

US EPA ARCHIVE DOCUMENT

Project Summary Information Page

Project Title: Institutionalizing the West Virginia Environmental Excellence Program – A Performance-Based Environmental Leadership Program Designed to Achieve Specific Measurable Environmental Results

Specific Area Of Interest: National Environmental Performance Track Program and State Performance-Based Environmental Leadership Programs

Location: Charleston, West Virginia

Applicant: West Virginia Department of Environmental Protection

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Funding Opportunity Number/Title: EPA-AO-OPEI-06-01

Funding Opportunity Title: State Innovation Grant Program

CFDA Number: 66.940

CFDA Title: Environmental Policy and Innovations Grants

EPA Funding Requested: [withheld by EPA]

Project Period: 10/01/06 – 09/30/09

Budget Period: 10/01/06 – 09/30/09

Federal Program Cooperation or Funding: [withheld by EPA]

Federal Government Regulatory Flexibility: It is unclear at this time as to whether there will be a need for federal government regulatory flexibility, however coordination with EPA Region III and Headquarters may be required to insure that the Environmental Excellence Program meets the requirements of and seeks to build state support for the EPA’s National Environmental Performance Track Program.

Project Endorsement: The West Virginia Department of Environmental Protection’s Cabinet Secretary and fully supports and endorses this project in an effort to institutionalize West Virginia’s Environmental Excellence Program in alignment with the EPA’s National Environmental Performance Track Program.

Pre-Proposal Project Narrative

Introduction

Businesses and governments realize that strong environmental strategies are often directly related to economic and social benefits and that a commitment to environmental excellence is a commitment to worker safety, community involvement, and economic stability. Encouraging and rewarding such commitments attracts and keeps high quality businesses, assuring a better quality of life for West Virginia (WV), through the creation of an Environmental Excellence Program (EEP).

This project involves “Institutionalizing the West Virginia Environmental Excellence Program – A Performance-Based Environmental Leadership Program Designed to Achieve Specific Measurable Environmental Results” and will increase the capacity of the West Virginia Department of Environmental Protection (WVDEP) to recruit and assist EEP and National Environmental Performance Track Program (NEPT) member facilities through integration and cooperative implementation including development and implementation of federal and state incentives. The NEPT and EEP represent new ways of encouraging environmental improvement by recognizing and rewarding facilities that go beyond baseline compliance. The term of this EEP project is three years.

EEP Law

On March 11, 2004, an effort to institutionalize WV’s EEP was initiated that created the EEP Law, WV Code §22-25-1 et seq., that authorized the WVDEP to institutionalize an EEP that promotes, encourages, recognizes, and rewards superior environmental performance and enhanced public involvement. The EEP establishes a system to encourage voluntary environmental performance that exceeds existing regulatory standards for health and the environment resulting in continual improvement in WV’s environment, economy, society, and overall quality of life. The EEP is compatible and aligns with the NEPT.

The results of EEP institutionalization will: minimize negative environmental impacts; encourage innovation; increase quantity and quality of public participation; achieve positive environmental goals; report environmental performance in a timely and accurate fashion; provide measurement of environmental performance in terms of accomplishing goals and objectives; provide flexibility to implement most effective environmental strategies; encourage superior environmental performance and continual improvement; lower environmental performance transaction costs; provide recognition, administrative, and regulatory incentives; and, strive to lower transaction costs associated with environmental performance.

EEP Rule

WV Code §60-8-1 et seq. authorizes the WVDEP to establish the eligibility, procedures, standards, and legal documents required for developing, implementing, and institutionalizing WV’s EEP as specified under WV Code §22-25-1 et seq. The WV Legislature must review, approve, and pass the EEP Rule, and after signature by WV’s Governor in April 2006, the EEP Rule will go into effect in October 2006.

The EEP Rule institutionalizes the framework for implementation that includes: eligibility criteria; environmental performance record; EMS; environmental performance goals; public participation; incentives; procedures for application; notice; action on application; environmental performance agreement; annual performance report; annual facility visitations; retention, renewal, or termination; impact on incentives; and, application fees and triennial renewal fees. Eligible facilities may participate at one of three levels: Bronze Leaf, Silver Leaf, or Gold Leaf.

