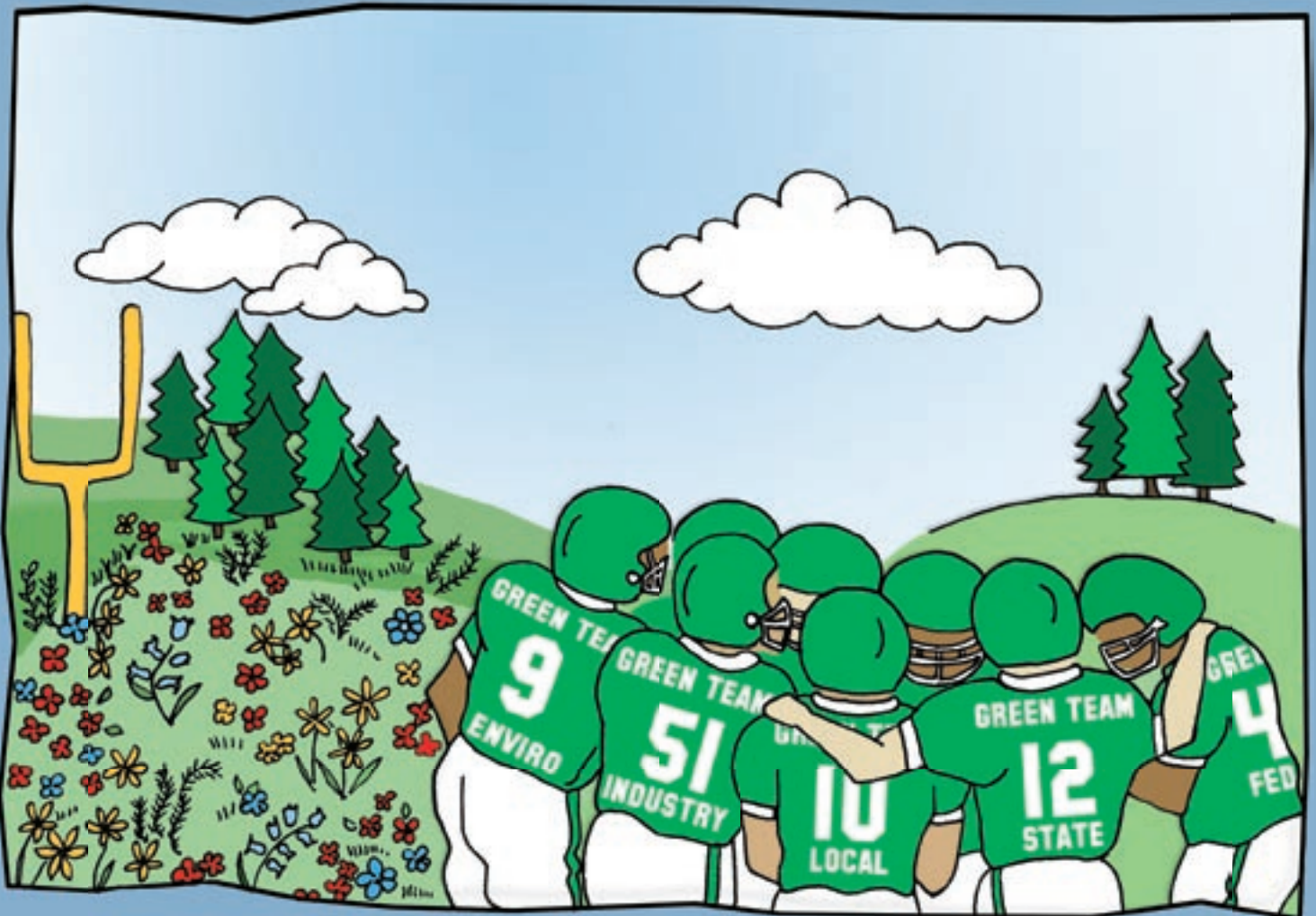


# ECOSTATES

*The Journal of the Environmental Council of the States*

## Teaming to Guard the Environment



*Also in This Issue:*

## Clearing the Air on Clear Skies

# ECOStates

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The Journal of the Environmental Council of the States

Fall 2003

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# President's Corner

Dear Friends:

Most of us in the state environmental regulatory community can attest to the power of partnerships. Reaching out to our co-regulators and to a variety of stakeholders can yield buy-in as well as creative, effective solutions that endure. And in these tough budgetary times, collaboration often helps stretch precious resources to enhance environmental protection.

This issue of *ECOS*States presents just some of the innovative partnering underway at our member agencies. States have accomplished important environmental or process improvements that likely would not have occurred without bridge building. These partnerships pair state environ-



Sheryl Corrigan of Minnesota, Erin Crotty of New York, Ron Hammerschmidt of Kansas, Jane Stahl of Connecticut, and Bob Burnley of Virginia for making the trip to Washington to share this important message. Together with some of their partners, they will make presentations detailing cooperation with state transportation officials on process improvements, with the U.S. Department of Defense on environmental management, and with a variety of stakeholders on ozone and mercury strategies. We will discuss mercury issues in one "town meeting" session and transportation and air issues in another. These are all areas in which the federal government has had a difficult time finding any consensus, yet where states have moved forward to find common solutions to problems.

While this is just the second annual ECOS outreach meeting, anyone who attended the association's Tenth Anniversary Annual Meeting in Salt Lake City in August would not be surprised to hear that states have been making headway while Washington was getting bogged down in disagreement. Listening to the past presidents of ECOS was a lesson in where we were, and how far we have come since the association was formed a decade ago. This is true both for ECOS as an organization, and for the states as environmental regulators. While it may have been coincidental that ECOS was meeting in Salt Lake City when Governor Michael Leavitt was nominated by President Bush to be the next EPA Administrator, it was no coincidence that the first group that Governor Leavitt spoke to after the nomination was ECOS.

I look forward to seeing many of you on November 19, and I hope you find some good ideas to steal in this edition of *ECOS*States.

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States have accomplished important environmental or process improvements that likely would not have occurred without bridge building. These partnerships pair state environmental agencies with federal agencies, local governments, private parties, sister state agencies, and other states.

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mental agencies with federal agencies, local governments, private parties, sister state agencies, and other states.

On November 19, ECOS hosts its second annual "Outside the Beltway" conference in Washington, DC, to highlight this very issue. The meeting brings our colleagues to the nation's capital to meet with Hill staff and other "Washington insiders" to let them know that there is life—and lots of great ideas and innovation—in the rest of the country.

Thanks to Bill Ross of North Carolina,

A handwritten signature in cursive script that reads "Christopher Jones".

Best wishes,  
Christopher Jones  
President, Environmental Council of the States  
Director, Ohio Environmental Protection Agency



# Teaming to Guard the Environment

## ENVIRONMENT, ECONOMY PROFIT FROM PARTNERSHIPS IN ENVIRONMENTAL PROTECTION

BY STEVE MAHFOOD

**I**N THE '90S, a decade of economic prosperity for many states and American households, environmental protection was a priority. For families, jobs were secure and food was plentiful. For local, state, and federal governments, tax revenue to support various programs was more than sufficient. In today's economic climate, jobs are shaky, household budgets are stretched, revenue is dwindling, and environmental protection easily could take a backseat to other issues.

In struggling with this balance, those of us in the environmental protection business are being reminded of what most of us knew, but perhaps had forgotten, in more prosperous times: environmental protection supports economic development. At the federal level, the White House

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In struggling with this balance, those of us in the environmental protection business are being reminded of what most of us knew, but perhaps had forgotten, in more prosperous times: environmental protection supports economic development.

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Office of Management and Budget recently noted that the benefits of many environmental rules seem to outweigh the costs by several times. In Missouri, we believe that environmental protection and economic development can, and should, go hand-in-hand.

### Partnerships Yield Protection in Southwest Missouri

The most tangible example of this valuable lesson in Missouri can be observed in the southwest

corner of our state. This region is driven primarily by its tourism industry. It is home to some of the nation's top fishing and recreational spots, including Table Rock Lake, and to the country's second country music capitol, Branson.



The watersheds, lakes, and rivers in this area are fragile. From an environmental perspective, agencies like the Missouri Department of Natural Resources have remained committed to protecting these bodies of water. From an economic perspective, local citizens have also seen the need to protect and preserve these lakes and rivers, both for their beauty and for the integral role they play in the local economy.

Many successful partnerships have resulted from this shared interest. Several grassroots groups have formed, including the James River Basin Partnership, the Watershed Committee of the Ozarks, Table Rock Water Quality Inc., the Community Partnership of the Ozarks, the Ozarks Chapter of the Sierra Club, and the Upper White River Basin Foundation. They have been the true impetus for the region's water quality efforts.

Volunteer networks also have played an important role in this effort. Southwest Missouri has benefited from local volunteers participating in a statewide network known as Stream Teams. Although the Missouri Department of Conservation and the Missouri Department of Natural Resources provide much of the funding and organization for this program, it would not be

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# Environment, Economy Profit from Partnerships in Environmental Protection

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possible without the commitment of a network of volunteers throughout Missouri.

Cynthia Andre, an avid Stream Team volunteer, began monitoring water quality in Bull Creek in southwest Missouri as part of a small group of only three people that since has grown to a team of between 20 and 30 volunteers.

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By building partnerships between business leaders, elected officials, media outlets, grassroots organizations, citizen volunteers, and the general public, states are better able to gain buy-in on these important efforts, and they develop a sense of shared ownership for their natural resources.

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“A Stream Team is a fun, hands-on way to learn about and protect a stream and a great way to interest others in the welfare of a stream,” Andre says. “The sponsoring agencies give you all the support, knowledge and tools you need to participate at whatever level you prefer, whether you just want to monitor the water quality or you want to become a serious voice for your stream in the state.”

Local business leaders have played an important role in protecting rivers, lakes, and streams in southwest Missouri as well. Locally owned and operated Bass Pro Shops and the Herschend Family Entertainment Corporation, which operates several amusement parks across the country, have provided important leadership, while also setting a high standard for other businesses to follow.

City and county leaders, local health departments, and elected officials also have contributed to these efforts. U.S. Sen. Christopher Bond has lent his support for an effort led by the Watershed Committee of the Ozarks to build a watershed institute in southwest Missouri.

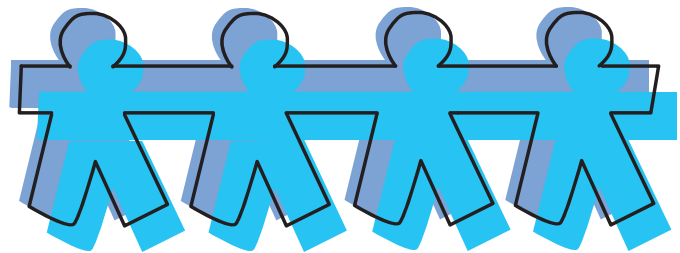
Local media have been critical to this effort

too. The *Springfield News-Leader*, the *Joplin Globe*, and radio and television stations have placed a spotlight on water quality as well as a host of other environmental issues. The *News-Leader* undertook a year-long series, “Partners in Education: Our Environmental Future,” that took an in-depth look at the region’s natural resources and even provided lesson plans to help teachers use this information in the classroom.

Researchers at the University of Missouri-Columbia and Southwest Missouri State University have contributed to efforts to protect and improve the region’s water quality. With funding from the Missouri Department of Natural Resources, these researchers are looking at how Table Rock Lake functions. The information learned from these studies may help reduce pollution on the lake.

Of course, as with so many environmental issues, protecting this region’s water quality doesn’t stop at the state’s boundaries. It also involves cooperative efforts with surrounding states, particularly Arkansas and Oklahoma. States often share rivers and the benefits they can provide. Coordinating interstate efforts is essential to protecting the interests of all those involved.

According to Diana Sheridan, executive di-



rector of the James River Basin Partnership, the success of all these efforts ultimately will rely upon citizens. They can contribute to these efforts by maintaining their septic tanks, thinking twice about what they put down their drains, and giving extra consideration to what they put on their lawns. So much of what grassroots groups and

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# REGULATING SMALL BUSINESS FACILITIES— THE ENVIRONMENTAL RESULTS PROGRAM

BY ROBERT GOLLEDGE, JOHN HUGHES, MICHELLE PRUETT, JAN REITSMA, AND DAVID STRUHS

**F**OR THE PAST several years, the states of Massachusetts, Delaware, Tennessee, Rhode Island, and Florida, as well as several other states, have worked with business sectors to provide compliance assistance that enables facilities to certify their compliance with environmental laws. Massachusetts coined the phrase Environmental Results Program (ERP) to describe this self-certification initiative. This is the second *ECOStates* article on ERP; the first article appeared in the Summer 2001 edition. ERP incorporates inspections and performance measurement to ensure that business' certifications are accurate and that environmental performance has improved.

After six years, the results are in, and the news is—the program works for small businesses. At a recent ERP meeting, George Gardner, Gardner Foreign Auto Parts, Pompano Beach, Florida, explained why: “Small business owner/operators want to do the right thing [environmentally], if we only know how. We need it to be simple and easy to understand. We want to protect our [real estate] investment and protect the environment, too. We have grandchildren who we want to enjoy the same environment as we have. ERP looks good, let's try it.”

