

PUTTING ENVIRONMENTAL QUALITY ON THE **PERFORMANCE TRACK**

Modeled after EPA's National Environmental Performance Track, Arizona's Performance Track program offers benefits to local businesses with excellent environmental practices.

by Steve Owens

In 2003, shortly after the Napolitano Administration took office, the Arizona Department of Environmental Quality (ADEQ) previewed our desire to develop a program to promote sound environmental management through recognition and regulatory flexibility. We have received a tremendous amount of valuable input from the regulated community since then, and in

March of this year, we officially launched the Arizona Environmental Performance Track project.

Simply put, the Arizona Environmental Performance Track encourages and rewards businesses that are good environmental stewards. A voluntary partnership between ADEQ,

Maricopa, Pima, and Pinal Counties and environmentally responsible businesses, the Arizona Environmental Performance Track is designed to encourage companies to go above and beyond the minimum requirements of the law in their business practices.

The result will be a better regulatory environment for participating businesses and a cleaner and healthier environment for our children, families, employees, and neighbors.

ROLE MODELS

The Arizona Environmental Performance Track is based on the federal Environmental Protection Agency's National Environmental Performance Track, which started in June 2000 and includes more than 350 companies in 46 states and Puerto Rico. Five Arizona companies are current members of EPA's version of Performance Track: the Grand Canyon National Park, Honeywell, Motorola, Xanterra Parks & Resorts at Grand Canyon National Park and Xanterra South Rim, and Verkamps, Inc.

Our program was also shaped with significant input from the Arizona Environmental Strategic Alliance, which includes several of Arizona's major corporations and other members of the regulated community.

While we learned and borrowed from others, in the end we have created a program that is right for Arizona.

LOOKING FOR A FEW GOOD COMPANIES

What do we mean when we talk about good environmental stewardship? To earn membership in Arizona Environmental Performance Track, a company must have a good record of environmental compliance. Among other things, this includes no criminal violations in the previous five years, no significant civil violations in the past three years, and no ongoing federal, state, or county initiated environmental litigation against the company owning the facility.

The company also must have adopted and implemented an Environmental Management System (EMS) that has undergone an independent assessment. At a minimum the EMS must include:

A COMMITMENT TO ENVIRONMENTAL PROTECTION
This commits the company to compliance with legal requirements



Steve Owens, Director
Arizona Department of Environmental Quality

and voluntary commitments, including an effective pollution prevention program.

PLANNING.

The EMS must identify significant environmental aspects and legal requirements of company facilities and programs to achieve the objectives, targets, and commitments in the EMS.

IMPLEMENTATION AND OPERATION.

The EMS must identify a top management representative with authority and responsibility for the EMS, and include environmental training programs for all employees, operation and maintenance programs, and an emergency preparedness program.

CHECKING AND CORRECTIVE ACTION.

The EMS must include an established compliance audit program and an EMS audit program, including a program for making corrective actions.

COMMUNITY OUTREACH.

The EMS should include procedures for identifying and responding to community concerns and informing the community of important matters that affect it.

Finally, members must make a demonstrable commitment to using products or services that have a reduced effect on human health and the environment when compared with competing products or services.

MEMBER BENEFITS

Companies participating in the Arizona Performance Track program will receive benefits in recognition of their commitment to environmental protection. Among the incentives for participation:

REDUCED INSPECTION FREQUENCY.

The frequency of routine (i.e., non-complaint based) inspections will be reduced for Performance Track members, and they will also receive advance notice of on-site, non-complaint based inspections on a case-by-case basis. Members will be able to conduct self-inspections using department-approved inspection checklists.

NOTIFICATION AND ENFORCEMENT.

If ADEQ must issue an NOC (Notice of Opportunity to Correct), NOV (Notice of Violation), administrative order, or civil complaint, members will receive a courtesy telephone call at least 24 hours before such notices are issued.

