

(Published in October/November 2003 edition of the *Journal of Environmental Management*)

Promoting Sound Environmental Management Through Recognition, Regulatory Flexibility

By Steve Owens, ADEQ Director

One of the biggest challenges facing the Arizona Department of Environmental Quality as we conduct inspections and pursue compliance and enforcement activities is to distinguish businesses that willingly comply with environmental laws from those which are “compliance challenged” and then provide incentives for companies to go above and beyond the minimum compliance requirements.

Since being appointed ADEQ Director earlier this year, I have worked to move away from a “one size fits all” approach to compliance and enforcement and focus the department’s energies and resources on the truly bad actors 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 prosecuting offenders.

As part of our efforts to establish a baseline for effective enforcement, we have been exploring new ways to encourage environmental stewardship and leadership among Arizona businesses and industries. One promising program to accomplish this goal is the National Environmental Performance Track developed by the federal Environmental Protection Agency. Performance Track is a voluntary partnership between businesses

and regulators that recognizes and rewards private and public facilities that demonstrate environmental leadership and performance beyond current requirements.

The program started in June 2000 and is based on the premise that government should complement existing programs with new tools and strategies that not only protect people and the environment, but also capture opportunities for reducing cost and spurring technological innovation.

Performance Track provides various incentives to encourage businesses to adopt environmental management systems and reduce their emissions and waste streams, including access to an extensive environmental resource network, increased flexibility in permitting, and streamlined environmental reporting. These are the opportunities companies are looking for to shorten their lead times for environmental permitting and reduce the paperwork associated with environmental compliance.

Trust, But Verify

A regulatory program cannot be based simply on the premise that some companies can be trusted not to pollute. However, if properly structured, a Performance Track program can ensure compliance, reduce costs and most importantly encourage businesses to invest in environmental management and waste reduction, while maintaining the ability to enforce against violators.

Moreover, facilities applying to Performance Track must have an environmental management system in place, a history of sustained environmental compliance, a

commitment to continuous environmental improvement and an effective community outreach program.

The Way Ahead

Five Arizona businesses already are members of the Performance Track program. The City of Scottsdale and Abbott Laboratories in Casa Grande are charter members of the program. The Grand Canyon National Park, Xanterra Parks & Resorts at Grand Canyon National Park, Verkamps, Inc., and Motorola also have joined Performance Track, which has a national membership of more than 300 partners.

In the coming months ADEQ will begin working with EPA Region 9 and other stakeholders to consider an Arizona Performance Track program. Initially we will focus on standards, requirements and processes of membership application. While we will look at lessons learned from other states and the EPA, our goal would be to develop a program that is right for Arizona.

The bottom line is that we at ADEQ are seeking ways to recognize and provide flexibility for companies and activities that demonstrate environmental leadership. Through these efforts, I am confident we also will find better and more efficient ways to achieve effective environmental compliance and contribute to a strong economy in Arizona.