The U.S. Environmental Protection Agency (EPA) came to that same conclusion in late 2000. It reviewed nearly 50 innovations it had been working on with states, industry, and communities, and concluded that ERP was one of the best and was ready for diffusion. For the past three years, EPA has been working with states to encourage their adoption of ERP. EPA has sponsored a series of state-to-state meetings to discuss ERP application issues for various business sectors. The agency has created several ERP communication documents and established a partnership with the Massachusetts

Department of Environmental Protection (MA DEP). Several EPA headquarters and regional offices are partnership members.

When it originally created ERP, MA DEP applied this approach to three small-business dominated sectors—dry cleaners, photo processors, and printers. With assistance from trade associations and other interested parties, MA DEP designed ERP workbooks that explain regulatory requirements, alternative pollution prevention approaches, and best management practices in a plain-language, business-orient-



ed way. For facilities desiring a ‘hands-on’ approach, MA DEP held workshops throughout the state so that business owners, operators, and workers could attend and hear about the system.

What makes a self-certification system work is linking it to technical assistance and performance measurement. Inspectors check the state of compliance—the baseline—in randomly se-

*continued on page 6*



# Regulating Small Business Facilities—The Environmental Results Program

*continued from page 5*

lected facilities prior to ERP implementation; then inspectors visit a different set of facilities following ERP implementation, conducting follow-up and enforcement, if necessary, and the results are compared for a statistically valid look at performance improvement.

Over the past three years, 10 states have begun to implement the ERP approach to address environmental concerns across eight business sectors. This article highlights ERP projects in five states that use mandatory or voluntary approaches. Some projects use a voluntary approach to help facilities address a mandatory permitting requirement. ERP projects use various aliases—Green Yards Program, Compliance Certification Pilot Program, Auto Body Certification Project, or Underground Storage Tank Compliance Program. Regardless of the name, the approach is the same—building a sustainable, business-friendly process that is cost effective for both states and businesses, and protects the environment.

## Massachusetts—ERP to STAR

ERP has significantly increased the number of Massachusetts companies operating within

cleaners have prevented more than 22 tons of perchloroethylene from entering the air. Photo processors are now recovering more than 98 percent of the toxic silver they use. And, by making just one solvent substitution, printers have reduced volatile organic compound emissions by 8,000 pounds.

ERP tools—easy-to-read workbooks, annual compliance self-certification, and an industry-specific scoring system to measure environmental performance across whole sectors—have the adaptability, together or in any combination, to address a wide range of environmental and compliance shortcomings across diverse groups of pollution sources. Recently, for example, MA DEP has used ERP tools to improve compliance and spur better environmental performance by gas stations with vapor recovery systems, as well as facilities with small boilers and/or industrial wastewater holding tanks.

The adaptability of ERP tools doesn't end there. MA DEP has seen in the success and versatility of ERP tools the potential for progress even during difficult budget times. Despite resource constraints, existing and emerging environmental challenges across Massachusetts have continued to grow.

It is said that necessity is the mother of invention, and in this case, necessity has led to the need to expand ERP. MA DEP is currently in the process of evaluating more than 20 sectors, representing over 40,000 Massachusetts facilities, for partial or full application of a new approach based on ERP. MA DEP has designed a formal, systematic, and information-driven reconnaissance methodology to better focus limited agency resources on the most pressing environmental problems. MA DEP is conducting its reconnaissance based on five key guiding principles called Strategic Targeting, Assessment, and Response (STAR):

the state's regulatory system, and these companies are achieving results that meet or exceed environmental standards. In some small business groups, before ERP, 80 percent of the companies were "flying under MA DEP's radar screen." Today, 98 percent are actively working with MA DEP to protect the environment. Taken together, their collective actions are delivering huge environmental benefits. Dry

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**"ERP has thrived in Massachusetts because it delivers real results: a cleaner environment, a better business climate, and more efficient government."**

*—MA DEP Commissioner Robert Colledge*

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# Regulating Small Business Facilities—The Environmental Results Program

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- ❖ The most significant environmental priorities and risks should be identified and addressed;
- ❖ Pollution sources and activities that contribute most to those risks should be identified, brought into compliance, and kept there;
- ❖ Pollution sources and activities that contribute less to those risks should be identified so that an appropriate level of oversight can be determined;
- ❖ Compliance should be promoted throughout the regulated community by maintaining an agency presence; and
- ❖ Stakeholders should be involved in this process.

Under this conceptual model, MA DEP is taking a fresh look at the most pressing environmental problems, and the groups of pollution sources and activities that contribute most to those problems. The agency will then

causes and respond strategically to improve the group's performance. MA DEP will look to ERP as a primary means of ensuring that limited state resources are deployed as efficiently as possible and industry performance achieves the desired results.

MA DEP will continue to look for groups in which poor performance contributes to significant environmental problems, and the extent to which ERP can be applied more broadly across the Department as the most efficient means of solving these problems.

During the upcoming year, MA DEP will look at six sectors. Candidates include biotechnology facilities, solid waste transfer stations, small engine and turbine power generators, dental offices, gasoline stations with vapor recovery systems, and photo processors. For each sector, MA DEP will either start or build on previous work to set performance indicators and evaluate and adjust, as needed, its oversight, incentive, and compliance strategies to maximize program results and resource efficiencies.

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*"This type of approach affords an excellent opportunity for a small state with limited resources to reach out to an otherwise unregulated small business sector with a results-based compliance assistance program. It provides the motivation for these small businesses to come into compliance in a non-threatening, supportive manner."*

*—DNREC Secretary John Hughes*

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select key environmental indicators, set clear and measurable performance goals for the identified groups, and evaluate their current performance levels.

If a group's performance meets or exceeds environmental performance goals, MA DEP will consider whether ERP or another streamlined regulatory approach will achieve comparable results. For a group falling short of performance goals, the agency will identify the specific root

## The Delaware Auto Body Self-Certification Program—Regulating an Unregulated Sector

Key to establishing a successful compliance assistance program is recognizing the needs and environmental capabilities among business sectors. With this concept in mind, the Delaware Department of Natural Resources and Environmental Control (DNREC) is implementing an Auto Body Self-Certification Program with assistance from an award through the EPA State Innovation Grant Program.

Traditionally, Delaware auto body shops have not been aware of their environmental requirements. Non-compliance problems for these facilities cross all environmental media—air, water, and waste. Delaware auto body shops

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# WORKING TOGETHER IN WASHINGTON STATE TO STREAMLINE THE TRANSPORTATION PERMITTING PROCESS

BY SCOTT BOETTCHER

## Background—Competing Trends and Competing Realities

**T**HE STATE OF Washington, like many other states across the nation, faces a challenge: not enough resources to cover the services it is asked to provide. When it comes to delivering state transportation projects, Washington's environmental and natural resource agencies are finding it increasingly difficult to keep up with demands for environmental review, permitting, and compliance assistance. There are just not enough resources available to meet the regulatory workload posed by Washington's State Department of Transportation (WSDOT).

This is not a new story. Environmental and natural resource agency budget and FTE trends have historically lagged behind WSDOT project development and project delivery trends. What's new, however, is the fact that these trends have recently taken clear and unmistakably divergent paths.

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Public expectations for new roads, bridges, interchanges, and lane miles is sharply up thanks to Washington's newly enacted five-cent-a-gallon gas tax ("Nickel Tax"). State environmental and natural resource agency budgets are sharply down thanks to a \$2.6 billion state deficit and a sagging national economy.

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Public expectations for new roads, bridges, interchanges, and lane miles is sharply up thanks to Washington's newly enacted five-cent-a-gallon gas tax ("Nickel Tax"). State environmental

and natural resource agency budgets are sharply down thanks to a \$2.6 billion state deficit and a sagging national economy. A fork in the road has been reached.

What to do? How to bring this fork in the



road into convergence, rather than further divergence? How to ensure state standards governing protection of the state's water quality, wetlands, shorelines, fish habitat, and other critical areas are not overrun by the push for more transportation projects? What to do in the face of these competing trends, these competing realities?

## Working Together to Meet Transportation and Environmental Objectives

Over the past several years, the State of Washington has invested considerable time and energy into finding ways to "streamline" the permitting and regulatory process. Calls for more timely and predictable permit decision making, greater decision-making clarity

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# Working Together in Washington State to Streamline the Transportation Permitting Process

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and consistency, and a more helpful and service-oriented regulatory culture have served to fuel this investment (not to say that the state's flagging economy hasn't played a significant role too). The goal behind the state's streamlining investment has been to make the regulatory

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The idea is to co-locate Ecology, DFW, and WSDOT decision-makers as teams into single office facilities around the state, assign each team select sets of priority transportation projects, and achieve timeline, cost, and environmental gains.

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process more timely, predictable, flexible, and outcome-oriented in order to yield operational efficiencies and environmental gains for regulatory agencies and applicants alike. In short, to retool the system to better do more with less.

For the Washington State Department of Ecology (Ecology), the state's primary environmental protection agency, this has meant an agency-wide commitment to a transformation agenda, a new state Office of Regulatory Assistance, and a multi-party transportation permit streamlining process called "TPEAC" (Transportation Permit Efficiency and Accountability Committee). It is through TPEAC that the present trends of "projects up" and "budgets down" have been most clearly illuminated for what they are—problematic and competing! It is also through this process that Ecology and WSDOT (as well as many other parties) have begun working together to figure out how to do more with less.

## Achieving More with Less through Transportation Permit Streamlining

State policy makers have spent considerable time working together to forge innovative, trans-

portation-oriented regulatory decision-making approaches to meet heightened expectations for: (1) continued maintenance of a high quality environmental standard; (2) efficient delivery of an ambitious on-time/in-budget transportation project development program; and (3) demonstration of an across-the-board commitment to governmental cooperation, accountability, and efficiency. Washington's multi-party TPEAC process has, in particular, played a key role in sparking such promising streamlining innovations as multi-agency programmatic approvals, watershed-based alternative mitigation, and one-stop permitting.

Additionally, Ecology, WSDOT, and the Washington State Department of Fish and Wildlife (DFW) have worked to synchronize and align their respective organizational activities in response to the \$4.2 billion in new projects generated by Washington's Nickel Tax. These agencies are committed to working together to align and optimize limited budgetary and FTE resources and find innovative ways to better do more with less.

## MAP Teams

To demonstrate this commitment, Ecology, WSDOT, and DFW have jointly launched a new and promising innovation called Multi-Agency Transportation Permitting Teams (MAP Teams). The idea is to co-locate Ecology, DFW, and WSDOT decision makers as teams into single office facilities around the state, assign each team select sets of priority transportation projects, and achieve timeline, cost, and environmental gains. The expectation on the part of the agencies is that environmental review, mitigation, and permit decision making will be substantially optimized.

Projects assigned to MAP Teams will neither be the most difficult, complex, and controversial,

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# Working Together in Washington State to Streamline the Transportation Permitting Process

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nor the most simple and most routine. Rather, projects will be large and moderately complex where the most meaningful permit decision-making economies of scale can be realized.

The first MAP Team opened in October at Ecology's Northwest Regional Office in Bellevue, WA, little more than four months after officials at Ecology and DFW first pitched the idea to WSDOT. The team is comprised of representatives from Ecology, DFW, WSDOT, and the United States Army Corps of Engineers. Future members of this first MAP Team, as well as future MAP Teams, may include representatives from the United States Fish and Wildlife Service, National Oceanic and Atmospheric Administration Fisheries Service, and applicable local agencies.

## Putting Theory into Practice

While establishing a cross-agency team of seasoned experts to work on select sets of priority transportation projects sounds relatively straightforward, the challenge of actually doing so (in little more than four months) is itself a noteworthy accomplishment. Putting theory into practice—where the need to responsibly and effectively merge the interests of three separate regulatory agencies and one transportation agency into a single new organizational enterprise—is a challenging venture. Some of the many questions and concerns addressed were:

- ❖ Who pays the \$1.5 million price tag estimated to set up and operate the first MAP Team from October 1, 2003 through July 1, 2005?
- ❖ Who reports to whom in a cross-agency team of equals where seasoned experience is the norm?
- ❖ How will the team measure performance?

- ❖ Where will the first MAP Team be housed?
- ❖ What kind of agreements, contracts, charters, and ground rules will the team need?
- ❖ Where can people with the experience needed be found and hired in short order?
- ❖ How will MAP Team members access their respective home IT environments, yet not create unintended IT network security issues?
- ❖ How will MAP Team projects be specifically selected?
- ❖ And many other questions are still to be answered.

While the devil is in the details (and the details are many), the ability to launch an ambitious new initiative like MAP Teams really depends upon having a strong and committed core steering group, as well as a sense of purpose with alluring, intrinsic, and motivating value.

In this case, it was the commitment of all involved to work together as one state to figure out how best to do more with less that served to make the first MAP Team the reality it has become.

