



Resource Flexibility Under EPA's State Review Framework (SRF)

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What is Credit Under SRF?

- **Recognition credit:** EPA has agreed that innovative program activities are important parts of a state's overall compliance program
 - **Resource flexibility credit:** EPA's agreement that a state can substitute some alternative program activities and their results for some amount of core program activities and results
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What conditions led MassDEP to submit a resource flexibility proposal?

- Major air facilities and RCRA LQGs are largely in compliance with requirements
 - Significant unaddressed impacts remain in many industrial and commercial groups comprised of numerous small facilities
 - Scarce agency resources must be deployed to yield the greatest environmental results
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MassDEP ERP Credit Proposal

- Credit in PPA for addressing 600 drycleaners through the Environmental Results Program
 - 297 tons/yr of hazardous waste
(environmental footprint of 23 large quantity generators)
 - 203 tons/yr of hazardous air pollutants
(environmental footprint of 20 air major facilities)
 - Data demonstrating high degree of performance
(group environmental performance score of 9.8 out of 10)
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What are the Elements of an Environmental Results Program?

Three Linked Tools


- Compliance Assistance Workbooks
(plain language, multi-media, beyond compliance)
- Mandatory Self-Certification of Compliance
(with return to compliance plans)
- Statistical Group Performance Measurement
(based on inspection data)

Tools complemented with traditional inspections and enforcement







Key Issues

- EPA and MassDEP agree:
 - High levels of compliance must be achieved and maintained in core programs
 - ERP dry cleaners have achieved measurable high levels of environmental performance
 - EPA sets “adequate core program” as a precondition for any credit
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What did MassDEP ask for?

- MassDEP submits analysis of 2000-2005 compliance data to demonstrate Air majors and LQGs are performing “adequately” to justify some resource disinvestment (less inspections) in these core program areas
 - MassDEP requests that the amount of disinvestment be based on the “environmental footprint” of 600 dry cleaners (equivalent to 23 LQGs and 20 Air majors)
 - EPA also evaluates SRF Elements 1-12 to determine “adequate core program”
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EPA Grants Both Recognition and Resource Flexibility Credit to MassDEP

- Decision based on “totality” of MassDEP Air and RCRA compliance work (majors, minors, ERP for dry cleaners, etc.)
 - MassDEP’s compliance analyses for majors deemed insufficient to warrant credit
 - EPA rejects MassDEP’s “environmental footprint” approach to deciding on the amount of credit
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So What's the Problem?

- MassDEP does not know how much “credit” it received for its ERP dry cleaner program
 - There is no easy and predictable formula for another state to follow to obtain credit for its ERP or other non-core program work.
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Issues Needing Further Attention

- Creating a common “environmental results currency” to measure and compare both core and non-core programs to allow deployment of scarce resources to get the best results by:
 - Measuring the “environmental footprints” of all types and sizes of groups so that we can better focus our efforts on the most significant ones
 - Agreeing on a common approach to benchmarking performance levels across groups – not just benchmarking the activities we are doing
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