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More companies are deciding to take progressive steps beyond compliance and implement environmental management systems or join ADEQ's new Performance Track Program. Because pollution prevention provides multi-faceted benefits to companies, it now is found in many programs. If you are implementing an EMS, want to join the ADEQ Performance Track Program, or want to take fuller advantage of pollution prevention principles, this seminar is for you. Please join us for this information packed event!

Want to be a SPONSOR?

To sponsor this event or for information contact:

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OWENS: PERFORMANCE TRACK

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PERMITS, REPORTING AND INSPECTION.

ADEQ also will consider flexible and consolidated permit requirements, to allow for unified expiration and renewal dates. We will also make best efforts to conduct multi-media inspections (including coordination with other state, local, and federal agencies) if a member requests.

MEETINGS AND PILOT PROJECTS.

ADEQ will host regular meetings with members to discuss department priorities and initiatives. ADEQ will also provide recognition on its web sites and in applicable publications, and members can use the Arizona Environmental Performance Track logo in their own literature and website. ADEQ will also invite members to participate in pilot projects designed to relieve administrative burdens of the regulated community, including, for example, web-based reporting opportunities.

WHY ENVIRONMENTAL PERFORMANCE TRACK?

The Performance Track program is a win-win for ADEQ, the regulated community, and the people of Arizona. It is based on the premise that government should complement existing regulatory programs with new tools and strategies that not only protect our children, families and the environment, but also provide incentives for companies that want to do the right thing.

ADEQ has moved away from a “one size fits all” approach to compliance and enforcement and is concentrating its energies and resources on major violators and repeat offenders. As a result, the department is better able to focus on those facilities that require increased scrutiny, and maximize the time and resources

devoted to protecting our environment.

A brochure outlining the high points of Arizona Performance Track, and a more detailed description, can be found on ADEQ’s Web site: <http://www.azdeq.gov/>. We also invite your questions and comments via e-mail darwin.henry@azdeq.gov or phone (602-771-2328).

Steve Owens is Director of the Arizona Department of Environmental Quality, and has been a practicing environmental attorney in Phoenix for over 15 years. ADEQ maintains a website at www.azdeq.gov. Please direct questions related to this article to Henry Darwin at the email and phone number shown above.

EPAZ FIRST ANNUAL GOLF TOURNAMENT

The Environmental Professionals of Arizona’s (EPAZ), first annual golf tournament was a great success, according to Eddie Martinez, President. EPAZ gives special thanks to Heath Bradley from Emergency Restoration Experts for co-sponsoring and helping EPAZ with the tournament and Rob Barnett and PING for helping with prizes. With help from our Grand Prize Sponsor, Allied Waste and two Promotional Sponsors, Del Mar Analytical and Romic Environmental all 80 golfers received a PING umbrella and lots of donated raffle prizes. First place winners received 4 Ping drivers, Second place winners received 4 Ping bags, and Third place received 4 Ping putters. EPAZ was able to raise \$5,600 for its Scholarship fund, thanks to all our sponsors.

FORD: COUNTY AIR PERMIT PROGRAM

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- Development of policies and procedures for permit issuance to assure consistency, more timely processing, and achievement of Title V requirements.
- Splitting the compliance division into two sections, with one focusing exclusively on earthmoving and dust compliance.
- Addition of inspection and enforcement staff.
- Revision of the enforcement and penalty policies.

MCAQD’s objective is to address EPA’s concerns and retain permit authority in the County, as well as improve its services to business. The challenges presented by the size and growth of the County are significant, and the next few months will be critical for the direction of the program. MCAQD’s actions will be closely monitored by EPA, and hopefully sufficient to convince EPA it does not need to become the primary permitting and enforcement agency for County permittees.

¹ *Maricopa County Environmental Services Department Title V Operating Permit Program Evaluation Final Report*, dated May 18, 2004, available at <http://www.epa.gov/region09/air/titleevals.html>.