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*Scott Boettcher is senior regulatory improvement advisor with the Washington State Department of Ecology. For more information about Washington's MAP Team initiative or, any other effort identified in this article, or to share your transportation-oriented streamlining innovations, please contact him at (360) 407-7564 or [sboe461@ecy.wa.gov](mailto:sboe461@ecy.wa.gov). For further information, visit the following links and websites: Ecology Transformation Agenda ([www.ecy.gov/quality/service/svc\\_index.htm](http://www.ecy.gov/quality/service/svc_index.htm)); Office of Regulatory Assistance ([www.ora.wa.gov](http://www.ora.wa.gov)), and TPEAC ([www.wsdot.wa.gov/environment/streamlineact](http://www.wsdot.wa.gov/environment/streamlineact)).*



# CLEAN AIR MINNESOTA

BY BILL DROESSLER

## Threat and Urgency

**I**N 2001, THE Twin Cities area experienced its first smog alerts in more than 30 years. With Minnesota nearing federal thresholds for ground-level ozone (smog), the topic gained new urgency. If the state were designated as “non-attainment,” a lengthy and costly regulatory process would be triggered. And there

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Clean Air Minnesota is about leaders in innovative government, progressive business pioneers, and engaged citizens collaborating to stay ahead of the regional threat posed by ozone.

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was growing awareness and concern about the environmental and health problems associated with elevated ozone levels.

The economic impact of non-attainment also loomed large. A Minnesota Chamber of Commerce study indicated that the annual economic costs of non-attainment for emission reduction requirements could be between \$189 and \$266 million. This estimate did not include costs for state agencies to design, implement, and enforce a state ozone-control plan.

To address the region’s impending ground-level ozone problem, a dialogue began among the Minnesota Chamber of Commerce, the Minnesota Center for Environmental Advocacy (MCEA), the Minnesota Pollution Control Agency (MPCA), the Minnesota Environmental Initiative (MEI), and other stakeholders. The participants were seeking a cost-effective and environmentally sound program to reduce ground-level ozone, protect public health, and avoid the economic and societal costs of violating air quality standards.

## Clean Air Minnesota Collaboration Emerges

The result of this dialogue was Clean Air Minnesota, a voluntary partnership of businesses,

environmental groups, government agencies, and citizens working together to achieve significant, measurable reductions in air pollution.

Clean Air Minnesota’s approach unites its partners to craft voluntary pollution solutions before Minnesota violates federal air quality standards. Clean Air Minnesota is a program of MEI, a nonprofit that has been creating this kind of proactive and collaborative action for more than 10 years.

The primary goal of Clean Air Minnesota is to achieve measurable air emissions reductions. Education is a second goal of Clean Air Minnesota, and most projects also include this component. Clean Air Minnesota promotes, leverages, and organizes voluntary nitrogen oxide (NO<sub>x</sub>) and volatile organic compound (VOC) reductions by working with key government, business, and environmental stakeholders to design, implement, and record real emissions reductions.

Clean Air Minnesota has project teams focused on communications, point sources, area sources, mobile sources, and clean air landscaping. The project teams are made up of steering committee members, staff, and representatives



of other stakeholder organizations. The project teams develop and review emission reduction projects, implement new projects, and help set reduction goals. Project team members are chosen for their expertise, experience, and ability to leverage the most from the program’s diverse partners.

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## First Successes

In its first eight months, Clean Air Minnesota and its partners have accomplished a great deal, and have established a strong, broad foundation for future success. The Clean Air Minnesota collaboration has:

- ❖ Distributed 1,500 “no leak” gas cans in the Twin Cities area;
- ❖ Organized a lawnmower exchange program, through which individual citizens received discounts on electric lawnmowers in exchange for gasoline-powered ones;
- ❖ Helped pass a city of Minneapolis resolution supporting Clean Air Minnesota’s emissions-reduction efforts and encouraging city staff, citizens, and businesses to follow Clean Air Minnesota’s emission reduction recommendations;
- ❖ Helped pass a similar Hennepin County resolution supporting the County’s participation in Clean Air Minnesota;
- ❖ Begun work with the MPCA to quantify the results of the agency’s internal action plan implementing emission reductions strategies consistent with Clean Air Minnesota’s mission. Clean Air Minnesota will also urge other state agencies to adopt similar action plans;
- ❖ Created an operational audit of the major point source partners for VOC and NOx emissions reductions and plans for employee education on air quality issues;
- ❖ Worked to craft emissions-reduction strategies for business groups involved with the area source project team;
- ❖ Established an electronic communications network for its partners and their employees around the MPCA’s Air Pollution Alert system, adding a likely 20,000 recipients to the system in the next few months.

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It is challenging to be one of the first organizations to join an untried endeavor such as Clean Air Minnesota. Clean Air Minnesota’s steering committee is made up of true leaders who identified a daunting and uncertain predicament and are trying to do something positive about it. Through Clean Air Minnesota, we are identifying, publicizing, and making champions of organizations and individuals that are already voluntarily working to lower emissions related to ground-level ozone.

Clean Air Minnesota’s steering committee is comprised of representatives of the following organizations:

- ❖ Minnesota Chamber of Commerce (co-chair)
- ❖ Minnesota Center for Environmental Advocacy (co-chair)
- ❖ 3M
- ❖ American Lung Association of Minnesota
- ❖ Andersen Corporation
- ❖ Barr Engineering
- ❖ City of Minneapolis
- ❖ Flint Hills Resources
- ❖ Ford Motor Company
- ❖ Hennepin County
- ❖ Izaak Walton League of America—Midwest Office
- ❖ Metropolitan Council
- ❖ Minnesota Department of Health
- ❖ Minnesota Environmental Initiative
- ❖ Minnesota Office of Environmental Assistance
- ❖ Minnesota Pollution Control Agency
- ❖ Minnesota Power
- ❖ Rock-Tenn (Waldorf Corporation)
- ❖ Target Corporation
- ❖ University of Minnesota, Minnesota Technical Assistance Program
- ❖ Xcel Energy

In addition, Clean Air Minnesota receives funding from the Bush Foundation and the United States Environmental Protection Agency Region 5.



# NEW TOOLKIT ADVANCES LEAVITT AND KITZHABER'S ENLIBRA PRINCIPLES

BY LAURA BURCH AND BRAD T. BARBER

**E**NLIBRA IS A shared doctrine for environmental management that suggests moving towards a balance regarding environmental problem solving. The philosophy advocates collaboration over polarization, transcends political boundaries, and rewards innovative environmental solutions for solving environmental impasse.

The development of the Enlibra principles began in 1997 as Utah Governor Mike Leavitt, a Republican, and Oregon Governor John Kitzhaber, a Democrat, initiated discussion and research regarding the principles that underlie successful environmental management.

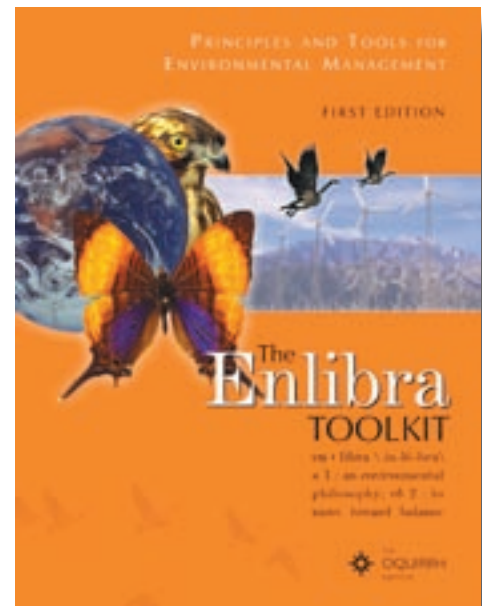
The Enlibra philosophy contains eight principles that bring a more balanced approach to environmental decision making, often times increasing the speed and decreasing the cost of environmental progress. The development of the Enlibra principles began in 1997 as Utah Governor Mike Leavitt, a Republican, and Oregon Governor John Kitzhaber, a Democrat, initiated discussion and research regarding the principles that underlie successful environmental management. Their efforts led to the development of a set of principles that can assist decision makers as they solve complex environmental problems.

The eight Enlibra principles are:

- ❖ **Reward Results, Not Programs**—Move to a performance-based system.
- ❖ **National Standards, Neighborhood Solutions**—Assign responsibilities at the right level.
- ❖ **Solutions Transcend Political Boundaries**—Use appropriate geographic boundaries for environmental problems.
- ❖ **Collaboration, Not Polarization**—Use collaborative processes to break down barriers and find solutions.

- ❖ **Markets before Mandates**—Pursue economic incentives whenever appropriate.
- ❖ **Science for Facts, Process for Priorities**—Separate subjective choices from objective data gathering.
- ❖ **Recognition of Costs and Benefits**—Make sure all decisions affecting infrastructure, development, and environment are fully formed.
- ❖ **Change a Heart, Change a Nation**—Environmental understanding is crucial.

It is important to understand that Enlibra and the eight principles that embody it are not a step-by-step process. Enlibra is a holistic doctrine that can act as a foundation as the complex process of environmental problem solving begins. If each of the individuals involved in a decision-



making process keeps the principles in mind as they work through an issue, a less arduous and often a more timely outcome can be reached. If those participating in the decision-making process can agree that they prefer collaboration to polarization or markets before mandates then a resolution is well within their reach.

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## The Enlibra Toolkit

The Oquirrh Institute, a non-profit public policy organization dedicated to shining early light on emerging public policy dilemmas and establishing innovative solutions to those problems, is further advancing the principles of Enlibra through the creation of the Enlibra Toolkit. The Institute's Center for Environmental management and its nationwide Board of Advisors team is interested in bringing a more balanced approach to environmental problem solving.

The Enlibra Toolkit, which is slated for distribution in late fall, will provide government leaders, businesses, private citizens, and interest groups the tools necessary to solve complex environmental problems. Within the Toolkit each principle will be given its own chapter that will explain the principles in depth and provide the tools necessary to utilize the principle. Each chapter will contain case studies that highlight the principles, lessons learned from the decision-making process, and links to further information on each principle and case study. We at the Oquirrh Institute believe that utilization of the Toolkit will result in better-informed environmental decisions and, ultimately, better environmental decisions. Collectively, citizens in every community will benefit from a more balanced approach to problem solving.

## Collaboration, Not Polarization

Central to the Enlibra philosophy is the importance of collaboration and the need to break down barriers to find solutions. Collaboration lies at the heart of hundreds of successful environmental decisions, and without it progress toward a final decision can be extremely difficult and costly—and perhaps impossible. As interested parties set aside their differences and agree to work towards a collaborative decision-making process, it becomes clear that they are well on their way to successful problem solving.

Engaging interested parties more directly in the decision-making process through collabora-

tive efforts can help them experience a greater sense of ownership in the outcome of the decision and encourage them to assume responsibility for implementing the final decision. Collaboration can also lead to broad public support as individual citizens are able to build working relationships with other decision makers. The effective relationships established between parties can facilitate carrying out decisions in the public realm.

The following success stories, which can be found in the Enlibra Toolkit along with many others, illustrate Enlibra at work and specifically exemplify the principle *Collaboration, Not Polarization*.

## Collaboration Yields Successful Plan for La Cienegas in Arizona

After struggling for six years with traditional planning processes that went nowhere, federal officials decided in 1995 to try a collaborative process to complete the long-term land use planning needed in the Sonoita Valley of Arizona. Although the collaboration would take another eight years, it has proven to be very successful, generating a plan for the valley's natural resources and leading to the establishment of the Las Cienegas National Conservation Area.

A scenic area of open, rolling grasslands, the Sonoita Valley is a high desert basin located in the uppermost watersheds of three streams in southeast Arizona. The valley serves as a wildlife corridor between the Rincon Mountains and the Coronado National Forest about 50 miles southeast of Tucson and includes a large portion of the recharge area for the water basin that supplies the city's drinking water.

In 1988, the Bureau of Land Management (BLM) acquired the Empire Ranch in the valley, creating a need for a resource management plan for the property and adjacent public lands. However, several years of planning failed to gain public support, so the BLM finally decided to convene an open house to discuss the future of



the area. The meeting was designed as a potluck to attract participants. It had no agenda, and much of the time was devoted to sharing ideas, values, interests, and visions. At the end, BLM asked participants if more meetings should be held to discuss the future of Las Cienegas. Their answer was resoundingly positive.

Less than a year later, participants from the original open house and others representing a range of interests and organizations created the Sonoita Valley Planning Partnership. In addition to federal, state, and local agencies, members of the partnership include representatives from hiking clubs, conservation organizations, off-highway vehicle clubs, mountain bike clubs, bird-dog clubs, and grazing and mining interests, as well as residents from throughout southeastern Arizona. A mediator was also brought in to help facilitate the discussions.

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Polarization has been channeled into cooperation, and cooperation is manifesting itself as citizen stewardship. A model has been established for management of public lands that is applicable nationwide.

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After 15 monthly meetings, the community reached consensus on the alternatives for managing Las Cienegas—including the preferred alternative, which was the unanimous choice of the partnership. When a National Conservation Area designation was proposed for the area in 1999, the legislation stated that the management plan must be consistent with the findings developed through the planning process. Many participants later worked to draft and pass the Las Cienegas National Conservation Area Establishment Act, which was signed into law in December 2000.

