Environmental Results Program (ERP)

An Overview

What is ERP ?

The Environmental Results Program (ERP) is a performance-based regulatory approach designed to improve environmental compliance and performance in specific industry sectors. ERP is an effective way for states to manage numerous small pollution sources that have potentially large cumulative impacts. It is a multimedia approach to implementing environmental regulations through a combination of sector-focused compliance assistance, self-certification, enforcement, and statistically-based performance measurement.

ERP places accountability for environmental management on regulated facilities – regulators educate facilities about their environmental impacts and compliance obligations as well as best practices to alleviate potential adverse impacts. Facilities are then asked to self-evaluate and certify compliance. By conducting "before and after" inspections and applying statistical analysis, regulators can verify compliance, measure and track environmental performance, determine priorities, and leverage limited inspection and enforcement resources.

State and local governments implement ERP in different ways. Some states have adopted ERP as a mandatory program requiring self-certification of all facilities in a sector. Some states have made it voluntary, encouraging facilities to participate in order to obtain the benefits of compliance assistance and the certainty of knowing their compliance status. In some cases, ERP has been used as an alternative to permitting for large numbers of small facilities.

What are the key elements of ERP?

The following key elements of ERP and their associated tools are directly linked.

- **Multi-media compliance assistance** by regulatory agencies through compliance assistance workshops and plain language workbooks and checklists
- **Self-certification** of compliance by businesses
- **Statistically-based environmental performance measurement** through baseline inspections and post-certification inspections at randomly selected facilities, as well as through targeted inspections and evaluation of sector-specific indicators to track performance and compliance.

Compliance assurance and enforcement is an integral part of ERP that underlies all three of these key elements.

To which sectors is ERP being applied?

States have initiated or implemented ERP in the following sectors:

- Autobody/Repair
- Auto salvage yards
- Dental facilities/Mercury
- Dry cleaning
- Oil/Gas Extraction Wells
- Photoprocessing
- Printing
- Underground storage tanks/ Retail gasoline sales

States are also exploring the possible application of ERP to emerging sectors such as animal feeding operations (AFO) and underground injection control (UIC) wells.

What States have initiated or implemented ERPs?

- Delaware
- Florida
- Illinois
- Indiana
- Louisiana
- Maine
- Massachusetts
- Michigan
- Minnesota
- Nevada
- New Hampshire
- New Jersey
- Rhode Island
- Vermont
- Virginia
- Wisconsin

The District of Columbia and Maryland have used some of the ERP elements and tools, and additional states are exploring ERP.

Why ERP?

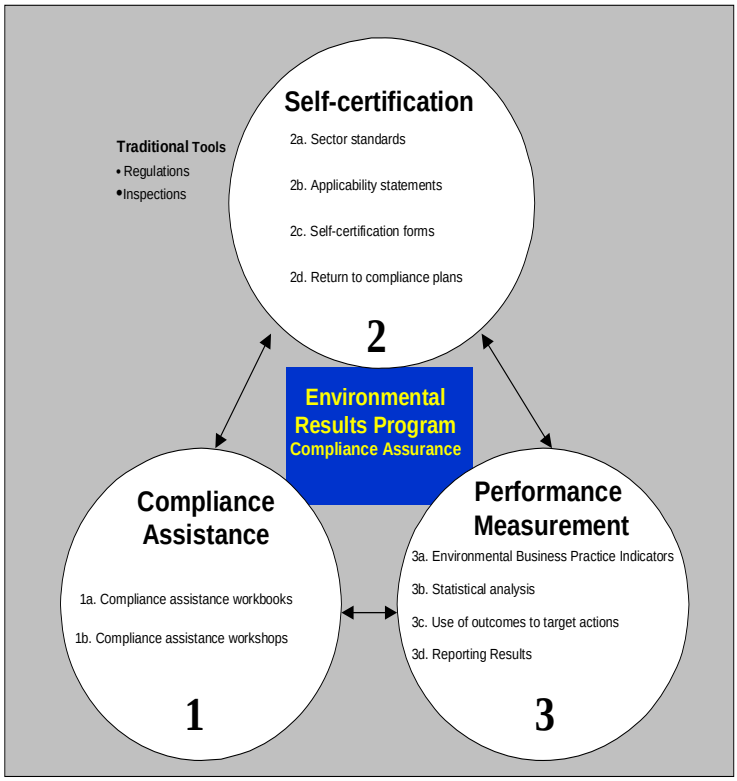
Many states have initiated or are planning to implement the Environmental Results Program (ERP), because it helps regulators reduce public and environmental health risks by:

- Assuring environmental compliance;
- Enhancing and measuring environmental performance;
- Using limited resources more effectively;
- Creating partnerships among regulators and small businesses; and
- Building a sustainable system for regulatory oversight.

