A Tactical Environmental Management System –
Twelve Elements of Effective Compliance

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What has your EMS done for you lately?
HOW TO MANAGE OUR COMPLIANCE WORK?

- An Environmental Management System (EMS) provides the framework for a consistent, complete and accurate compliance program.

- The EMS is a risk mitigation tool that can take many forms.

- Tactical EMS elements are based on a practical, effective approach that can be scaled to fit many different organizations.
Task-Management-Centric EMS programs can be very complex:
- Large number of tasks
- Granularity of documentation steps
- Avalanche of reminder and “badger” mail to multiple staff members
- Can devolve into “check” tasks done after the fact
- Extensive maintenance effort required

Tactical EMS Elements:
- Result from the identification of what an organization needs as its highest priority elements
- Address key needs with very limited development effort
- Can augment task management system, or can be stand alone
- Should provide short-term return on investment
HERE ARE OUR TOP SIX / TWELVE TACTICAL ELEMENTS
(NOT NECESSARILY IN RANK ORDER)

1. Strategy - Policy for Compliance
2. Strategy - Policy for Management Review
3. Tactics - Environmental Procedures
4. Tactics - Task Management
5. Tactics - Compliance Assurance
   - Self Audit
   - QC Process
   - Reasonable Inquiry
6. Tactics - Communications
   - Subject Matter Expert Call-Out Listing
   - Incident Notification Procedure
   - Succession Planning

Do you have each of these?
KEY PROGRAM DOCUMENTS

- Two foundational policies (Strategy)
  - Environmental Compliance Policy
  - Management Review Policy

- Series of Environmental Procedures (Tactics)
  - Task Management
  - Compliance Assurance
  - Communications
Environmental Compliance Policy is the foundation for the EMS

Key elements:
- Compliance is a critical business function that is shared by all employees
- Employee awareness of obligations and requirement to report; no retaliation for good faith reporting
- Necessary resources will be provided
- Performance will be tracked and communicated
- Self-audit program
- Signed and communicated by facility manager – signals organizational commitment
- **Identifies organization’s risk-based priorities**
STRATEGY – RIGHT PRIORITIES

- Drivers for Priorities (not all inclusive)
  - Consent decrees – especially stipulated penalties
  - Agency enforcement initiatives
  - Previous inspection and audit findings
  - Areas where environmental staff experience is limited (or where there is a job opening)
  - Contributions to permit limits (including measurements)

[Study the topics you know will be on the test first; avoid working every problem in the book – there isn’t time]
STRATEGY – RIGHT TOOL FOR THE JOB

- Fatal Mistake – Manage all aspects of your compliance using the same tool
- Better – Right tool for the job:
  - Procedures – communicate complicated collaboration between departments (consider tabular procedures)
  - Tasks – where no other system tracks critical actions and/or when completion-associated data collection in real time is important
  - Checks – useful for engaging a broad group of stakeholders in following their compliance obligations and managing them proactively (what gets checked gets done)
  - Formal Audits – help determine when staff has too much to do and systems are not in place or are not working (consider a collaborative approach to developing the audit check protocol)
MANAGEMENT REVIEW POLICY

- Management Review Policy provides “check” function in Plan-Do-Check-Act cycle
  - Describes process for regular evaluation of EMS effectiveness
  - Specifies regular meetings (e.g., biennially)
  - Discussions include:
    - Effectiveness of policies and procedures
    - Effectiveness of environmental training
    - Employee suggestions
    - Environmental metrics
    - Effectiveness of corrective actions for deviations/incidents
  - Have designated sponsor
  - Minutes should be kept

Management Review Policy

[Signature]

Fred Wilson
PROCEDURES – TASK MANAGEMENT

- Simple Compliance Calendar Procedure
  - Electronic document on a shared network drive
  - Monthly listing of work products/major activities, with deadlines and assignments (could even be limited to Agency deliverables)
  - Issued prior to calendar month and discussed face-to-face each month
  - Usually 30 – 50 items for smaller facilities

- Electronic Document Filing/Retention Procedure
  - Retain scanned final (signed) versions of documents with supporting docs & responses (critical element for CD termination)
  - Establish folder structure and naming conventions
  - Consider a retention schedule – vet with legal counsel
[In our experience, procedures are seldom read during task execution, but tables are often consulted]
PROCEDURES – COMPLIANCE ASSURANCE

- Compliance Assurance procedures are the heart of the EMS
  - Self-Audit Procedure
    - External and Internal topics
    - Single point of accountability
    - What resources will be used?
    - When these be conducted under attorney-client privilege
    - Frequency of self audits (consider an ongoing process)
    - Work process (notifications, briefings, fieldwork, document review, report preparation and review)
    - Only Findings, or Best Practices recommendations, too?
    - Corrective action management
    - Managing audit materials
**Requirement**: The floating roof on a tank should be landed only when taking the tank out of service (this bypasses the control) and this action should be performed in a continuous fashion.

**Check**: Compare *tank leg height* to *tank gauge level* (could set an alarm) – if liquid hydrocarbon level is below leg height, the roof is landed.

[A well-written, very specific comparison check (A versus B) can be performed by those other than environmental staff]
PROCEDURES – COMPLIANCE ASSURANCE (CONT.)

- Internal Quality Control Procedure
  - Relatively little internal detailed technical review of deliverables by management in our experience
  - Is the basis sound (applicability, MOC performed)
  - Input data checks (right data, right equation, right spreadsheet formulas)
  - Results calculation checks (comparison to previous is your friend; checks get better if reviewers document process)
  - Process for triggering legal Review

[If you structure this process well, the manager can effectively delegate some of this to staff peers]
Title V / MACT / NSPS Reasonable Inquiry Procedure

- Certified reports require “reasonable inquiry” process for the information submitted
- Both Organization and Responsible Officials are held accountable
- Key elements of procedure:
  - Key Managers responsible for information must document queries for info gathering
  - Draft report accompanied by signed checklist verifying the results
  - RO meets face-to-face with key Managers to resolve questions before report is finalized
  - Signed checklists are retained in facility compliance files
PROCEDURES -- COMMUNICATIONS

- Subject Matter Expert Call-Out Listing
  - Provides efficient guidance to Operations supervisors during off-hours
  - List SMEs (with contact info) by topical area

- Incident Notification Procedure
  - Notification requirements are complex – provide guidance for non-Environmental staff
  - Provide tools to compile information needed for notification, and call logging
  - Include internal reporting process

- Environmental Department Succession Planning
  - Provides a tool for all staff to capture key information about their work and tools used
  - Review and update annually
INCIDENT NOTIFICATION TOOL

- Liquid Release?
- Gas Release?
- Wastewater Discharge?
- Waste Spill?

Incident Description Form → Release Calculation Input Data Form

Agency Report Form ← Reporting Decision Results Table ← Release Amount Calculation / RQ Comparison

[The entire process can be automated for site-specific likely scenarios using a macro set and Excel]
RESOURCE NEEDS FOR TACTICAL EMS ELEMENTS

- Resource needs will be highly variable – “your mileage may vary”
- Development of policies and basic procedures – 500 to 800 labor hours for a typical small facility
  - Legwork can be done by third party, but a good deal of facility input is needed
- Ongoing EMS operation and maintenance
  - Self-audit: $20K - $75K for annual third-party audit (depends on scope)
  - Internal annual labor resources: ~600 to 1000 labor hours (< 0.5 FTE)
  - Much less cost than other facility quality assurance programs, such as product quality labs
What has your EMS done for you lately?
QUESTIONS?

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