

GoalsChicago

An Implementation Plan for Launching the Metal Finishing
Strategic Goals Program in the Greater Chicago Area

June 1999

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I. Executive Summary

In 1994, USEPA Administrator Carol Browner launched the Common Sense Initiative (CSI), describing it as a “fundamentally different system” to explore industry-specific strategies for environmental protection. The CSI was designed to promote “cleaner, cheaper and smarter” environmental performance, using a non-adversarial, stakeholder consensus process to test innovative ideas and approaches.

Since its inception, the CSI Metal Finishing Sector has striven for active stakeholder participation and innovative project development. In the process, stakeholders have greatly expanded their understanding of the metal finishing industry, providing a firm foundation for non-adversarial dialogue, which, in turn, has led to the development of 14 Subcommittee-endorsed projects that test new ways to achieve cleaner, cheaper and smarter outcomes for the industry.

In December 1995, USEPA Administrator Browner challenged the Subcommittee to explore a more strategic approach to the Sector. The Administrator recommended that the Subcommittee develop a consensus package of policy actions for the industry as a whole. The Subcommittee agreed that a comprehensive policy package for the metal finishing industry could move the Sector into the next generation of environmental management and regulation.

Over the next two years, the Subcommittee applied the lessons learned from the Sector’s projects toward a strategic policy and program framework for the metal finishing industry as a whole. In December 1997, USEPA Deputy Administrator Fred Hansen issued the USEPA’s formal endorsement of the Program.

The Program consists of a set of voluntary “cleaner, cheaper, smarter” national performance goals (Goals) for the metal finishing industry. These facility-based and Sector-wide Goals are a set of ambitious targets that represent “beyond compliance” environmental performance for the metal finishing industry.

Through a collaborative stakeholder process similar to the national Metal Finishing Subcommittee the Greater Chicago Regional Metal Finishing Strategic Goals Program Stakeholder Group (GoalsChicago) has created this Regional Implementation Plan. The Plan focuses on implementation structures to (a) increase public awareness of and industry participation in the Goals Program and recognize and inform the public regarding participants’ progress towards the Goals, (b) provide technical and financial assistance to facilitate attainment of the Goals, (c) measure participants’ performance towards the Goals, and (d) define performance-based incentives and rewards for attainment of the Goals, and includes a commitment to further address the drivers and barriers impacting the metal finishing industry.

The essential features of the Plan are summarized below:

- A tiered approach toward increasing community outreach and public participation through the creation of community fact sheets and annual newsletters, participation in local civic/economic development organization meetings and hosting of annual “town meetings” to review Goals program progress.
- The creation of a technical resources network, using both private sector and non-profit providers, that ensures access to technical assistance for the development of Goals Attainment Plans. Goals Attainment Plans, developed jointly by SGP participants and their technical assistance providers, will form the roadmap for participants’ SGP related activities and will also inform the stakeholders of participants’ progress and needs.
- The creation of a financial assistance network to facilitate access to capital for SGP related activities. The network, which includes the Illinois Department of Commerce and Community Affairs and the regional office of the United States Small Business Administration, will, on an ongoing basis, identify potential sources of capital available to SGP participants, explore process changes to streamline access to capital for SGP related activities, and facilitate contact between SGP participants and lending institutions.
- The development of a local SGP Report Card to track individual participants’ progress towards the Goals. The Report Card will allow both stakeholders and the public to clearly see the progress of SGP participants and to recognize both successful activities and opportunities for further progress.
- A tiered approach toward performance-based incentives to be made available to SGP participants. Three performance milestones (Bronze, Silver and Gold) representing progress along the Goals path have been established, with the three levels representing 33 percent, 66 percent and full attainment of the Goals, respectively. For each milestone, media-specific oversight flexibility, within the confines of the existing regulatory framework, has been identified and a mechanism for verifying progress and recommending flexibility to regulatory agencies has been formulated.
- An ongoing commitment to further study the drivers and barriers that influence environmental performance and decision making within the metal finishing sector, and to the development of a long-term strategy to address issues such as economic disincentives toward process innovation, pollution prevention and beneficial reuse of manufacturing byproducts.

II. Stakeholder Participation

The stakeholders identified below participated in the development of this GoalsChicago Regional Implementation Plan, and endorse both the National Strategic Goals Program adopted by the Metal Finishing Sector Subcommittee on December 16, 1997 and the GoalsChicago Regional Implementation Plan described herein. This document was developed through an open and honest stakeholder process, and at all times during stakeholder meetings, participants were encouraged to contribute their ideas and express their concerns freely. To this end, the stakeholder participants have agreed to fully support and strive to implement the plan described herein, and agreed to do nothing, by word or deed, to undermine the good faith efforts made by other stakeholders in working to achieve the Goals established by the Subcommittee.