Since then, the partnership has focused on development of a monitoring program for the Las Cienegas National Conservation Area and Sonoita Valley Acquisition Planning District, an area of 145,000 acres that includes the conservation area.

Collaboration at Las Cienegas has yielded a durable solution and a desirable outcome after years of division and conflict. The greater Tucson community has become an equal partner in the shared stewardship of lands that are essential to its well-being. Polarization has been channeled into cooperation, and cooperation is manifesting itself as citizen stewardship. A model has been established for management of public lands that is applicable nationwide.

### Collaboration Helps Create Wind Farm in Oregon

Residents of the wind-swept hills of north-east Oregon have struggled through years of drought and a sluggish economy. So when the opportunity arose in 2001 to lease a portion of the land to generate energy with giant wind turbines, many were eager to step forward.

One problem: such projects could take years to obtain regulatory approval, and a long delay could threaten the project. Without some form of collaboration, the Klondike Wind Farm, as it is known, might never have been built.

Aware of successful outcomes fostered by the Oregon Solutions program, Sherman County Judge Mike McArthur called then-Governor John Kitzhaber to see if he would initiate a collaborative process for the project. Oregon Solutions is a network of business, nonprofit, and government leaders working together to encourage problem solving at the community level in that state. Kitzhaber, who took a personal interest in the project, agreed.

"The developers were in a hurry because their federal tax credits would expire in a year," says McArthur, who served as the county's representative in the process. "At the county, we wanted them to succeed because we needed the industry. Landowners wanted them to succeed because their income from leases depended on construction. The governor wanted to promote energy projects in rural areas, especially for alternative sources. And [the] Audubon [Society] participated in a



## New Toolkit Advances Leavitt and Kitzhaber's Enlibra Principles

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bird-study subgroup to make sure that the project wouldn't harm migratory birds."

Participants in the process included representatives of 12 local, state, and federal agencies and the governor's office. Private participants included the developer—Northwestern Wind Power—as well as attorneys and specialists in utilities and permitting. The Audubon Society, members of the Warm Springs Tribe, and local farmers and landowners also took part.

Following protocols established by Oregon Solutions, the participants set the ground rules and identified six issues, forming subgroups to address each issue. Based on the discussions, Northwestern Wind Power chose a site and scope of the project that would minimize the harm to the community and the environment. Representatives from several government agen-

cies meeting together reduced the amount of red tape the developer has to cut through.

"We were able to get everyone at the table at the same time, so if one agency asked us a question, other agencies could also hear what we had to say," says Allen Barkley, general manager of Northwestern Wind Power.

Over five months, the group forged an agreement, and Northwest Wind Power obtained a conditional use permit. Within 10 months, the wind farm was conceived, permitted, and built. It became operational in December 2001.

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*Laura Burch is the Oquirrh Institute's project coordinator. Brad T. Barber is the senior fellow with the institute. For more information on Enlibra, please contact them at or [lburch@oquirrhinstitute.org](mailto:lburch@oquirrhinstitute.org) or [bbarber@utah.gov](mailto:bbarber@utah.gov).*

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## Clean Air Minnesota

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### Partnership as Clean Air Minnesota's Core Strength

The commitment and diversity of Clean Air Minnesota's partners are the program's greatest strengths. This also brings high expectations. Clean Air Minnesota is about leaders in innovative government, progressive business pioneers, and engaged citizens collaborating to stay ahead of the regional threat posed by ozone. Now is the time to act boldly, aggressively, and voluntarily to defeat the ozone threat in Minnesota.

The MPCA is serving as a model for other partners. The agency is producing emission reductions and energy and financial savings through improvements in vehicle fleet operations, building maintenance, and employee transit options. In doing so, the agency is

demonstrating its willingness to make the kinds of commitments that Clean Air Minnesota asks of other partners, businesses, and the public.

Clean Air Minnesota and its partners have a tough job. But we only have to look to the ozone problems of other regions for powerful reminders that by addressing our ozone problem early, we are on the correct and judicious path that will save us later from health, environmental, and economic threats.

There is still time to protect Minnesota's fabled quality of life. With the right decisions, Minnesotans can continue to breathe easy, enjoy our vistas, and avoid the bureaucratic and economic haze associated with violating federal standards.

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*Bill Droessler is director of Clean Air Minnesota.*



# SAN JUAN COUNTY EARLY ACTION COMPACT— COLLABORATION ON AN ENVIRONMENTAL CONCERN IN NEW MEXICO

BY MARY UHL

**T**HE NEW MEXICO Environment Department Air Quality Bureau (AQB) collects air quality data throughout the state of New Mexico. In the late 1990s, the AQB started collecting ozone concentration data in San Juan County, in the northwestern corner of

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Surprisingly, as the San Juan County ozone data were analyzed against the new eight-hour federal ozone standards, it became apparent that this rural county was flirting with ozone non-attainment status previously reserved for large urban areas.

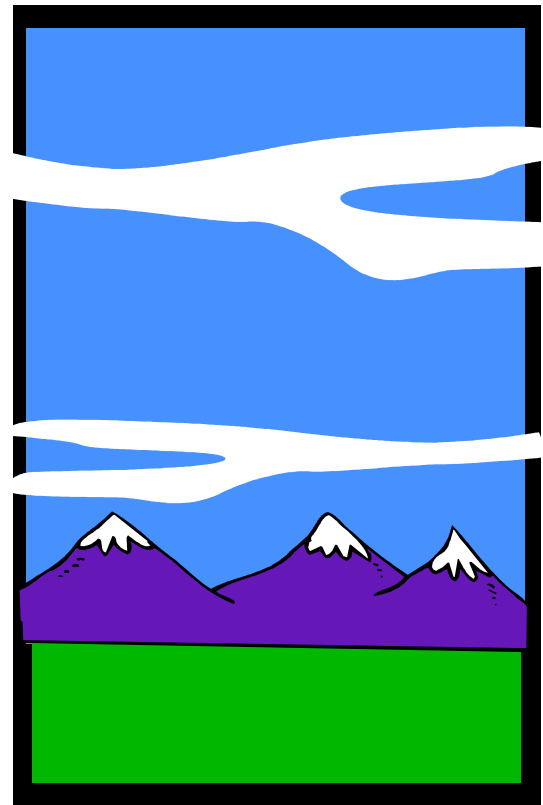
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the state, commonly called the Four Corners region. This county encompasses more than 5,500 square miles including tribal lands. While there are just over 100,000 people living in this rural county, there are two major power plants in the county and over 18,000 oil and gas wells, with 10,000 more wells proposed to be drilled in coming years. Additionally, there are many compressor stations and related facilities that move oil and gas. San Juan County is an active area of oil and gas development in the state, and the cumulative air emissions of nitrogen oxides and volatile organic compounds from these industrial facilities are large.

The AQB started collecting ozone data for use in dispersion modeling of new oil and gas compressor stations in San Juan County. It was assumed that the ozone concentrations measured would be low; after all, this is a rural area. Ozone data can be used to more accurately compute the chemical transformation of the oxides of nitrogen emitted by facilities into ground level nitrogen dioxide for comparison to state and federal standards. Surprisingly, as the San Juan County ozone data were analyzed against the new eight-hour federal ozone standards, it became apparent that this rural county

was flirting with ozone non-attainment status previously reserved for large urban areas.

During the spring of 2002, the AQB held a public information meeting attended by industry officials, local and county government representatives, and concerned citizens. The AQB provided information about the monitored data and the amount of emissions from various industrial sectors and mobile sources in the county. It wasn't apparent what could be done to reduce ozone or even what was causing the ozone impacts. Industry representatives were justifiably cautious; concerned citizens were pressing for action in light of recent oil and gas field expansion plans.



There was no funding available to the area or the state to conduct the complex analysis of the causes and potential solutions to ozone pollution in San Juan County.

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# San Juan County Early Action Compact—Collaboration on an Environmental Concern in New Mexico

*continued from page 17*

## State Approaches Ozone Issue Collaboratively

In the fall of 2002, the AQB convened a “task force” of stakeholders in San Juan County to look at what could or should be done about ozone. The task force includes city and county officials, state and tribal officials, oil and gas industry representatives, representatives of both power plants, environmental group representatives, concerned citizens, federal land managers, U.S. EPA regional representatives, and represen-

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All of the stakeholders will benefit from this progressive collaborative effort to analyze the causes and potential solutions to elevated ozone in San Juan County.

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tatives of local, county, and state health agencies. The first task force meeting was a resounding success, as over 60 people attended the meeting and approximately 25 people were “conferenced in” by phone to participate in the discussions. A smaller “steering committee” was appointed to represent the caucuses within the task force. At the first steering committee meeting, the AQB provided information about a new U.S. EPA program that could assist the area in organizing a plan of action, the Early Action Compact. The steering committee almost overwhelmingly supported the pursuit of the Early Action Compact for San Juan County. The one dissenting vote came from one of the power plant representatives, who thought that it was too soon to take action. Despite the dissenting vote, the steering committee directed the AQB to attempt to develop a compact for the area.

The Early Action Compact program was developed by the U.S. EPA to allow areas in danger of non-attainment designation to begin early work to reduce ozone. In exchange for early action, areas were afforded flexibility in determining local solutions to ozone pollution and a delay in designation in order to see

results from the local solutions. The deadline for Early Action Compact enactment was December 31, 2002.

The compact was typically signed by the metropolitan planning organization for the area, the state environment agency, and U.S. EPA. In the case of San Juan County, there was no metropolitan planning organization. Within the county, there are essentially three population centers: Farmington, a city with a population of almost 40,000, and Aztec and Bloomfield, two towns with a combined population of about 12,000. With no overarching government to coordinate a compact in the region, each city and the county would have to sign off on the compact. The task of coordinating the compact seemed daunting.

In early December, The AQB quickly made the rounds at city council meetings and county commission meetings providing information about the Early Action Compact and its implications. In the face of the tight deadline to complete the compact, the task force members provided support to the AQB by attending the meetings and advocating for the compact, but it was unclear whether any one entity would sign without indication of other entities signing. Task force members, the AQB, and city/county leaders lobbied the councils and commissions for the compact. In mid-December, it became apparent that all three local governments and the county would sign the compact. The Early Action Compact was signed by the New Mexico Environment Department; U.S. EPA; the cities of Aztec, Bloomfield, and Farmington; and San Juan County on December 20, 2002.

## Joint Compact Propels Stakeholders toward Solutions

Since the signing of the compact, the AQB and the task force have worked collaboratively to obtain funding for further air quality analysis in San Juan County. Funding from the U.S. EPA and the New Mexico legislature is supporting

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# ECOS LOCAL GOVERNMENT OUTREACH PROJECT— BUILDING BRIDGES WITH LOCAL COMMUNITIES

BY NATALIE ROY AND MICHAEL J. KIEFER

## A History of Involvement with Locals

**E** COS HAS A long history of involvement in bringing local communities and state governments together on environmental issues. Back in October 1994, the organization passed a resolution entitled, “On the Relationship between EPA, Tribes, States, and Local Governments.”

This seminal resolution included the following recommendations and findings: (1) EPA should improve environmental protection through increased flexibility for state and local governments, (2) special consideration must be extended to small communities, (3) increased flexibility and technical

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It was a watershed event for ECOS, bringing together officials from small communities with state environmental commissioners and directors to discuss environmental challenges and brainstorm about policy applications as well as technical assistance tools.

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assistance must be provided to small municipalities, and (4) EPA should involve state and local governments in the rule-making process at an earlier point. The resolution also stated that EPA should establish procedures of flexible, locality-specific, prioritized environmental compliance plans that contain meaningful environmental indicators. Furthermore, it said state and local governments should be permitted to establish priorities for the solution of environmental problems.

In 1999, ECOS sponsored a conference in Austin, TX, on the particular problems faced by small towns. Attendees heard from several speakers and shared experiences about common environmental concerns. It was a water-

shed event for ECOS, bringing together officials from small communities with state environmental commissioners and directors to discuss environmental challenges and brainstorm about policy applications as well as technical assistance tools.

Subsequently, ECOS created the ECOS–Local Government Forum, which met during the ECOS Spring and Annual Meetings. The purpose of the forum was to build a bridge between local and state governments, improve lines of communication, and provide a venue for a robust exchange of ideas and dialogue. The chairs of the group initially were Fritz Schwindt of North Dakota and Bill Anderson of Minneapolis. Nebraska Department of Environmental Quality Director Mike Linder took over as chair from Schwindt in 2000.

## Federal Actions Encourage Local Involvement

Over this same period of time, several events transpired at the federal level to encourage local government involvement. On August 4, 1999, President Bill Clinton issued an Executive Order 13132 on federalism. The order outlined the Administration’s approach to the division between the federal government and the states. During the ensuing months, EPA completed a guidance document explaining how agency programs should develop regulatory policy when there are federalism implications, i.e., substantial direct effects on states and local governments.

On February 26, 2001, President George W. Bush announced the creation of an Interagency Working Group on federalism to: (1) identify initiatives that promote principles of federalism, (2) draft a new executive order on federalism, (3) consult with states and local officials on is-

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# ECOS Local Government Outreach Project—Building Bridges with Local Communities

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sues pertaining to federalism, and (4) report to the President recommendations for promoting federalism principles.

