of fines, jail, or upcoming deadlines.

Questions and Discussion

- *Should you develop your own site or should you hire someone else to run it?*

Annie Hemeran, RCAP, said that if you have experience, it's easier to do. Those with experience can create a Web site easier and faster.

- *Why do you send state materials outside of the state?*

Ms. Boyer said that they send their materials to other states that use it.

- *Are postcards in manuals returned?*

Fifty to seventy-five percent of postcards are returned because that's the way that people will get updates.

- *Do you charge for manuals?*

Only those that go to industries outside of state.

- *What is the cost of a comic book vs. a Technical manual?*

Have not done cost analysis on this. Handbook only takes 6 months whereas technical manuals take a year. State only has one graphic artist to do the comic books.

- *Do you share materials with Mexico?*

Ms. Boyer responded that yes, they share their materials with Mexico and they also share it with the states. States use a lot of what California already has done. There is no cost to states or Mexico. Comic books are applicable to other states, but not all. California exports a lot.

- *How do you cover other media, other than air, in California?*

Ms. Boyer explained that she is not very familiar with other media, but she does not believe they have done as good a job. Cross pollination doesn't appear to work with publications. Cross media training for inspectors will be coming next year. California books are not in electronic format. Mr. Titens will post automotive-related documents on CCAR-Greenlink. In California noone can make money off their publications.

Attachment List of Participants

Name	Affiliation
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