The stakeholder group would like to express its thanks to John Lingelbach of Decisions & Agreements, LLC, for his talents and abilities in facilitating the efforts of this stakeholder group.

Frank Altmayer
Scientific Control Laboratories, Inc,
Chicago Metal Finishers Institute

Richard Carey
AAMRo, Inc.
Chicago Metal Finishers Institute

Richard Delawder
SWD, Inc.
Chicago Metal Finishers Institute

Kevin Greene
Illinois Environmental Protection Agency

Matt Gluckman
United States Environmental Protection
Agency, Region 5

Keith Harley
Chicago Legal Clinic

Christine Hayes
Waste Management and Research Center

Joanna Hoelscher
Citizens for a Better Environment

David Inman
North Business and Industrial Council
Environmental Assistance Center

David Jacobs
Northwestern Plating Works, Inc.
Chicago Metal Finishers Institute

Abby Jarka
Citizens for a Better Environment

Joanna Marozza
Three J's Plating Company, Inc,
Chicago Metal Finishers Institute

Marilou Martin
United States Environmental Protection
Agency, Region 5

Thomas Schewe
Able Electropolishing Company
Chicago Metal Finishers Institute

Richard Sustich
Metropolitan Water Reclamation District of
Greater Chicago

Thomas Wallin
Illinois Environmental Protection Agency

III. National Strategic Goals Program

The Common Sense Initiative

In 1994, USEPA Administrator Carol Browner launched the Common Sense Initiative (CSI), describing it as a “fundamentally different system” to explore industry-specific strategies for environmental protection. The CSI is designed to promote “cleaner, cheaper and smarter” environmental performance, using a non-adversarial, stakeholder consensus process to test innovative ideas and approaches. CSI Sectors can address a wide range of topics, including regulatory, reporting, technology, permitting, compliance and pollution prevention issues. In January 1995, the USEPA established the Metal Finishing Sector Subcommittee, comprised of representatives from USEPA program and regional offices, the metal finishing industry and its suppliers, state governments, POTWs, national and regional environmental organizations, the environmental justice community and organized labor.

Building on a Strong Foundation

Since its inception, the CSI Metal Finishing Sector has striven for active stakeholder participation and innovative project development. In the process, stakeholders have greatly expanded their understanding of the metal finishing industry, providing a firm foundation for non-adversarial dialogue, which, in turn, has led to the development of 14 Subcommittee-endorsed projects that test new ways to achieve cleaner, cheaper and smarter outcomes for the industry.

Strategic Challenge

In December 1995, USEPA Administrator Browner challenged the Subcommittee to explore a more strategic approach to the Sector. The Administrator recommended that the Subcommittee develop a consensus package of policy actions for the industry as a whole. The Subcommittee agreed that a comprehensive policy package for the metal finishing industry could move the Sector into the next generation of environmental management and regulation.

The Strategic Goals Program

Over the next two years, the Subcommittee applied the lessons learned from the Sector’s projects toward a strategic policy and program framework for the metal finishing industry as a whole. In December 1997, USEPA Deputy Administrator Fred Hansen issued the USEPA’s formal endorsement of the Program.

The Program consists of a set of voluntary “cleaner, cheaper, smarter” national performance goals (Goals) for the metal finishing industry. These facility-based and Sector-wide Goals are a set of ambitious targets that represent “beyond compliance” environmental performance for the metal finishing industry.

The collaborative development process for the Goals addressed the following key stakeholder interests and concerns:

improved environmental performance and reduced human health impacts

reduced costs in demonstrating compliance through monitoring and reporting

permitting processes and permit requirements that reflect facility performance and are more harmonious with business decisions

improved public access to information and greater local involvement in decisions that affect communities

recognition of the economic priorities of industries and the communities in which they operate

creation of technologies, tools and incentives that foster continuous improvement and support efforts to reduce government oversight.

In its Goals proposal, the Subcommittee expressed its collective belief that the success of the Program should be measured not only in terms of the degree of success in achieving the facility-specific and Sector-wide goals, but also by the extent to which the Program promotes fundamental underlying changes in environmental management:

a shift from the current tendency to rely on national, "one size fits all" environmental standards to a greater focus on the environmental priorities and capabilities of individual industrial facilities, POTWs and the local environment

a shift from traditional command-and-control regulatory mechanisms to greater use of performance-based approaches that reward excellence in corporate and environmental management as much as punish non-compliance.

a shift from confrontational interactions between regulators and the regulated community toward cooperative working relationships that recognize and build on the common goal of efficient, effective environmental protection.

The Goals are intended to serve as a common orientation direction toward addressing the stakeholders' interest described earlier. The Goals do not replace existing regulatory requirements, nor do they serve as additional regulatory requirements. The USEPA and the Subcommittee have established a national target of achieving both the facility-based and Sector-wide Goals outlined below, by 2002.