One of the problems identified during these developments was the need to establish a system for engaging small governments in policy development and rule making. Executive Order 13132 also directs the federal government agencies to link with national associations who represent state and local officials. These organizations reach all levels of government and often explain costs and impact in the aggregate, but cannot articulate the unique circumstances of small, regulated entities. In September 1999, the Small Community Advisory Subcommittee of EPA's Local Government Advisory Committee recommended, "EPA should increase direct involvement of small communities in the regulatory process."

## ECOS Partners with EPA on Ambitious Project

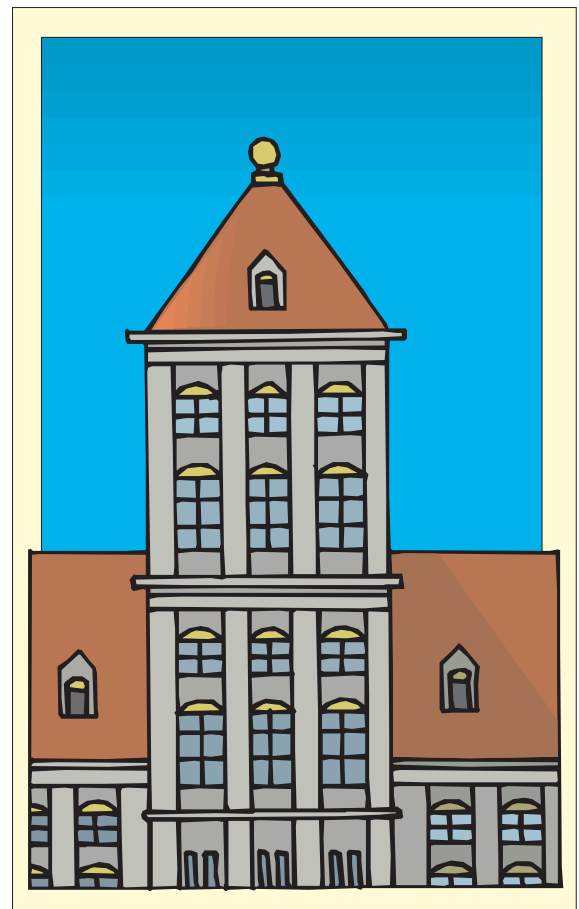
To build on the foundation of ECOS' local government work, and to help foster early and effective consultation by EPA with elected and appointed local officials, the two organizations forged a partnership.

In 2001, ECOS joined forces with EPA's Office of Policy, Economics, and Innovation to launch an ambitious local government partnership project. This unique effort entailed identifying key local government partners to participate more closely in EPA's federal regulatory process. In addition to identifying staff from small communities, ECOS was involved during the course of this project with:

- ❖ Exploring ways to improve communication between the local, state, and federal officials on environmental concerns;
- ❖ Gathering recommendations on how to institutionalize a more inclusive process

for local governments in the federal and state regulatory process; and

- ❖ Examining what tools and technical assistance approaches are necessary to help ensure better federal, state, and local government interaction on environmental regulatory issues.



As part of this outreach effort, ECOS held a special interactive workshop for 35 local government representatives, state officials, and federal agency staff members at the August 2003 ECOS Annual Meeting in Salt Lake City, Utah. The purpose of the workshop was to brainstorm ways to form stronger links between local communities and state environmental agencies on issues of common concern.

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# ECOS Local Government Outreach Project—Building Bridges with Local Communities

continued from page 20

ECOS also established an electronic discussion list server entitled the ECOS-Local Government Connection in order to improve communication among federal, state, and local government elected and appointed officials, as well as other interested stakeholders. It is an interactive tool designed to encourage dialogue on federal environmental regulatory issues that impact small communities.

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In order to better utilize the local government network, ECOS created an informal ECOS–Local Government Advisory Council, comprised of members from major local government associations including the International City/County Management Association, National Association of Counties, and National Association of Towns and Townships.

## An Action Agenda for Future Work

An action agenda to create stronger working relationships grew out of this project, including a list of detailed recommendations for ECOS and its federal and local partners. These key recommendations include:

- ❖ Distribute information to local governments about environmental initiatives (plans, regulations, and issues);
- ❖ Conduct briefings within states for local government representatives (elected and staff) to discuss emerging and ongoing issues;
- ❖ Proactively engage in dialogue with state environmental commissioners;

- ❖ Local governments and EPA should work together to re-tool LGAC (and associated efforts) to improve the process of engaging locals both in terms of ensuring appropriate representation and affecting the outcome of environmental protection activities;
- ❖ Establish opportunities for local governments to engage in the development of environmental protection strategies and plans. Some examples include:
  - a. EPA and states are currently aligning processes for developing strategic goals, strategies, and performance partnership agreements. Local governments can contribute to this process. As EPA and states establish their realignment approaches, they should consider how to engage local governments early and effectively; and
  - b. ECOS can act as a facilitator to help states open a dialogue with their local jurisdictions on plan development. Workshops for state commissioners can focus on identifying local government roles in similar ways to efforts that address federal and state roles.
- ❖ Establish help-desks for local governments; and
- ❖ Proactively engage with local governments “in trouble.”

ECOS is excited about the prospect of working with EPA and local communities to implement the project’s recommendations. The complete recommendations are included in the final report. If you are interested in receiving a copy of the report, please e-mail Michael Kiefer at [mkiefer@sso.org](mailto:mkiefer@sso.org).

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*Natalie Roy is the deputy executive director of ECOS. Michael J. Kiefer is the research associate for ECOS.*



# ENVIRONMENTAL EXCELLENCE THROUGH REGIONAL COLLABORATION—VIRGINIA REGIONAL ENVIRONMENTAL MANAGEMENT SYSTEMS INITIATIVE

BY HARRY E. GREGORI

**T**HE VIRGINIA DEPARTMENT of Environmental Quality (DEQ) has embarked upon an innovative pilot program with two contiguous local governments and the Defense Logistics Agency (DLA) to coordinate environmental management system development and implementation. The first

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Parrish expects that the partnership will be watched closely within the Department of Defense and that it may be replicated across the country as all installations undertake their EMS work to meet the requirements of federal Executive Order 13148.

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program of its kind in the nation, the Virginia Regional Environmental Management System (V-REMS) joins all levels of government to jointly promote environmental stewardship across the region.

In addition to the Virginia DEQ, parties to the collaboration include the City of Richmond, the County of Chesterfield, and the DLA's Defense Supply Center Richmond (DSCR). The program is sponsored by the U.S. Department of Defense and the White House Council on Environmental Quality.

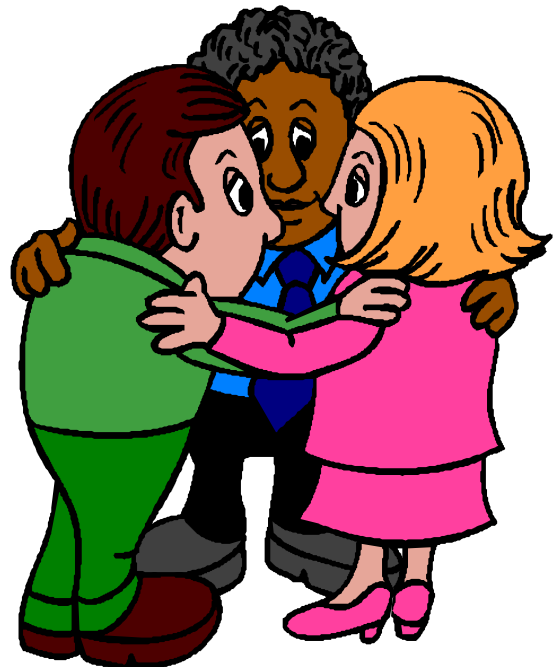
The program focuses on public sector organizations in the Richmond, Virginia area. With an environmental management system (EMS) in place, program partners can identify and successfully manage their environmental responsibilities, including pollution prevention, and prevent new environmental risks. Working together, these organizations significantly strengthen their lines of communication with each other and with their stakeholders.

Partners also identify stakeholder priority issues such as water and air quality, natural re-

source impacts, encroachment, and growth. A key issue that has highlighted the importance of citizen awareness, communication, and cooperation between the facility and the community is the ongoing evaluation of the presence of Trichloroethylene (TCE) in the groundwater. The Citizen Restoration Advisory Board (RAB) has been instrumental in communicating with the localities and providing suggestions with respect to investigations and remediation in other areas of concern at DSCR.

## EMS Coordination Yields Multiple Benefits

By sharing EMS best practices and lessons learned throughout the program, public sector organizations and community stakeholders will



strengthen relationships and encourage interactive dialogue. The program will also establish and measure objectives and targets consistent

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# Environmental Excellence through Regional Collaboration— Virginia Regional Environmental Management Systems Initiative

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with stakeholder and organizational priorities. In addition, program partners will share tools, materials, and keys to success in their EMS implementation efforts. Opportunities to identify solutions to environmental problems using pollution prevention techniques and tools are significantly increased as a result of the initiative.

Some of the expected benefits identified for the initiative include:

- ❖ Improving communication channels between federal, state, county, and local governments;
- ❖ Establishing EMS mentoring opportunities;
- ❖ Developing strong public sector partnerships in Virginia;
- ❖ Increasing stakeholder confidence in the public sector's environmental stewardship;
- ❖ Producing a replicable program model for other federal facilities around the country;
- ❖ Compiling information and data to be shared; and
- ❖ Increasing the effectiveness of pollution prevention strategies.

Much credit goes to Jimmy Parrish in the Environmental Office of the DSCR, who is spearheading the effort. Parrish expects that the partnership will be watched closely within the Department of Defense and that it may be replicated across the country as all installations undertake their EMS work to meet the requirements of federal Executive Order 13148. This Executive Order directs, among other things, that each federal agency implement formal EMSs of their own design or based on the principles of the International Organization for Standardization (ISO) 14001 system.

The initial program is slated for completion by November, and the DSCR has committed to financially support ongoing collaboration for the next two years.

## Additional Support for the Project

The Global Environment & Technology Foundation of Annandale, Virginia, provided contractor support for the initial effort and will continue to provide guidance, facilitation, training, and coaching to DSCR and its targeted communities.

Additional EMS training and technical assistance is provided through a program facilitated by the Center for Organizational and Technological Advancement (COTA) at Virginia Tech in Roanoke, Virginia. COTA is one of eight designated Local Resource Centers for the National Public Entity EMS Resource Center—known as the PEER Center—and promotes EMS competence and encourages government-to-government sharing and mentoring.

The PEER Center serves as a one-stop shop for EMS information and resources for public organizations. Local, county, and state governments that are developing and implementing an EMS find the PEER Center useful and can share their knowledge and field experience with others. The PEER Center is composed of a virtual information clearinghouse ([www.peercenter.net](http://www.peercenter.net)) and eight local resource centers, and provides key resources, tools, and materials for EMS development and implementation. In addition to service providers, organizational contacts, EMS mentors, and sample documentation, the PEER Center also offers state EMS information.

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*Harry E. Gregori, Jr. is assistant to the director of the Virginia Department of Environmental Quality.*



# Clearing the Air on Clear Skies

## A CALL FOR CONGRESSIONAL ACTION ON CLEAR SKIES

BY RALPH MARQUEZ

**I** RECENTLY JOINED commissioners from five other states in sending a letter to the leadership of the U.S. House and Senate indicating our support for immediate passage of three-pollutant legislation, as embodied in President Bush's Clear Skies legislation. Although several articles have appeared in recent months which indicate that all states oppose this bill, those of us who signed this letter do not believe that this is an accurate representation of where we stand on that topic.

While I believe that there are several im-

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While I believe that there are several important outstanding issues that require further discussion and negotiation, we feel strongly that congressional inaction is completely unacceptable.

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portant outstanding issues that require further discussion and negotiation, we feel strongly that congressional inaction is completely unacceptable. The letter we sent was put forth for the purpose of urging Congress to begin an honest debate on this issue and to highlight the importance of this legislation to the states.

### The Rationale for Clear Skies

Here is an explanation of the reasons for my perspective on this important topic:

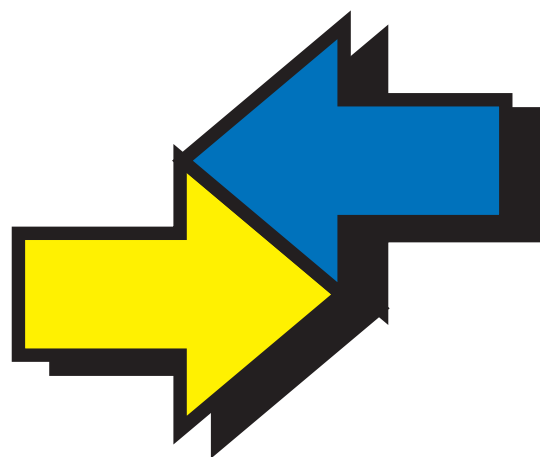
1. Evaluations currently underway appear to indicate that the impact of transport, from both near and far, is much greater on the eight-hour ozone standard than it

is for the one-hour standard.