ERP can also help small businesses by:

- Aiding owners/operators' understanding of all applicable environmental regulations;
- Improving facility compliance with the regulations; and
- Educating owners/operators in pollution prevention and best management practices.

ERP Elements



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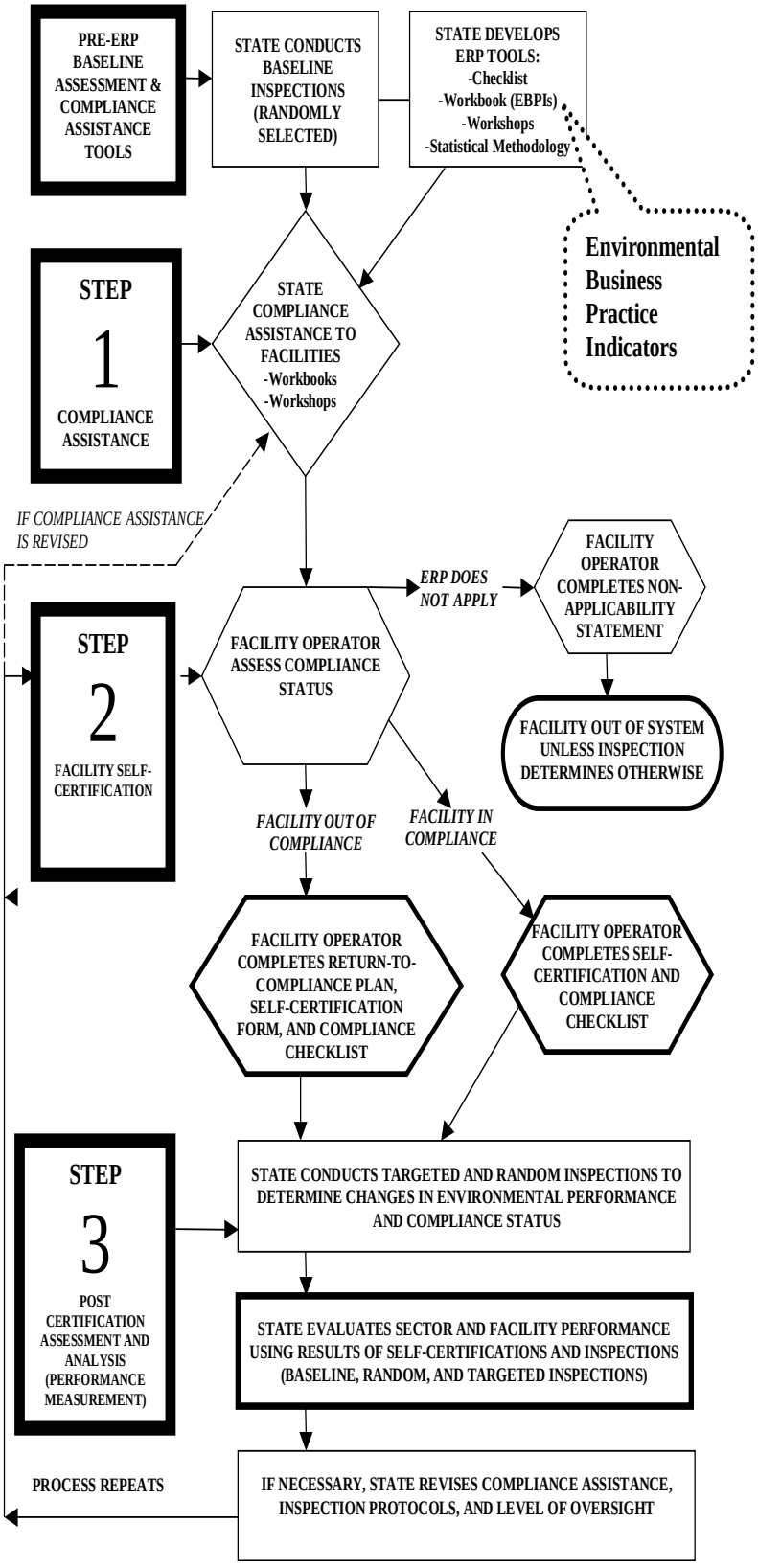
How does ERP work?