IV. National Performance Goals

Metal Finishing National Performance Goals: A Vision for a Cleaner, Cheaper & Smarter Future

Facility-Based Performance Goals (By Year 2002)	Sector-Wide Performance Goals (By 2002)
<p>(1) Improved Resource Utilization ("<i>Smarter</i>")</p> <p>(a) 98% of metals ultimately utilized on product.</p> <p>(b) 50% reduction in water purchased / used (<i>from 1992 levels</i>).</p> <p>(c) 25% reduction in facility-wide energy use (<i>from 1992 levels</i>).</p> <p>(2) Reduction in Hazardous Emissions and Exposures ("<i>Cleaner</i>")</p> <p>(a) 90% reduction in organic TRI emissions and 50% reduction in metals emissions to air and water (<i>from 1992 levels</i>).</p> <p>(b) 50% reduction in land disposal of hazardous sludges and a reduction in sludge generation (<i>from 1992 levels</i>).</p> <p>(c) Reduction in human exposure to toxic materials in the facility and the surrounding community, clearly demonstrated by actions selected and taken by the facility. Such actions may include, for example, pollution prevention, use of state-of-the-art emission controls and protective equipment, use of best recognized industrial hygiene practices, worker training in environmental hazards, and participation in a Local Emergency Planning Committee.</p> <p>(3) Increased Economic Payback and Decreased Costs ("<i>Cheaper</i>")</p> <p>(a) Long-term economic benefit to facilities achieving Goals 1 and 2.</p> <p>(b) 50% reduction in costs of unnecessary permitting, reporting, monitoring, and related activities (<i>from 1992 levels</i>), to be implemented through burden reduction programs to the extent that such efforts do not adversely impact environmental outcomes.</p>	<p>(4) Industry-Wide Achievement of Facility Goals.</p> <p>(a) 80% of facilities nationwide achieve Goals 1 - 3.</p> <p>(5) Industry-Wide Compliance with Environmental Performance Requirements.</p> <p>(a) All operating facilities achieve compliance with Federal, State, and local environmental performance requirements.</p> <p>(b) All metal finishers wishing to cease operations have access to a government sponsored "exit strategy" for environmentally responsible site transition.</p> <p>(c) All enforcement activities involving metal finishing facilities are conducted in a consistent manner to achieve a level playing field, with a primary focus on those facilities that knowingly disregard environmental requirements.</p> <p>Note: At facilities where outstanding performance levels were reached prior to 1992, the percentage-reduction targets for Goals 1(b) and (c) and 2(a) and (b) may not be fully achievable, or the effort to achieve them may not be the best use of available resources. In these instances, a target should be adjusted as necessary to make it both meaningful and achievable.</p>

Consistent with the general theme of the Common Sense Initiative, the National Performance Goals were put forth as voluntary -- not as additional requirements to be met by the various stakeholder groups. The numerical targets included in many of the Goals are strategic and directional rather than prescriptive. They are based on the Subcommittee's best collective professional judgment of what is meaningful and achievable. Their role is to define a direction, provide a target for strategic planning purposes, and provide a yardstick against which progress can be measured.

The Goals relate to both individual metal finishing facilities and the industry sector as a whole. The first three call for improved facility resource utilization, reduced hazardous emissions, and reduced compliance costs. The other two Goals call for the industry-wide achievement of the first three goals and continuous improvement regarding compliance, enforcement, and site transition/remediation. The Subcommittee, again using its best collective professional judgment, believed that these elements represent the highest priority Goals from a relative-risk perspective. The Subcommittee also endorsed the dynamic nature of the Goals Program, recognizing the possibility of future refinements based on stakeholder evaluation of the current effort.

Background on the Goals in General

The Metal Finishing National Performance Goals define a cleaner, cheaper, smarter future that all stakeholders will need to work cooperatively to achieve. Their role is to provide a common orientation and direction to stakeholders' environmental protection efforts. They are not a replacement for existing regulatory requirements, nor are they to serve as additional regulatory requirements. Proposals for changes in regulatory requirements are set forth in Part II of this document.

The Facility-Based Goals (1 - 3)

The first three Goals call for improved environmental performance and reduced compliance costs at individual facilities. They are stated broadly so as to allow specific objectives and strategies for achieving them to be developed at the facility-specific level based on local circumstances.