2. A national policy to reduce power plants' nitrogen oxide (NO<sub>x</sub>) emissions is a more effective, economical, and practical approach than each state issuing state-specific requirements for their own power plants, and filing Section 126 letters to require other states to reduce theirs. Even if every state issued rules that required NO<sub>x</sub> emission reductions similar to Clear Skies, it would be

almost impossible for each state to incorporate other states' reductions into their SIP (State Implementation Plan) process. In contrast, a national mandate could be easily incorporated into SIPs and be more readily approved by EPA.

Further, action on NO<sub>x</sub> power plant emission reductions cannot be delayed because the eight-hour ozone National



Ambient Air Quality Standard deadlines would otherwise require states to obtain

*continued on page 26*



# CLEAR SKIES A CLOUDY PLAN

BY KATHLEEN A. MCGINTY

**I**N THE UPCOMING months, Congress will debate the best way to clean America's air. Polluted air damages our health, ruins the scenic beauty of our country, and hinders our economic growth. Metropolitan areas that do not meet federal standards for clean air face restrictions that make it harder for industries to compete.

One approach before Congress is the Bush Administration's Clear Skies initiative, which aims to reduce mercury, nitrogen oxide, and sulfur dioxide pollution from coal-burning power plants. The plan, according to the administration, would cut air pollution by 70 percent. In reality, the air pollution plan would weaken current limits under the Clean Air Act.



reduced emissions of harmful air pollutants—not just in the Northeast, but nationwide.

Prime examples of these effective programs are the Ozone Transport Commission Nitrogen Oxide Budget Program, the National Low-Emission Vehicle Program, and the Ozone Transport State Implementation Plan (SIP) Call to reduce nitrogen oxide (NO<sub>x</sub>) emissions. All of these efforts yielded large reductions in ozone-producing pollution and greatly benefited the health and living conditions of residents in our state and region. Pennsylvania alone has eliminated more than 42,000 tons of NO<sub>x</sub> per ozone season, resulting in a 75 percent reduction from 1990 baseline emission levels. The state is ahead of schedule in implementing the cap-and-trade program for NO<sub>x</sub>, moving forward even as neighboring states sought delays.

All of these efforts demonstrate that strong multi-pollutant programs requiring major reductions in emissions can protect Americans from respiratory and cardiovascular diseases. They also demonstrate that these gains can

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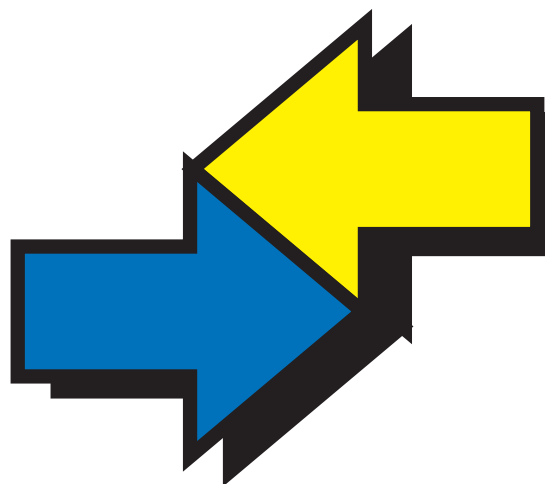
The plan, according to the administration, would cut air pollution by 70 percent. In reality, the air pollution plan would weaken current limits under the Clean Air Act.

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Unveiled in February 2002, Clear Skies remains stalled in Congress. That means Americans can breathe easier for now. But Congress needs to find a better way to reduce pollution, protect public health, and still allow economic growth. Clear Skies is not the answer.

## Pennsylvania's Track Record on Air Quality

During the past decade, Pennsylvania has worked cooperatively with northeastern states to develop and implement additional air quality control measures. That productive collaborative effort continues today, as this regional approach has enabled us to develop cost-effective and market-based programs that have greatly



be realized at costs drastically below conventional, command-and-control approaches. In

*continued on page 27*



reductions from in-state sources (including small businesses) at a greater expense.

3. Without federal legislation mandating a market-based cap-and-trade approach to reduce emissions of sulfur dioxide (SO<sub>2</sub>) and NO<sub>x</sub> from electric power plants, many counties and states will not be able to meet attainment of ozone and fine particle national ambient air quality standards by the

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The Clear Skies approach may not be perfect, but without such an approach, a large burden will fall on individual states to address the federal standards.

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mandated attainment dates. In addition to this, the legal deadline to implement a mercury Maximum Achievable Control Technology standard may require mercury reductions on a different timeline than for NO<sub>x</sub>, which further underscores the need for early action.

A combined strategy to remove mercury, NO<sub>x</sub>, and SO<sub>2</sub> at the same time makes sense, reduces the cost of compliance, and brings more certainty to the regulatory process. If the states alone are responsible for meeting these standards, we may be forced to implement difficult and costly emission control requirements for small businesses that could pose significant economic and political challenges.

4. A market-based cap-and-trade approach to reducing emissions should provide substantial cost savings for consumers, while eliminating cumbersome command-and-control regulatory processes and litigation. We are mindful of the success of the 1990 Clean Air Act's cap-and-trade

program for acid rain that dramatically reduced SO<sub>2</sub> emissions at only one-third the cost of a traditional command-and-control approach.

The cap-and-trade approach makes economic sense, but there is a need to ensure that reasonable, minimum reductions are made in all regions. While I am very supportive of the cap-and-trade for SO<sub>2</sub>, the regional impact of NO<sub>x</sub> is different and should be taken into account in designing a cap-and-trade program. Also, the current SO<sub>2</sub> reduction program under Title IV of the federal Clean Air Act (Acid Rain) is primarily implemented by the federal government, and the states do not have to issue regulations. In contrast, NO<sub>x</sub> reductions for the purpose of reducing ozone are a state responsibility.

## In Conclusion

With these thoughts in mind, I believe that the Clear Skies legislation can help solve these challenging air quality issues. As we all know, it is also important that Congress recognize the unique and different air quality problems facing eastern and western states. The Clear Skies legislation recognizes regional variations, and where those differences exist, different emission reduction strategies are applied.

The Clear Skies approach may not be perfect, but without such an approach, a large burden will fall on individual states to address the federal standards.

I hope that we can work together not only as ECOS members but also with Congress on the Clear Skies initiative to help resolve our differences and make clean air a reality for everyone.

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*Ralph Marquez is commissioner of the Texas Commission on Environmental Quality.*



short, the benefits of ambitious but smart environmental protections vastly outweigh the costs. Pennsylvania and other northeast states will continue to build on these efforts to ensure cleaner air.

### Clear Skies Undermines State Progress

But under the Clear Skies initiative, we head in the wrong direction.

The Bush plan deprives states of key regula-

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The Bush plan deprives states of key regulatory tools they need to attain health-based air quality standards.

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tory tools they need to attain health-based air quality standards. For example, states could no longer require that new power plants offset their emissions in non-attainment areas or prevent air quality deterioration in clean areas. States still will be responsible for attainment, but their options for addressing this very important source sector will be severely constrained.

Make no mistake—Clear Skies is no favor to the economy. Instead, it imposes very real costs on the economy and further tilts the playing field against those who have invested to improve America's productivity and efficiency, while passing up a key opportunity to push the nation to the forefront in the development of advanced energy technologies and encourage the move toward greater energy independence. That puts states like Pennsylvania and other states at a competitive disadvantage. Our aggressive approaches to improve air quality and generate sustained economic growth are undermined by the Bush administration's failure to hold upwind sources responsible for their contribution. It doesn't have to be that way.

Pennsylvania has launched some major en-

ergy initiatives to build a clean, indigenous, diversified energy industry in the state. The initiatives are rooted in the idea that environmental problems are economic opportunities in disguise.

For example, manure management is a challenge on farms. Water quality suffers from manure runoff. However, biodigesters can turn that potential pollution into a clean energy source. The output from Pennsylvania's hogs and dairy cows can produce 631,000 megawatt-hours of electricity. That's enough to power 86,000 homes or reduce the need for 384,459 barrels of oil, which would fill up more than a half-million average-sized cars with gasoline—roughly the number of all passenger cars registered in Philadelphia. All of this adds another dimension to farming and offers a tremendous economic boost to agricultural communities. At the same time, air and water quality improve.

Deployment of these materials as energy sources is an economic and environmental win for Pennsylvania. Still, other opportunities abound. Pennsylvania already is the leader on the East Coast of the United States in wind energy production. Wind farms in the state produce 35 megawatts of electricity—enough to power about 10,000 homes—with more than 100 megawatts coming on line within the next year.

Backed by a \$5 million energy initiative to encourage clean and renewable energy projects, we are beginning to see real and measurable impacts on pollution reduction, environmental quality, and energy generation. Pennsylvania also has doubled the state's commitment to "green" power. The state has set out to meet 10 percent of its energy needs with energy sources such as biomass, wind, solar, small-scale hydroelectric, landfill methane, coal-bed methane, and waste coal, all of which offer tremendous



# Perspectives

## ENVIRONMENTAL INDICATORS—CAR DASHBOARD OR JETLINER CONTROL PANEL?

BY JOHN L. STEIN

**L**ATE LAST YEAR, James L. Connaughton, Chairman of the White House Council on Environmental Quality (CEQ), developed a relatively little noticed memorandum that was distributed to a who's who of the Administration including Secretary Colin Powell, Secretary Donald Rumsfeld, Secretary Gale Norton, Secretary Donald Evans and other members of the President's cabinet. The issue: not Iraq, not climate change, not even new source review. The subject of the memorandum was Environmental Indicators Policy Coordination—an interesting issue for a CEQ-led effort to address. Following the issuance of the memorandum, a series of

nized the previous administration and its efforts on Sustainable Development (SD), the states' efforts around indicators, and the Global Environmental Management Initiative's SD Planner™ ([www.gemi.org](http://www.gemi.org)). Mr. Connaughton's white paper represents some serious effort and thought.

Mr. Connaughton, as a disciple of the Environmental Management System (EMS) movement, understands EMSs and the International Organization for Standardization (ISO) system very well, and it could be expected that he would approach the subject in this thoughtful way. Many businesses start with an EMS at the plant level and then roll it up to the division level, and then to a corporate level. There are lots of indicators at the plant level that are critical to the EMS which sometimes do not mean as

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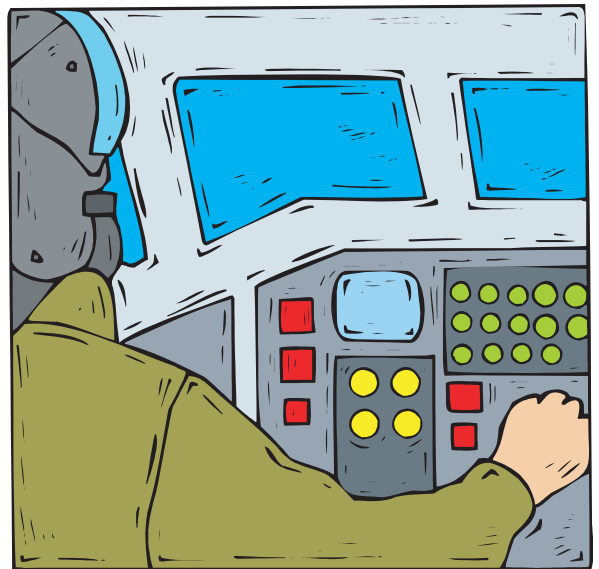
I believe that at the national level it's critical that we focus on the forest, and leave the trees to the states and programs.

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meetings and discussions have been convened to address how the federal government will execute the objectives identified in the memorandum. Recognizing the uniqueness of this memorandum, I would like to offer some of my thoughts and perspectives that might be considered by those who will be moving this governmental indicators project forward.

The first paragraph in the memorandum outlines the goals and target of the government-wide effort. "The value of indicators for measuring performance, demonstrating accountability, and assuring that key policy objectives are being met is well recognized. Good indicators also provide useful information for public discussion about national goals and priorities and the effectiveness of policies and programs."

My initial reaction is that CEQ has tried to cover this subject thoroughly. They have recog-



much when rolled up to the corporate level. So certainly, there will be indicators at the state and program (air, water, waste) levels which are very important, but at the national level these just blur the picture.

*continued on page 29*



# Environmental Indicators—Car Dashboard or Jetliner Control Panel?

continued from page 28

## Leave the Details to the States

I believe that at the national level it's critical that we focus on the forest, and leave the trees to the states and programs. Consequently, I would suggest that the national indicators effort not dwell too much on the quality/quantity of data being collected by various government agencies. Those issues may be important to the running of the clean water or clean air programs, but at the federal level they may not help much. For instance, there are a lot of data around ground-level ozone readings, days or hours of violation, and the like. At the national level this just gen-

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You may have six or seven things, at a maximum, that you can safely monitor and address. The car's engineers could make your dashboard look like a 767, but would that make you a better driver? You can't make everything a priority.