The Environmental Results Program (ERP) Process



How does ERP measure and track results?

Regulators evaluate facilities' compliance with environmental requirements (e.g. weekly leak detection by dry cleaners) through a comparison of information collected before and after they have completed ERP self-certification. This information is collected through self-certification questions and inspections, allowing regulators to evaluate the environmental performance and compliance of individual facilities as well as whole business sectors. Regulators also include questions about facilities' use of pollution prevention practices that go beyond compliance (e.g., posting signs above sinks warning employees about the dangers of pouring toxic chemicals down sinks). Self-certification based on key compliance and pollution prevention questions, validated by before and after inspections comprises an ERP tool called Environmental Business Practice Indicators (EBPIs). EBPIs are used to:

- Calculate facility and sector compliance "scores" before and after ERP compliance assistance outreach and certification;
- Determine the statistical significance of changes in specific environmental indicators for individual facilities or for groups of facilities, and
- Evaluate the accuracy of self-certification forms submitted by ERP facilities.

The Massachusetts Department of Environmental Protection (MA DEP) was the first state to pioneer the ERP compliance assurance approach in 1997. MA DEP developed EBPIs as a way to measure the percent increase or decrease in performance of individual facilities and of whole business sectors. The ERP approach enabled MA DEP to assure and track compliance annually and to reveal tangible environmental results based on the average increase (or decrease) in EBPI performance. EBPI performance for selected outcomes across certain small business sectors statewide produced the following results:

- A 38% increase in performance for the *EBPI of meeting 2ppm silver discharge for photoprocessors.* MA DEP can now account for 98% of all silver generated for this sector.
- An 8% increase in performance for the *EBPI of being in compliance with the press cleanup solution requirements for printers.* When applied to the entire MA printer universe, this is equivalent to a 4.0 ton reduction in VOCs.
- A 33% increase in performance for the *EBPI of performing proper leak detection weekly for dry cleaners.* MADEP estimates that this equates to more than 22 tons of perchloroethylene emissions reduced.

These estimates are based on average facility EBPI performance applied across entire sectors as appropriate across the state.