Eligibility criteria for participation at the Bronze Leaf, Silver Leaf, and Gold Leaf levels requires applicants and member facilities to:

- Document a proven environmental performance record;
- Develop and implement an Environmental Management System (EMS) within one year of acceptance into the EEP. (Silver Leaf and Gold Leaf shall already have developed and implemented an EMS.)
- Develop and implement one environmental performance goal within one year of acceptance into the EEP and two additional environmental performance goals within three years of acceptance into the program. (Silver Leaf and Gold Leaf shall already have developed and implemented two environmental performance goals and commit to develop and implement four additional environmental performance goals, and, a small business has the option to already have developed and implemented one environmental performance goal and commit to develop and implement two additional environmental performance goals. Gold Leaf shall commit to develop and implement one additional environmental performance goal that must be a capital improvement project.)
- Develop and implement a public participation plan within one year of acceptance into the EEP. (Silver Leaf and Gold Leaf shall already have developed and implemented a public participation plan.)
- Prepare and submit an annual performance report after first year; and,
- Authorize the WVDEP to conduct annual facility visitations.

If EEP applicant is already a member of the NEPT, automatic qualification to participate in the EEP at the Silver Leaf level is accepted as long as Silver Leaf EEP eligibility criteria for participation have been met.

Incentives for Bronze Leaf, Silver Leaf, and Gold Leaf levels include:

- Recognition – elected official letters, articles, website directory and highlights, networks, logo;
 - Numbered certificate of recognition and level of EEP membership;
 - Identification of EEP member on internet website directory and highlights;
 - Notice of participation of EEP member to the various media; and,
 - Use of the EEP logo.

Incentives for Silver Leaf and Gold Leaf levels include:

- Regulatory and administrative relief from environmental standards such as:
 - General:
 - Low priority for routine inspections;
 - Single point of contact with WVDEP for all permitting actions;
 - Network established to promote the EEP and the EEP member; and,
 - Support letter for the EEP member to seek green investment and other financial opportunities.
 - Air:
 - Flexible permits;
 - Reduced record keeping, reporting frequencies, and simplified reporting for EEP members subject to Maximum Achievable Control Technology requirements and incentives rule; and,
 - Waiver of permit modification fees.
 - Water:
 - Waiver of permit modification fees; and,
 - Reduced frequency for filing discharge monitoring reports.
 - Waste:
 - Reduced permitting requirements for generators of hazardous waste.

EEP Institutionalization

The EEP will:

- Strengthen EPA's innovation partnership with WV;
- Focus on priority environmental issues;

- Diversify environmental protection tools and approaches;
- Foster a more “innovation-friendly” organizational culture and systems;
- Identify and builds on opportunities to cooperatively implement and align EEP with NEPT;
- Target integration and cooperative implementation of federal and state incentives that recognize and provide priority attention equally to NEPT and EEP member facilities;
- Achieve specific measurable environmental results and build support for NEPT and EEP that provides improved environmental performance for objectives within EPA’s Strategic Plan;
- Ensure grant accountability and productivity and commitment to demonstrate results that include:
 - Well-defined outputs and outcomes; and,
 - Description of how the project would support specific EPA Strategic Plan;
- Emphasize a “learning” concept associated with NEPT and EEP as an innovative approach to environmental problems that advance state of knowledge and transfer information;
- Involve an integrated multi-media approach to address the causes, effects, extent, prevention, reduction, and elimination of air, water, or solid/hazardous waste pollution;
- Support members that:
 - Go beyond a single facility experiment and provide change that is “systems-oriented;
 - Provide better results from a program, process, or sector-wide innovation; and,
 - Promote integrated environmental management with high potential for transferability; and,
- Focus on “Innovation in Permitting” and building support for NEPT and EEP that further:
 - Achieve mandatory Federal and State standards; and,
 - Encourage performance above and beyond minimum requirements.