The numerical targets associated with these first three Goals were established using the collective best professional judgment of the Subcommittee and a workgroup it charged with developing them. Both the Subcommittee and the workgroup comprise balanced groups of stakeholders represented by professionals with expertise in metal finishing, environmental protection, and regulatory programs. These experts set out to establish "meaningful and achievable" numerical targets; targets set beyond baseline compliance levels -- beyond the level of improvement we would expect in the absence of this Goals effort -- yet not so ambitious as to discourage attempts to achieve them. Striking this balance required thoughtful, in depth analysis and deliberation, with the assistance of technical consultants. The consultants collected available data and evaluated the proposed targets based on the "meaningful and achievable" criteria. With many of the Goals focusing on new measures of environmental performance, limited relevant data was available. This limited data, however, does indicate that the numerical targets are meaningful and achievable.

Establishing meaningful, achievable numerical targets for use in a voluntary Goals effort does not necessitate the level of precision called for when developing regulatory standards. As stated in the introduction, the numerical targets provide a target for strategic planning purposes and a yardstick against which progress can be measured. They are not to be construed as prescribing additional requirements for any stakeholder group. Furthermore, the numerical targets are designed to be generally applicable to a broad range of manufacturing processes, materials, and products; and to both job shops and captives. The level of effort required to achieve them will vary depending on

these and other variables. For the goals with percentage-reduction targets, the level of effort will vary markedly depending on the level of performance a facility achieved prior to the baseline year of 1992. Given all these variables, determining when the Goals have been achieved at a particular facility should be done in the spirit in which the numerical targets were originally developed; focusing on promoting and achieving significant continuous improvement without attempting to establish or dwell on measures that are unhelpfully precise for these purposes.

Three situations may call for deviation from the numerical targets in order for the Goals to effectively serve their intended purpose. First, at facilities where outstanding performance levels were reached prior to 1992, the percentage-reduction targets for one or more of Goals 1(b)-(c) and 2(a)-(b) may not be fully achievable, or the effort to achieve them may not be the best use of available resources. Second, it may not be technologically or practically feasible to achieve the metals utilization and emission reduction Goals 1(a) and 2(a)-(c) while also fully achieving the water and/or energy use reduction Goals 1(b) and (c) (e.g., where increased energy is required to operate emission reduction equipment). Third, significant increases in business production may affect the ability of a metal finishing facility to meet the numerical targets, despite overall improvements in environmental management and performance.

The Subcommittee endorsed the need to establish a flexible program that fully rewards meaningful and achievable accomplishments while not penalizing facilities that have a long record of environmental achievement that pre-dates 1992 baseline year and/or face reasonable and unavoidable limitations in their ability to meet all of the Goals. The Subcommittee therefore committed itself to develop an equitable process and criteria for judging the performance of facilities that fall within the three scenarios described above. The Subcommittee agreed to ensure that highest priority is given to Goals 1(a) and 2(a)-(c), with a strong, continuing commitment to protect the health of workers and residents of surrounding communities. These Subcommittee decisions are to be incorporated into the operating framework and implementation plan for the Goals Program.

The Industry-Wide Goals (4 - 5)

The last two Goals relating to the industry sector as a whole require a multi-stakeholder effort at the national and regional levels. These Goals grew out of, and correspond to, the "Four-Tier Structure" concept that highlights the different tiers of environmental performance within an industry sector.

Underlying these Goals is a shared belief that all stakeholders working together should focus resources on helping metal finishing firms meet and exceed environmental compliance standards; helping those that want to go out of business do so in an environmentally responsible manner; and enforcing to the fullest extent of the law against those that knowingly disregard environmental requirements. The importance of these industry-wide Goals cannot be overstated, nor can the need for effective multi-stakeholder strategies to achieve them.

National Action Plan

The CSI Metal Finishing Subcommittee developed a comprehensive Action Plan as an integral component of its Strategic Goals Program. It identifies a broad range of actions that CSI/MF stakeholders commit to undertake over the coming years. Collectively, these actions will overcome many of the barriers and strengthen the incentives that influence the metal finishing industry's environmental performance. The Subcommittee believed that the collective effect of implementing these actions would be the achievement of the National Performance Goals and the establishment of a new regulatory system -- a system in which regulatory oversight is minimized for top-performing facilities, effective compliance assistance is available to all who want it, and enforcement is targeted on those who deserve it.

The Action Plan is an essential counterpart to the National Performance Goals. The Goals define a cleaner, cheaper, smarter future. This Action Plan defines the means for getting there and shows how all CSI/MF stakeholder groups will contribute to the effort. There is not a one-to-one correlation between all actions and Goals. Rather, the cumulative effect of these actions will be to change the regulatory system in ways that will enable this industry sector to achieve the Goals.

CSI Metal Finishing Stakeholders Will Undertake a Broad Range of Actions

While the Action Plan included items for metal finishing facilities and industry trade associations, it also included necessary actions by EPA (Headquarters programs and regional offices), state and local governments, and non-governmental organizations. The Action Plan called for CSI/MF stakeholders to undertake various types of actions. These range from "nuts and bolts" regulatory changes, to focused programs and initiatives, to broad system and cultural changes.