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erates a lot of maps showing which places are out of compliance (surprise: they are all in the West and South where it is hot in the summer). I would suggest that at the national level we think more about health impacts—cases of asthma avoided, percentage of time the general populace is breathing healthful air, and so on. Similarly for water, the concerns should be about the health and numbers of aquatic life (fish), safety of beaches and lakes, incidence of waterborne illnesses like giardia—and *not* on dissolved oxygen levels, phosphorus levels, numbers of publicly operated treatment works cited for permit violations, and the like. As we move up the information pyramid, the information should be more general and clearly understood by the population as to its “real-world” implications. There are key former and present state environmental leaders such as Robert Shinn, the former head of the New Jersey DEP, who understood this differentiation early on.

We have all decried for the last 10 years or more that the legislative mandates of the vari-

ous environmental laws have sometimes caused our government to focus on the less important things. Former U.S. EPA Administrator William Reilly talked about this often by urging that carefully and correctly chosen indicators will help us focus on the things that really make a difference.

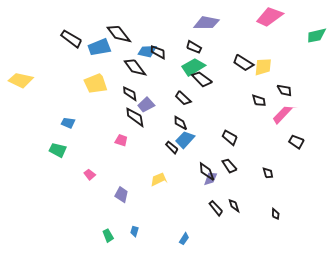
While being sensitive to specific situations, do we as a nation really care if a couple treatment plants on the Mississippi miss their National Pollutant Discharge Elimination System (NPDES) limits when the Gulf of Mexico “dead zone” is driven by causes much greater than those permit violations? Shouldn't indicators be telling us if our efforts are being channeled in the right direction and the resources expended are delivering value? Will simply rolling up massive amounts of local and regional data really help us meet the challenges facing our environment?

Therefore, I would recommend that as key policy leaders continue their work on the effort led by Mr. Connaughton and his team, that less is more when dealing with indicators. Anheuser-Busch's annual report has no more than eight environmental indicators and even fewer for safety. Think of a car's dashboard. You may have six or seven things, at a maximum, that you can safely monitor and address. The car's engineers could make your dashboard look like a 767, but would that make you a better driver? You can't make everything a priority. The challenge is to find the most important and zero in on those, and leave the rest to be addressed in the future. If we have 78 national environmental indicators, I do not think that will be a big help to our nation in reaching its environmental objectives in a way that also makes sense for our economy.

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*John L. Stein is the former director of strategic environmental initiatives at Anheuser-Busch, Inc. He is currently the chair of the Global Environmental Management Initiative (GEMI). More information about GEMI is available at [www.gemi.org](http://www.gemi.org).*





# 2003 ECOS Annual Meeting— Tenth Anniversary



## Assembled ECOS members and state representatives.

*(Front row, l to r) Kurt Schuparra of California, Renee Cipriano of Illinois, Marilyn Elliott of Alabama, Bradley Campbell of New Jersey, Stephanie Timmermeyer of West Virginia, Barbara Sexton of Pennsylvania, Marcus Devine of Arkansas, Richard Eskin of Maryland, Dawn Gallagher of Maine, Arleen O'Donnell of Massachusetts*

*(Second row, l to r) Doralyn Kirkland of Georgia, Robert King of South Carolina, Steven Pimer of South Dakota, Jan Sensibaugh of Montana, Scott Hassett of Wisconsin, Lewis Shaw of South Carolina, Stephen Owens of Arizona, Betsy Child of Tennessee, Karen Stachowski of Tennessee, Ronald Hammerschmidt of Kansas, Robert Huston of Texas, John Corra of Wyoming, Ralph Marquez of Texas*

*(Third row, l to r) Thomas Fitzsimmons of Washington, Sheryl Corrigan of Minnesota, Robert Zimmerman of Delaware, Robert Scott of New Hampshire, Lori Kaplan of Indiana, Steven Thompson of Oklahoma, Stephanie Hallock of Oregon, David Paylor of Virginia, William Sinclair of Utah, Jon Sandoval of Idaho*

*(Back row, l to r) William Ross of North Carolina, Scott Totten of Missouri, David Glatt of North Dakota, Phil Bass of Mississippi, Frank Ruswick of Michigan, Christopher Jones of Ohio, Dianne Nielson of Utah, Nicholas DiPasquale of Pennsylvania, Robert Bruce Hammatt of Louisiana*



## Ten former and current ECOS presidents reunite to mark the association's tenth anniversary. (Harold Reheis and Dennis Hemmer were unable to attend.)

*(Front row, l to r) Founders Award recipients Robert Shinn, Mary Gade, and Kathy Prosser, along with George Meyer*

*(Middle row, l to r) Robert Varney, Tom Looby, Alumni Award recipient Robert E. Roberts*

*(Back row, l to r) Lewis Shaw, Ronald Hammerschmidt, Christopher Jones*



# Salt Lake City, Utah August 10–12, 2003



The landscape outside  
Salt Lake City.



Utah host Leah Ann Lamb.



ECOS' tenth  
birthday  
cake.



Nancy Sutley and Kurt Schuparra  
of California.



Dawn Gallagher of Maine with Cross-Media Committee Co-chairs  
Arleen O'Donnell of Massachusetts and David Paylor of Virginia (l to r).



## More photos from the 2003 ECOS Annual Meeting



Jane Stahl of Connecticut  
at the Air Committee  
meeting.



ECOS President Christopher Jones of Ohio with  
then-Utah Governor and U.S. EPA Administrator Designee  
Michael Leavitt and Dianne Nielson of Utah (l to r).



The view from the top of a steep  
Olympic ski jump.



Ski jumps at the Utah Olympic Village  
in Park City, site of an impressive  
demonstration for ECOS meeting  
attendees.



# State Spotlight

## Steven A. Thompson

Executive Director, Oklahoma Department of Environmental Quality; Vice President, ECOS

**Year Began in Post:** 2002

**Reports to:** 13-member Environmental Quality Board

**Annual Budget:** Approximately \$42.4 million

**Number of Full-time Employees:** 525

**Roots of Interest in the Environment:** Steve was asked to supervise the initial group dedicated to natural resource protection at the Oklahoma Department of Agriculture. Since that time, he has found the work to be “varied and always challenging.”

**Education:** A 1970 graduate of the University of Oklahoma, Steve earned a degree in business administration.

**Bio:** Prior to his appointment as executive director of the DEQ in July 2002, Steve served for nine years as deputy executive director. During his tenure at the department, he has been active in several national efforts, including ECOS, and has chaired or served on committees associated with the Common Sense Initiative, National Data Standards for Enforcement and Compliance, Information



Management Workgroup, and National Environmental Performance Partnership System. Previously, Steve held the positions of director of the Oklahoma Department of Pollution Control and assistant secretary of the environment. He entered public

service in 1985, when he became section supervisor of the Oklahoma Department of Agriculture’s Natural Resources Section. Before that, he held management positions at Westinghouse Corporation and Calumet Industries, Inc. He resides with his wife Linda on their family farm near El Reno, Oklahoma. Their daughter, Cydni, son-in-law, Brantley, and grandson, Sayer, live in Helena, Oklahoma.

**Priorities:** Steve cites as the top environmental issues for his state: cleanup of the Tar Creek Superfund Site, phosphorous loading in scenic rivers, ozone non-attainment, total maximum daily

loads, and monitoring for new drinking water requirements.

**Goals through ECOS:** “My hope is to help establish a relationship with our federal partners that is respectful of our collective capabilities and resources,” Steve says. “Additionally, I would hope to encourage the continued sharing (stealing) of good ideas among commissioners.”

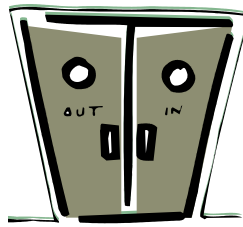
## Annual Meeting Resolutions

Resolutions adopted August 12 by the ECOS membership at the 2003 Annual Meeting in Salt Lake City, Utah, are available online at [www.ecos.org](http://www.ecos.org).

They include: The Need for a National Mercury Reduction Strategy as an Option for Atmospheric Mercury Total Daily Maximum Daily Loads (03-7), Honoring Governor Christine Todd Whitman and Linda Fisher (03-8), Department of Defense Formerly Utilized Defense Site Program (03-9), Concerning Regional Environmental Enforcement Associations (03-10), and Support of the Interstate Technology and Regulatory Council (03-11).



# Transitions



**Tom Fitzsimmons** has departed the Washington Department of Ecology (Ecology) to become chief of staff to Washington Governor Gary Locke. Tom had been Ecology director since 1997 and served within ECOS as Planning Committee chair.

"I chose Tom for this job because he is a great leader, a great team player, and a great guy," Locke says. "Tom's leadership will be essential in the months ahead. We are heading into an extremely busy stretch. This is crunch time. We want to get as much accomplished as possible in the coming fifteen months."



As Ecology director, Tom spearheaded reforms to the state's water management laws as well as regulations on shoreline management, water quality, and toxic cleanup. He also is credited by the governor for streamlining permit and grant processes without lowering environmental standards.

"Being the director of Ecology has been both the greatest challenge and the most rewarding work of my life," Tom says. "I am going to miss it very much, but I also look forward to serving the governor in this new capacity and helping him finish his very important agenda."

**Linda Hoffman**, who joined Ecology as deputy director in 2001, succeeds Tom as director on an interim basis. She has more than 25 years' experience in local government in the state, including positions in planning, policy development, and environmental and executive management. Most of these were spent working for Thurston



County government, first as director of environmental and water quality programs, then as assistant chief administrative officer, and finally as chief administrative officer—managing a \$277 million budget, overseeing about 1,100 employees, and supervising 13 appointed department directors.

At Ecology, she has managed agency operations and provided oversight and supervision of the agency's ten environmental programs. Along with Tom, Linda has spearheaded efforts to improve the speed and clarity of the department's permit processes while maintaining environmental standards.

Linda holds a Bachelor's degree in economics from Wellesley College and a Master's of city and regional planning from the University of Pennsylvania.

Also departing the ECOS ranks is **Bob Huston**, whose term on the Texas Commission on Environmental Quality (TCEQ) has expired. Bob was appointed chairman of the commission (previously TNRCC) in 1999, and former colleague **Kathleen Hartnett White** commends him for his "outstanding service" since that time. Within ECOS, he served most recently as vice president. He also was active in ECOS Planning Committee activities and hosted the 2002 ECOS Annual Meeting in San Antonio. Although Bob has no definite plans, he says that he will no doubt "pop up somewhere."



Texas Governor Rick Perry has appointed **Larry R. Soward** to serve as TCEQ commissioner and designated Commissioner White as the chair of the commission. **Ralph Marquez**, a familiar face at ECOS, continues on as a commissioner as well.

*continued on page 35*



Kathleen Hartnett White, who was appointed by Perry to the commission in 2001, is co-owner of White Herefords and partner with her husband in a 115-year-old ranching operation in Jeff Davis and Presidio counties. She also serves on the boards of Texas Water Foundation and Texas Natural Resource Foundation. She previously served on the Texas Water Development Board, the Texas Strategic Economic Development Planning Commission, and the Texas Wildlife Association.

Kathleen is also a writer and consultant on environmental laws and natural resource policy. She is the former director of private lands and the environment for the National Cattlemen's Association, and she served as executive director of the Ranching Heritage Association. She earned Bachelor's and Master's degrees from Stanford University.

Larry Soward recently served as an execu-

utive assistant to Lt. Gov. David Dewhurst, where he oversaw the administration, research, budget, constituent correspondence, and intergovernmental affairs divisions of the office. Before joining the lieutenant governor's staff, Larry was the deputy land commissioner at the General Land Office managing the agency's operations. He also oversaw the operations of the Veterans' Land Board, the School Land Board, and the Coastal Coordination Council.

From 1992 until 1998, Larry worked for Perry at the Texas Department of Agriculture, where he served as special counsel and associate deputy commissioner before being promoted to deputy commissioner. He has also served at the Public Utility Commission and the Texas Water Commission. Soward received a Bachelor's degree from the University of Texas at Austin and a law degree from the University of Texas School of Law.

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## Clear Skies a Cloudy Plan

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*continued from page 27*

environmental benefits while improving energy security in Pennsylvania.

Despite the fact that energy issues are at the forefront across the nation, Clear Skies ignores ideas to promote new energy technologies and encourage new markets that will help the state realize dividends in environmental protection, economic growth, and energy security.

In fact, the Bush administration continues to roll back long-standing environmental policies, ignoring significant improvements to air quality over the last 30 years and disregarding recent White House studies that show the benefits of clean air protections in improved health and worker productivity far surpass the costs of control measures.

In a report issued in early October, the Office of Management and Budget said an examination of 107 major rules finalized over the last

10 years found benefits between \$146 billion and \$230 billion, compared with costs of \$36 billion to \$42 billion. Four clean air rules administered by EPA accounted for a big chunk of the benefits, producing annual productivity and health benefits of between \$101 billion and \$119 billion, compared with costs of only \$8 billion to \$8.8 billion.

Despite the clear advantages of quality environmental protections, there is no evidence that the Bush administration will reverse the course it set over the last three years in weakening federal regulations. Policies like the Clear Skies initiative are a blow to an already struggling economy. It's a cloudy plan that, in the end, will lead to more pollution, poorer air quality, and dirtier skies.