The EEP will positively impact the quality of life for all of WV by improving the economy, environment, and society through incentives, public participation, innovative technologies, and sustainability concepts that encourage superior environmental performance.

The EEP is linked to and supports EPA’s Strategic Plan and will further achievement of alignment with the following goals, objectives, and sub-objectives:

- Goal 1 – Clean Air and Global Climate Change;
- Goal 2 – Clean and Safe Water;
- Goal 3 – Land Preservation and Restoration;
- Goal 4 – Healthy Communities and Ecosystems; and,
- Goal 5 – Compliance and Environmental Stewardship:
 - Objective 5.2 – Improve Environmental Performance through Pollution Prevention and Innovation:
 - Sub-Objective 5.2.4 – Environmental Policy Innovation.

The EEP will include “outputs” as an environmental activity and associated work product that will be produced or provided over a period of time or specified date. Outputs will be quantitative and qualitative and will be measurable and outputs include, but are not limited to: number of stakeholders involved, number of participants, development of reports or training manuals, increased monitoring and measurement, number of workshops or training conducted and number of people in attendance.

The EEP will include “outcomes” as changes or benefits resulting from environmental activities and outputs. Outcomes will be quantitative, qualitative, and measurable and are as follows:

- Short-Term (attitude) – reflects changes in learning, knowledge, attitude, skills, or understanding;
- Intermediate (behavior) – reflects changes in behavior, practice, or decisions; and,
- Long-Term (condition or culture) – reflects changes in environmental condition and culture.

The EEP focuses on “Innovation in Permitting” and will address the following criteria:

- Target National Priority Environmental Issues – The EEP will provide measurably better results than conventional program approaches and will address environmental protection improvement priorities

identified in EPA's Innovation Strategy (e.g., reduces greenhouse gases, reduce smog, restore and maintain water quality, and reduce the cost of water and wastewater infrastructure, etc.).

- Building on our Existing Knowledge of Innovative Approaches and Expanding the Testing of Priority Innovations – The EEP will build on existing knowledge, expanding the use or testing new applications for a successful innovation approach.
- Measured Improvement in Program Results from Project Implementation – The EEP has a multi-media focus (e.g., air, water, land, etc.) and will address how innovation will result in measurable improvements in environmental results with respect to environmental protection improvement priorities identified in EPA's Innovation Strategy (e.g., reduces greenhouse gases, reduce smog, restore and maintain water quality, and reduce the cost of water and wastewater infrastructure, etc.).
- Transferring Innovation – The EEP can be replicated, translated, and transferred, or more broadly applied to other States or Tribes, and as a result, information, including performance data, will be made available to stakeholders in a form that is easily accessible and understandable.

Performance measures for implementing the EEP will center on institutionalization, start-up effectiveness, and outputs during the first year and environmental outcomes in the second and third. In the first year outputs include, but are not limited to:

- Number of different sectors that apply;
- Location of applicants and how extensively the EEP is represented across the state;
- Number of applicants who are in compliance versus number who have compliance gaps;
- Amount of time it takes to process an application through to acceptance for membership;
- Environmental baselines established for all members;
- Type and number of environmental performance goals committed to in the first year;
- Number of sectors and members who drop out of the EEP or process and reasons for leaving;
- Development and delivery of EEP documents, events, tools, and resources in a timely fashion;
- Amount and type of mentoring services required; and,
- Number of facilities that opt for dual NEPT and EEP membership.

Output data measurement is important in the first year so resources may be allocated to weaker EEP areas. Establishing a baseline for each member facility will also be critical for establishing outputs and outcomes, not only for individual member facilities, but also to measure overall EEP effectiveness.