Some actions could be implemented immediately, while others would require a long-term effort. And while some could be implemented by a single stakeholder group, others would require a cooperative effort. Most of these actions were drawn from and/or tested through pilot projects undertaken by the Subcommittee and its workgroups. Each stakeholder group has committed to undertake actions within defined timeframes. This Action Plan links the CSI/MF projects in a strategic framework that will beneficially affect environmental performance for the entire metal finishing industry sector.

Focus on Tiers of Performance

In identifying these actions, the Subcommittee recognized that there are different "tiers" of environmental performance within the industry and that the barriers and incentives for improved performance are different for each tier. Consequently, the Subcommittee assessed and identified needed actions for three categories of facilities: those that are at least close to compliance and will make improvements as able; those that would go out of business if they could afford the "site-transition" costs; and those that are consistently out of compliance.

Recognizing these tiers of environmental performance -- and that different tiers should be treated differently -- is fundamental to the Subcommittee's vision of the current Goals Program and the future regulatory system that the Program is designed to achieve. The Subcommittee believed that full implementation of this Action Plan would lead not only to the achievement of the National Performance Goals, but also will lay the groundwork for this new performance- and tier-based system, where the scope of the requirements imposed on a regulated facility would reflect the facility's current and past performance. Under this vision, facilities with a proven track record of environmental excellence would receive benefits in the form of greater operating flexibility, which would be defined through current Sector pilot projects. Requirements for permitting, reporting, and/or monitoring might be relaxed in ways that would enhance a top tier facility's ability to achieve cleaner, cheaper, and smarter performance. Facilities would "move up the tier ladder," becoming eligible for increasingly greater benefits, by achieving the facility-specific National Performance Goals and otherwise exhibiting top-tier performance. On their way up, compliance and technical assistance would be available.

The Subcommittee also envisioned a system in which lower tier facilities would move out of the industry altogether. Thus, metal finishers that wanted to sell their business and real property would receive assistance to do so. And if a metal finisher knowing failed to comply with environmental requirements, strong enforcement action would be taken as part of a consistent, sector-wide enforcement program.

Public Recognition By All Stakeholder Groups

All participating firms would benefit from recognition of their *good faith* commitment and actions to achieve the Program's voluntary performance targets. Improved levels of achievement in the Program would foster greater recognition. The Subcommittee believed that recognition needs to come from all constituent groups -- industry trade associations, government, national and state environmental organizations, and community groups -- as an indicator of public support for facility participation in the Program. Recognition can serve as an incentive by improving stakeholder appreciation of the industry's commitment to "cleaner" environmental performance, thereby reducing the likelihood of *uninformed* outside challenges to the activities of participants in the Program.

One measure of recognition for participants in the Goals Program would be provided through proactive support for the Program by state environmental groups. Starting in states where the Program is being phased-in, state or local environmental groups (with national support) would visit their government officials to promote the Program by discussing the content and objectives of the National Performance Goals, their anticipated environmental benefits, and potential resource benefits for state and local governments.

The message from environmental organizations would include an emphasis on the Action Plan -- the need for state and local government officials to recognize the commitment and performance of participating firms; the commitment by all stakeholders

to make system changes in support of the Program; and the need to use discretionary authority to reward good performing firms while focusing enforcement activities on chronic non-compliers. NGO representatives must express their support for both metal finishers *and* state and local government organizations that take part in the Goals Program. Recognition may also be used by some participating firms as a marketing and public relations tool, to improve their standing with customers and the surrounding community. The Subcommittee acknowledged that the degree of marketing advantage gained from participation in the Goals Program would vary based on whether metal finishers produce intermediate or end products and whether customers support their proactive environmental performance. The Subcommittee recommended further study of opportunities for metal finishing firms to use the Goals Program for a marketing advantage.

Finally, recognition also should be reflected in decisions made by lending institutions and insurers. The Subcommittee endorsed the concept of greater "access to capital" for participating companies in the Goals Program, and included that concept in the Action Plan with specific "access to capital" commitments by all stakeholder groups. Facilities that demonstrated their environmental commitment by signing up for the National Performance Goals should have greater access to financing for capital improvements that would achieve better environmental performance.

Integration of the Goals Program with New Regulations

Metal Finishing industry representatives have supported the Goals Program in large part as a way to shift the focus of the regulatory system. They perceived the status quo as a continuous series of incremental steps to make existing standards more stringent. The Goals Program was designed to achieve *better* levels of environmental protection through a voluntary, performance-based approach that included performance targets and system changes to promote continuous improvement. Success of the Goals Program could conceivably change the way in which the Agency looks at future regulations affecting the metal finishing industry, at least with regard to participating firms in the Program.