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*Kathleen A. McGinty is secretary of the Pennsylvania Department of Environmental Protection.*



## San Juan County Early Action Compact—Collaboration on an Environmental Concern in New Mexico

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*continued from page 18*

several projects over the next two years. These include additional temporary ozone monitoring sites throughout the county, including monitors on tribal lands; development of an enhanced emissions inventory for current and future air pollution emissions; development of a complex modeled meteorological wind field for computer modeling of ozone formation; a dispersion modeling analysis of current and future ozone concentrations; and an educational program to provide information about ozone pollution to elementary school students in the county. All of these projects will provide assistance to the county in understanding and, if necessary, taking the necessary steps to reduce ozone pollution in the region. The AQB

will continue to meet with the local and county officials and the task force to provide scientific data for local decisionmaking.

This collaboration of state, local, industry, environmental groups, and local residents holds a common goal of completing an analysis of what is causing elevated ozone in the county and what can be done about it. All of the stakeholders will benefit from this progressive collaborative effort to analyze the causes and potential solutions to elevated ozone in San Juan County.

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*Mary Uhl is the Planning and Policy Section manager of the New Mexico Environment Department's Air Quality Bureau.*

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## Environment, Economy Profit from Partnerships in Environmental Protection

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*continued from page 4*

government agencies do is simply education—spreading the word that the daily decisions each household makes do make a difference.

“The James River Basin Partnership believes that in order to positively impact the effects of non-point pollution, all individuals must contribute to the effort,” Sheridan says. “We strive to do this through voluntary-based programs—what citizens can do individually at their farms, businesses, and homes to improve water quality.”

### The Benefits of Collaboration

In lean times like these, partnership-driven economic protection provides two important benefits. First, as many government agencies face scarce resources, they are finding that they must turn to the public for assistance in continuing their work. An agency that can no longer afford to send its staff to the far corners of a state, for example, can support local volunteers who now do much of this work in their own communities.

“Communication and stakeholder involvement are keys to successful projects,” Sheridan says. “The community leaders need to feel connected to the issues.”

Secondly, as many households are increasingly focused on the economic challenges our states are facing, it is easy to let environmental priorities be placed on the backburner. However, by building partnerships between business leaders, elected officials, media outlets, grassroots organizations, citizen volunteers, and the general public, states are better able to gain buy-in on these important efforts, and they develop a sense of shared ownership for their natural resources. In turn, this shared ownership leads to better decisions and stronger teams at many levels that provide an increasing level of protection and stewardship for our natural resources.

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*Steve Mahfood is the director of the Missouri Department of Natural Resources.*



# Regulating Small Business Facilities—The Environmental Results Program

*continued from page 7*

are primarily small businesses that do not have the resources to research and understand complex environmental regulations. It is estimated that there are approximately 300 auto body shops statewide.

The Delaware Certification Program will encourage auto body shops to go beyond compliance. The intended outcome—compliance assurance, pollution prevention, and environmental protection—will be achieved through an education and self-audit process. By using the self-assessment checklist and workbook, facilities/shops will ultimately certify compliance with environmental regulations. This approach should ease the transition of a sector predominantly uneducated with respect to regulations to one aware of its environmental requirements and regulation by DNREC.

The Certification Program will help Delaware auto body shops understand their future permitting requirements. The intent is to change the culture of the permitting process from an overly burdensome, disruptive, or punitive regulatory process to one that is less burdensome and user friendly. To further ensure regulatory compliance, DNREC is developing a source category general state permit for its auto body sector.

The Certification Program is voluntary. Several incentives are being investigated to encourage participation. Examples of these incentives include penalty mitigation, a reduced inspection rate, a reduced permit fee, and a recognition program for those shops that participate.

The Certification Program is being developed in three phases over a two-year period. The program started in March 2003, and the state expects to complete it in early 2005. Delaware is modeling its Certification Program after similar ERP projects in Massachusetts, Rhode Island, Maryland, Florida, and the

District of Columbia. DNREC has been networking with these states to share concepts and information.

## Tennessee—Regulating UST Owner/Operators

The Tennessee Division of Underground Storage Tanks (TDUST) is one of many agencies that compose the Tennessee Department of Environment and Conservation (TDEC). Serious budget issues and poor regulatory understanding on the part of the underground storage tank owner/operators have led the department to look for ways to improve the effectiveness of its programs. TDUST started working with EPA in June 2002 to adapt ERP for use in the underground storage tank sector.

By collecting and statistically analyzing data gathered with ERP tools, TDUST will be able to measure and monitor its efforts on a yearly basis as well as utilize this data to focus its resources where they are needed most. Data will be collected from self-audit inspections as well as on-site inspections. This data can then be analyzed to determine whether efforts are improving the compliance of tank owners and operators, as well as monitor changes in compliance across the state. Another benefit of ERP is the education component. The UST ERP workbook will educate owner/operators about their regulatory requirements in plain language and better familiarize them with their facilities during self-audit inspections. These mandatory self-audit inspections will reinforce their personal responsibility by making the owner/operators understand and be accountable for the compliance status of their facilities.

Since starting this initiative, TDUST has identified environmental business practice indicators, completed self-audit inspection questions, and developed red flags that will indicate

*continued on page 38*



# Regulating Small Business Facilities—The Environmental Results Program

*continued from page 37*

when there may be a problem with an UST facility. TDUST is taking steps to automate ERP data entry functions and create a database that will help analyze this data. This initiative will not only allow the ERP tools to provide better quality standardized data and analysis but will also create an exchange format that can easily be shared with the EPA and other state agencies. TDUST is slated to host the first ERP UST Workshop on November 14, 2003.

In general, TDEC believes ERP will strengthen its UST program to address current issues, such as inadequate data collection and lack of regulatory understanding by Tennessee UST owner/operators. The educational component of ERP, when reinforced by annual self-certification inspections, should significantly increase UST owner/operator environmental awareness and responsibility, while improving compliance assurance statewide. The combination of these efforts, likewise, should reduce the risk and cost of future UST environmental cleanups in Tennessee.

## Rhode Island ERP Multi-sector Applications

In 2002, the Rhode Island Department of Environmental Management (RIDEM) launched two ERP projects, one for auto body shops and the other for underground storage tank (UST) owner/operators.

After several years of in-house development, the Rhode Island Auto Body Certification Program was started in late 2002 as a voluntary initiative affecting nearly 400 facilities. The project was designed to improve compliance with environmental and occupational health standards in a previously under-regulated small business industry sector with significant environmental impacts.

The Rhode Island Certification Program

is the first regulatory and assistance partnership involving state environmental and health departments, a state university, and a vocational training institution. The program leverages scarce resources, reaches a substantially higher segment of the regulated sector, and requires relatively less effort by the regulated community than traditional permitting and enforcement programs.

To date, the program has produced some significant results. More than 50 percent of the targeted facilities returned their certification forms. Several companies acknowledged multiple compliance violations. Initial evaluation of these results suggests that 285 violations at 165 facilities were identified and are being addressed.

There are numerous examples of compliance improvements being taken by Rhode Island auto body shops under this program: facility modifications to improve vehicle wash water management, purchase and use of solvent recyclers; contingency procedures/emergency plan development; purchase and use of technologies that prevent the release of (and reduce worker exposures to) metal-bearing sanding dust; worker environmental/health and safety training; and elimination of the use of EPA and Occupational Safety and Health Administration regulated carcinogen methylene chloride (as a paint stripper).

Rhode Island launched its UST Compliance Program in the fall of 2002. Approximately 750 facilities will be regulated under this program.

Stakeholder participation is an important part of an ERP. As a first step in the development process, RIDEM established an UST Stakeholder Committee to help guide the process. A draft workbook and accompanying checklist is now being tested by a subgroup of the stakeholder committee.

The UST Compliance Program will be mul-

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timedia. In addition to Resource Conservation and Recovery Act (RCRA) UST requirements, the program will incorporate Stage I and Stage II vapor recovery regulatory requirements. A longer-term goal is to include other multimedia components for waste oil management; hazardous waste management, storm water best

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**“The multimedia approach provides a win/win for the facility and the department by gaining significant efficiencies and reduced costs for both. The facility saves by having all regulatory requirements in one easy-to-read document, and the department saves by reducing media inspections to one multimedia review.”**

*—RIDEM Director Jan Reitsma*

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management practices, and waste tire recycling requirements.

## Florida—Compliance Certification for Small Business

The Florida Department of Environmental Protection (FDEP) has launched two compliance certification programs over the past several years. Both certification programs are focusing on business sectors that have historically low compliance rates.

Almost 50 percent of the Conditionally Exempt Small Quantity Hazardous Waste Generators in Florida are in the auto repair sector. Since these 12,000 facilities are inspected less frequently than larger hazardous waste generators, this sector was ideal for piloting a compliance certification program.

In 2001, DEP initiated the Compliance Certification Pilot Program (CCPP) for auto repair facilities in the 35 northern counties of the state to establish a compliance “baseline” for this sector. The CCPP includes about 2,000 facilities.

An initial pre-pilot inspection of about 170 randomly selected facilities was conducted in 2002 to determine a baseline performance measure for the pilot. About 80 percent of these inspected facilities were found to be out of compliance. The majority of the violations were a result of failure to comply with RCRA administrative requirements.

Workbooks and compliance certification packages identifying key environmental requirements were developed and distributed to all facilities within the pilot program area. Twenty-one evening workshops were held from Pensacola to Jacksonville between January and March 2003. The Florida Chamber of Commerce was enlisted to assist FDEP in providing detailed technical assistance to auto repair facilities in the workshops.

A number of important electronic tools were developed to augment eventual statewide expansion of the compliance certification: an on-line certification submission portal; Oracle tables and forms for data entry, retrieval, and analysis; and an automated mailing system for bulk mail.

As the pilot program concludes, post-certification inspections are being conducted on a randomly selected group of 170 auto repair facilities. The results will be compared to the baseline pre-certification inspections to determine the effectiveness of the CCPP. When the analysis is completed later this year, decisions will be made on further rollout of the compliance certification program for auto repair facilities, auto salvage yards, and other similar regulated sectors.

Historically, Florida salvage yards have proven to be one of most difficult business sectors to bring into compliance. In a five-year period (1996–2001), FDEP inspectors in the Central Florida area found that less than 10 percent of the auto salvage yards inspected were in compliance. With limited inspection resources, a new approach was required to improve salvage yard compliance rates.

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# Regulating Small Business Facilities—The Environmental Results Program

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Green Yards is the new approach. It is a voluntary program that provides salvage yards with an environmental training workshop, a user-friendly workbook, and multimedia self-certification modules.

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**“Compliance certification is a proven method of improving compliance and environmental protection. We are bringing those benefits to Florida’s citizens and to Florida’s environment.”**  
—FDEP Secretary David Struhs

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After a facility’s completion and review of all the modules, FDEP inspectors conduct an on-site verification before certifying the facility as a Green Yard.

With the full cooperation and assistance of the Florida Auto Dismantlers and Recyclers Association, the Green Yards Program was piloted in Orange County (Orlando) beginning in the summer of 2002. More than 80 percent of the county salvage yards signed a letter of intent to participate. Yards that chose not to participate will be inspected as part of the routine compliance inspection procedure for the FDEP District Office.

## Improving Compliance Assurance a Common Goal among Co-regulators

ERP offers a very promising approach toward providing more effective compliance assurance. ERP is a data-rich innovation that can take advantage of some existing state environmental activities, as well as address troubling environmental problems, specifically those problems that affect small business sectors. Many states have technical or compliance assistance programs but may be uncertain about how well they are working. Likewise, many states promote the adoption of pollution prevention techniques and best management practices but are unsure if they are being used.

ERP gives states the tools to improve compliance assurance and to determine whether the tools have worked (and whether facilities’ certifications are accurate) through inspection and statistical measurement. An ERP investment can save resources—for example, MA DEP found that fewer staff were required to maintain the program once start-up activities were completed. Further, once an ERP investment is made within a state program, such as Massachusetts and Rhode Island, it is easier to replicate this approach in other business sectors within the state.

As a growing number of states adapt ERP to address their most pressing problems, states can learn more quickly from one another—using already developed ERP materials to launch their own ERP project for that sector and providing each other with the benefit of their ERP experience. The cost savings and environmental benefits of ERP continue to be documented. With more state-to-state collaboration, along with EPA Headquarters and Regional office support, the appeal of this innovation as an effective means for improving environmental performance should become more widespread.

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*Robert Golledge is commissioner of the Massachusetts Department of Environmental Protection; John Hughes is secretary of the Delaware Department of Natural Resources and Environmental Control; Michelle Pruett is ERP coordinator at the Tennessee Department of Environment and Conservation; Jan Reitsma is director of the Rhode Island Department of Environmental Management; and David Struhs is secretary of the Florida Department of Environmental Protection. The authors wish to thank Gregory Ondich and Patricia Mott, U.S. EPA; Steven DeGabriele, MA DEP; Kim Finch, DNREC; Ron Gagnon, RIDEM; and Michael Redig, FDEP, for their assistance in the preparation of this article.*



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