Quantitative outcomes for the second and third years include, but are not limited to:

- Total reduction in pollution across all media as measured using normalized factors;
- Total environmental performance goals completed versus committed;
- Total number of applicants accepted for membership versus rejected and why;
- Total membership and geographic location;
- Total attendance at networking events;
- Total reports completed and on-time during 1st annual reporting event;
- Total hours of Compliance Assistance involvement with Candidates;
- Total administrative efficiencies improvements;
- Total EEP operational costs improvements; and,
- Total savings in cost efficiency for permit holders and regulated entities;

Qualitative outcomes for the second and third years include, but are not limited to:

- Member satisfaction survey;
- Non-member recognition survey;
- Number and quality of formal and informal networks and partnerships established;
- Overall impact on enforcement actions;
- State focus areas improved;
- Impact on administrative efficiencies;

- Requests for guidance from other states, tribes, etc.; and,
- Public response and feedback on the annual performance reports.

Long-term outcomes will be evaluated after second and third years to determine additional EEP impacts.

EEP Project Schedule and Time Frame

EEP Institutionalization Activities	Start Date	Completion Date
Institutionalization (3 Year Process)	10/01/2006	09/30/2009
Document Institutionalization Process	10/01/2006	09/30/2009
Issue Kick-Off Press Release and Host Kick-Off Event	10/01/2006	12/31/2006
Align EEP with NEPT Program	10/01/2006	12/31/2006
Develop MOA with EPA Region III and Headquarters	01/01/2007	03/31/2007
Develop Promotional Materials	10/01/2006	03/31/2007
Develop Web Site	10/01/2006	03/31/2007
Develop Baseline Outputs/Outcomes	10/01/2006	03/31/2007
Develop Quantitative/Qualitative Outputs/Outcomes	10/01/2006	03/31/2007
Develop Performance Metrics for Outputs/Outcomes	10/01/2006	03/31/2007
Develop Guidance Documents	10/01/2006	03/31/2007
Develop Outreach, Education, and Training Materials	10/01/2006	03/31/2007
Develop Web-Based Application Template	10/01/2006	03/31/2007
Develop Public Participation Plan Protocol	10/01/2006	03/31/2007
Develop Web-Based Annual Performance Report Template	10/01/2006	03/31/2007
Develop Annual Facility Visitations Protocol	10/01/2006	03/31/2007
Provide Outreach, Education, and Training to WVDEP Staff	04/01/2007	06/29/2007
Provide Outreach, Education, and Training to Potential Members	04/01/2007	06/29/2007
Advertise and Market Application Solicitation	06/30/2007	10/31/2007
Provide Support to Applicants (and Members)	06/30/2007	09/30/2009
Application Submission (Year 1)	08/01/2007	10/31/2007
Announce New Members	12/01/2007	02/28/2008
EEP Application Submission (Year 2)	02/01/2008	04/30/2008
Announce New Members	06/01/2008	08/31/2008
EEP Application Submission (Year 2)	08/01/2008	10/31/2008
Announce New Members	12/01/2008	02/28/2009
EEP Application Submission (Year 3)	02/01/2009	04/30/2009
Announce New Members	06/01/2009	08/31/2009
EEP Application Submission (Year 3)	08/01/2009	10/31/2009
Announce New Members	12/01/2009	02/28/2010
Plan and Deliver Conference, Events, and Trainings	10/01/2006	09/30/2009
Attend Local, State, Regional, and National Events	10/01/2006	09/30/2009
Track, Measure, Report, and Evaluate Outputs/Outcomes	10/01/2006	09/30/2009
Prepare and Submit Semi-Annual Performance Report	04/30/2007	07/31/2007
Prepare and Submit Semi-Annual Performance Report	04/30/2008	07/31/2008
Prepare and Submit Semi-Annual Performance Report	04/30/2009	07/31/2009
Prepare and Submit Annual Performance Report	09/30/2007	12/31/2007
Prepare and Submit Annual Performance Report	09/30/2008	12/31/2008
Prepare and Submit Annual Performance Report	09/30/2009	12/31/2009
Review Performance Reports for Improvements	08/01/2007	03/31/2010

Pre-Proposal Budget Summary Page

State: West Virginia

Agency: West Virginia Department of Environmental Protection

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