Yet industry representatives also fear that many facilities might choose *not* to sign-up for the Goals Program because of concern that additional regulatory requirements would continue to come on-line that affect metal finishers across the board, adding administrative compliance burden for participating firms at the same time that they are expected to commit resources to voluntary pursuit of the Goals. Subcommittee members and EPA officials acknowledged the validity of these views. The Agency therefore agreed, as a matter of policy, to integrate the Goals Program into the rulemaking process for all future regulations that have a direct impact on the metal finishing industry. In this context, the term "integrate" means several things: (1) to be cognizant of the environmental benefits achieved by metal finishers in the Goals Program at the time a particular rulemaking process gets underway; (2) to consider whether achievements of the Goals Program should affect the objectives and content of prospective rules; (3) if deemed appropriate, to consider innovative regulatory options for dealing differently with the metal finishing industry (or participating facilities in the

Goals Program). Such options might include (but are not limited to) a separate set of regulatory requirements for top tier firms, elimination or modification of requirements based on achievements of the Goals Program, and delay or deferral of rulemaking deadlines during the timeframe of the Program. Each of these integration decisions would be made by the appropriate EPA program offices, and might vary based on the circumstances of each prospective regulation. Circumstances that might impact integration decisions include court-established deadlines, mandatory administrative procedures for rulemaking, statutory requirements, and Federal Advisory Committee processes already underway.

First-Year Strategic Goals Implementation Activities

This Agency commitment directly addresses the industry's concerns and should provide an additional, strong incentive for companies to commit to the Goals Program. It also reflects EPA's confidence that a well-structured, performance-based program can complement a strong regulatory program -- even if the performance-based program is strictly voluntary in nature. The Subcommittee endorsed this commitment by EPA because it reaffirmed the basic CSI principle that innovative ideas should be integrated with, not isolated from, the Agency's traditional programs. EPA's action should help stakeholders get the Goals Program underway and moving toward better solutions to environmental problems. In essence, the Subcommittee wanted to provide the metal finishing industry with a clear opportunity to show that a voluntary, performance-based approach can indeed achieve "cleaner, cheaper, and smarter" results than the regulatory status quo.

VI. Local Implementation Activities / Focus Group Issues

First-year activities in the development of the stakeholder group are summarized in the following table.

First Year Stakeholder Group Activities

Assess role and sign on to SGP	January
Identify industry leaders	February - March
Assess industry interest in SGP and identify start-up barriers	May – July
Identify and empanel other stakeholders	August – September
First joint stakeholder meeting	October 14

In focus group meetings on May 1 and July 15, 1998, industry opinion leaders identified 15 implementation barriers and participation drivers which the group felt needed to be addressed for successful implementation of the Strategic Goals Program.

Implementation Barriers and Drivers Identified by Industry Stakeholder Group

Pending Metal Products and Machinery (MP&M) Categorical Pretreatment Standards
Reclassification of hazardous metal finishing wastes under the Resource Conservation and Recovery Act (RCRA)
RCRA 90-day storage rule for hazardous wastes
Goals flexibility for industrial activities which differ substantially from basic electroplating operations
Credit for pre-1992 environmental performance improvements
Performance-based oversight flexibility for regulatory agencies
Relaxed wastewater discharge limits for Strategic Goals Program participants
Flexible wastewater discharge and air emissions limits during new technology start-up
Reduced and/or performance-based permit and user fees
Simplified and/or expedited permitting process for Strategic Goals Program participants
Tax credits and financial incentives for hazardous and non-hazardous waste recycling
Access to financial assistance for assessment of new environmental technologies
Remuneration for costs incurred in reporting Goals progress
Enhanced public recognition of industry efforts to achieve the Goals
Minimize potential exposure to third-party litigation over environmental regulations

Subsequent to the focus group's identification of the barriers and incentives identified above, the full stakeholder group for the Chicago area Strategic Goals Program was convened. At its first meeting, held on October 14, 1998, the stakeholder group

organized the barriers and incentives into four groups (national regulatory issues, local interpretive issues, local operational issues and assistance issues).

National Regulatory Barriers

The stakeholder group identified the following barriers as national regulatory issues that are beyond the scope of the Chicago Strategic Goals Program. These issues have been directed back to the Metal Finishing Subcommittee and the EPA to be addressed through federal regulatory action.

Pending MP&M Categorical Pretreatment Standards

Potential Strategic Goals Program participants see conflict between technology-based categorical pretreatment standards and the Strategic Goals Program's holistic environmental performance approach, and fear a need to reverse the investments and environmental gains made under the Strategic Goals Program when the MP&M Categorical Pretreatment Standards and repropose in 2000.