ERP State Activities

STATE	BUSINESS SECTOR	SOURCES/ FACILITIES	ENV. REQ.	Vol vs. Mand	Compliance Assistance Workbook	Self-Certification	Statistical Measurement	Contact Information
DE*	Autobody	1200-1400	Multi-media	Vol.	X	X	X	Kimberly Chesser <Kimberly.Chesser@state.de.us>
FL	Auto Repair	2400 in 2 Districts	Multi-media	Mand.	X	X	X	Michael Redig <michael.redig@dep.state.fl.us>
IL*	Underground Injection Control Wells		Water		X	X	X	Norma Van Valkenburg <Norma.Van_Valkenburg@epa.state.il.us>
IN*	Auto Salvage		Multi-media	Mand.	X	X	X	Rosemary Cantwell <RCANTWEL@idem.IN.gov>
LA*	Oil/Gas Extraction Wells	18,000	Multi-media	Mand.	X	X	X	Melissa Lantz <melissa.lantz@la.gov>
ME*	Autobody/ Repair	4000+	Multi-media	Vol.	X	X	X	Julie Churchill <julie.m.churchill@maine.gov>
MA*	Printers	1200	Multi-media	Mand.	X	X	X	Marc Cohen <Marc.Cohen@state.ma.us>
	Photo Processors	450	Multi-media	Mand.	X	X	X	Sanh Tran <Sanh.Tran@state.ma.us>
	Dry Cleaners	600	Multi-media	Mand.	X	X	X	Paul Reilly <Paul.Reilly@state.ma.us>
	Stage II Vapor Rec.	3000	Multi-media	Mand.		X	X	John Reinhardt <John.Reinhardt@state.ma.us>
	New Small Boilers (10-40 BTU)	100	Multi-media	Vol.	X	X		Paul Reilly <Paul.Reilly@state.ma.us>
	Industrial Watewater		Water	Vol.		X		Paul Reilly <Paul.Reilly@state.ma.us>
	Mercury	3600	Multi-media	Vol.		X		John Reinhardt <John.Reinhardt@state.ma.us>
MI*	Dry Cleaners	950	Air, water, waste	Vol.	X	X	X	Teresa Kinder <kindert@michigan.gov>
MN*	Feedlots	29000	Water	Vol.	X	X		Al Innis <Alister.Innes@state.mn.us>
NH	Dry Cleaners	1200	Multi-media	Mand.				Rudi Cartier <rcartier@des.state.nh.us>
NJ*	Dental Mercury	4440	Multi-media	Mand.	X	X	X	Steve Anderson <steve.anderson@dep.state.nj.us>
NV*	Dry Cleaners	150	Multi-media	Mand.	X	X	X	Jim Trent <jtrent@ndep.nv.gov>
RI*	Autobody/ Refinishing	367	Multi-media	Vol.	X	X	X	Richard Enander <richard.enander@dem.state.ri.us>
	Petroleum Tanks	664	UST & Stage II Vapor Recvry	Mand.	X	X	X	Ron Gagnon <ron.gagnon@dem.state.ri.us>
	Auto Salvage	80 under dev.	Multi-media	Vol.	X	X	X	Tom Armstrong <thomas.armstrong@dem.state.ri.us>
	Exterior Lead Paint	20	Air, waste, water	Vol.	X	X		Tom Armstrong <thomas.armstrong@dem.state.ri.us>
	Dental Mercury	under dev.	Multi-media	Vol.	X	X		TBD
VT*	Retail Gas Sector	2400 UST @ 1100 Facilities	Multi-media	Mand.	X	X	X	Marc Roy <Marc.Royl@.state.vt.us>
WI*	Printers	118+	Multi-media	Vol.	X	X	X	Renee Lesjak Bashel <rlesjakbashel@commerce.state.wi.us
VA*	UST	8000	Multi-media	Vol.	X	X	X	Russell Ellison <rpellison@deq.virginia.gov

* Indicates State Innovation Grant Awardee

EPA Resources

How do states start an ERP?

ERP is a state-initiated and state-managed program that the U.S. Environmental Protection Agency (EPA) supports through a range of technical and financial resources. State regulators interested in potentially planning and implementing an ERP are invited to contact any of the ERP state contacts on the *ERP State Activities* chart or the EPA contact in this publication. Some recommendations for states considering an ERP include:

- Learn more about ERP from states implementing the program and take advantage of EPA's ERP resources;
- Assess which business sector is both a priority and is well-suited to an ERP approach in your state;
- Involve internal and external stakeholders throughout the ERP planning process (e.g., cross-agency staff, trade associations, individual businesses, vocational/trade schools, etc.) even in the early stages;
- Ensure adequate management commitment and funding to undertake an ERP in the business sector considered for an ERP; and Identify agency information technology (IT) resources that can ensure ERP data management needs are met.

The ERP Roadmap is a tool that many states have found useful when developing an ERP. It can be found on the ERP website provided below.

EPA Assistance

EPA provides a range of technical and financial resources to support ERP projects. This assistance is available through several mechanisms:

- **State Innovation Grant Program** http://www.epa.gov/innovation/stategrants;
- **OSWER Innovation Pilots Program** http://www.epa.gov/oswer/iwg;
- **Project planning through contractor assistance;**
- **Invitational travel support for state-to-state exchange of experience and technical knowledge;**
- **Technical document preparation** (e.g., guidance, workbooks, fact sheets, contractor support);
- **Coordination among EPA Headquarters and Regional Offices;** and
- **ERP website** http://www.epa.gov/permits/erp.

Publications

These publications and other helpful resources are available on the ERP website:

- ERP User's Guide for Government Agencies
- A Generic Guide to Statistical Aspects of Developing an Environmental Results Program
- ERP Roadmap providing guidance on how to develop an ERP
- ERP fact sheets focusing on states' progress in implementing ERP in specific sectors:
  - Underground Storage Tanks
  - Automotive Repair Shops
  - Dry Cleaners
- EPA National Model UST ERP Workbook in paper and electronic versions
- Guide to Data Management for the Environmental Results Program.

EPA Contact

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ERP Website

http://www.epa.gov/permits/erp

United States
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