As indicated in the National Action Plan, EPA has agreed, as a matter of policy, to integrate the Goals Program into the rulemaking process for all future regulations that have a direct impact on the metal finishing industry. In this context, the term "integrate" means several things: (1) to be cognizant of the environmental benefits achieved by metal finishers in the Goals Program at the time a particular rulemaking process gets underway; (2) to consider whether achievements of the Goals Program should affect the objectives and content of prospective rules; (3) if deemed appropriate, to consider innovative regulatory options for dealing differently with the metal finishing industry (or participating facilities in the Goals Program).

Reclassification of hazardous metal finishing wastes under RCRA

Due to substantive process and waste treatment improvements since EPA's hazardous waste regulations were promulgated in the 1980s, metal finishing wastes may no longer exhibit the waste characteristics upon which the wastes were originally classified as hazardous.

EPA has concluded its characterization of wastes generated within the metal finishing sector, and is currently investigating possible classification revisions for these wastes under RCRA. David Jacobs of the stakeholder group is monitoring the EPA's effort at the national level and will represent the interests of the stakeholder group in that matter.

RCRA 90-day storage rule for hazardous wastes

As facilities reduce their generation of hazardous waste in pursuit of the Goals, the economies of scale in waste production will run in reverse, causing increased costs for disposal of smaller quantities of hazardous waste to conform with the current 90-day storage rule.

EPA has issued proposed changes to the 90-day storage rule in the Federal Register. The proposed changes allow for the accumulation of wastes for periods greater than 90 days subject to certain restrictions. The public comment period regarding the proposed rule ends in April 1999.

Local Interpretive Issues

The stakeholder group identified the following barriers as local interpretive issues that could be addressed through flexible interpretation of the Goals.

Goals flexibility for industrial activities that differ substantially from basic electroplating operations

Some potential Strategic Goals Program participants perform operations (i.e., electropolishing) that are substantially different from those upon which the facility-based Goals are based.

As discussed later under the performance measurement/verification plan, these facilities may propose alternative facility-based Goals, subject to review and acceptance by the Technical Review Panel.

Credit for pre-1992 environmental performance improvements

Because the District has maintained an effective Pretreatment Program for 30 years, many potential Strategic Goals Program participants installed wastewater pretreatment systems and implemented pollution prevention programs prior to the 1992 baseline year for the facility-based Goals. These facilities' pre-1992 efforts should be recognized when assessing progress towards the Goals.

As discussed later under the performance measurement/verification plan, facilities seeking credit for pre-1992 environmental performance improvements may propose alternative facility-based Goals, subject to review and acceptance by the Technical Review Committee.

Local Operational Issues

The stakeholder group identified the following barriers as local operational issues that could be addressed through operational flexibility currently existing in regulatory programs.

Performance-based oversight flexibility for regulatory agencies

Facilities may be subject to greater regulatory oversight (inspection and sampling) and greater self-monitoring requirements than mandated minimums, based on regulators' need to ensure continued compliance with applicable standards or requirements. Facilities demonstrating substantive progress towards the Goals should be subject to less oversight than facilities that do not participate in the Strategic Goals Program or do not make substantive progress towards the Goals.

EPA, the IEPA and the District agreed to review available operational flexibility options that would allow some reduced oversight and self-monitoring for facilities that demonstrate consistent compliance and substantial progress in attaining the Goals.

Upon determining that a Strategic Goals Program participant has attained a performance milestone, as described in this plan, the full stakeholder group will issue a recommendation to the appropriate regulatory agencies that operational flexibility options be exercised. *The exercise of flexibility options shall be at the sole discretion of the regulatory agency, which shall fully consider the potential for environmental performance degradation in determining whether to exercise such flexibility options.*

Relaxed wastewater discharge limits for Strategic Goals Program participants

Some industry representatives in the stakeholder group expressed the desire for relaxed wastewater discharge limits for Strategic Goals Program participants, pointing out that substantive water conservation programs undertaken in pursuit of the Goals may inadvertently result in increased concentrations of regulated pollutants in facility discharges, which could increase the potential for violating concentration-based discharge limits.

Congress explicitly mandated the development of categorical pretreatment standards, including those applicable to electroplating and metal finishing facilities. Therefore, categorical pretreatment standards cannot, in themselves, be relaxed in any manner for Strategic Goals Program participants. However, EPA anticipates publication of revisions to the General Pretreatment Regulations (40 CFR 403) during 1999 that will allow POTWs the discretion to convert concentration-based limits to mass-based limits, thus addressing the adverse impacts of water conservation efforts at regulated facilities. The District will incorporate this operational flexibility into its Pretreatment Program upon final promulgation of the streamlining rules.

In addition, the District agreed to consider reevaluation of its local discharge limits if such reevaluation could provide greater operational flexibility for Strategic Goals Program participants.

Flexible wastewater discharge and air emissions limits during new technology start-up

Facilities seeking to install and test new waste treatment technologies may experience an increased potential for violating applicable wastewater discharge and air emissions limits during technology start-up. Industry representatives suggested that, with prior notification to regulatory agencies, Strategic Goals Program participants should be granted relaxed wastewater discharge and air emissions limits (i.e., three times applicable limits for 10 days) during installation and testing of new technologies.

As indicated previously, regulatory flexibility to relax emissions limits, even for short intervals of time during technology start-up, does not exist under the current regulatory framework. Moreover, the concern is not the occurrence of a noncompliance

incident, but the response to the incident taken by the overseeing regulatory agency, along with the potential for punitive penalties.

The stakeholder group will seek commitments from the EPA, IEPA and the District to exercise enforcement discretion already existing in their regulatory programs, in responding to noncompliance incidents resulting from start-up of technologies installed in pursuit of the Goals.

Reduced sewer use fees

Industry specifically directed this matter to the District in relation to its current User Charge program.

Due to pending litigation regarding its User Charge program, the District cannot address sewer use fee incentives at this time.

Simplified and/or expedited permitting process for Strategic Goals Program participants

Facilities striving to attain the Goals may need to substantially modify their industrial processes and/or install additional waste treatment technologies. Simplified permitting processes and reduced permit processing times will facilitate installation and testing of new, beneficial technologies.

The IEPA and the District, as the primary agencies responsible for issuing discharge permits to industry, agree to facilitate review and issuance of permits to Strategic Goals Program participants, where such permits include adoption of pollution prevention strategies as an integral part of the facility modification.

In addition, both the IEPA and the District have joined the stakeholder group overseeing the Environmental Technology Verification Program for the Metal Finishing Sector (ETV-MF), established by the EPA's Office of Research and Development. The objectives of the ETV-MF Program include standardization of technology verification procedures and increased market penetration of innovative technologies through increased end-user confidence in verification test data. The IEPA and the District will explore approaches for streamlining the permitting process for effective environmental performance technologies that are verified through the ETV-MF Program.

Assistance Issues

The stakeholder group identified the following barriers as assistance issues that could be addressed through expertise provided by participants in the stakeholder group.

Tax credits and financial incentives for hazardous and non-hazardous waste recycling

Beneficial waste recycling activities are sometimes associated with greater transaction costs compared to traditional, less-beneficial disposal methods. Tax credits or other financial incentives that make recycling opportunities more attractive will stimulate industry adoption of such recycling opportunities.

Illinois law already contains provisions for tax credits for certain pollution prevention activities and other expenditures related to improved environmental performance. However, the availability of these tax credits is not widely known.

The IEPA will compile information regarding tax credits for environmentally beneficial activities for distribution to Strategic Goals Program participants. In addition, the stakeholder group has established a workgroup to explore additional tax credit incentives to stimulate beneficial recycling opportunities.

Access to financial assistance for assessment of new environmental technologies

Smaller and less capitalized facilities that could make progress towards the Goals often lack sufficient financial resources to implement pollution prevention projects or to effectively assess new environmental technologies that may be available to them. Access to low interest loans or grants could serve to stimulate pollution prevention activities at these facilities.

The Illinois Waste Management and Research Center (WMRC), as a partner in the Greater Chicago Pollution Prevention Program, provides pollution prevention technical assistance to industry, including pilot studies for the demonstration of various pollution prevention technologies. The WMRC also maintains an informational database regarding the availability of financial assistance for pollution prevention activities. The WMRC, as well as stakeholder group participants from financial assistance providers (e.g., Greater North-Pulaski Development Corporation) will provide access to financial assistance information for Strategic Goals Program participants.

WMRC recently launched its Accelerated Diffusion of Pollution Prevention Technology (ADOP²T) Program, through which WMRC is actively recruiting industrial sector partners to act as pollution prevention technology demonstration sites. Under the program, the on-site technology demonstrations will be free of charge to the partners, who in turn, will make their facilities available to others in the industrial sector.

Remuneration for costs incurred in reporting Goals progress

Some industry representatives suggested that Strategic Goals Program participants be paid for their participation in the program, through the equivalent of sign-up bonuses. Others indicated that some facilities may incur substantial costs in preparing the required periodic reports regarding their progress towards the Goals and suggested that

facilities be reimbursed for such costs.

Participation in the Strategic Goals Program is strictly voluntary. To this end, neither the Subcommittee nor the EPA envisioned paying industry for its participation in the Strategic Goals Program. However, the stakeholder group will continue to explore the availability of grant funding to support an engineering internship program, through which qualified engineering students might be available to industry to prepare periodic Strategic Goals Program reports in lieu of using industry staff. Such a program could also serve as third-party verification of industry reporting under the Strategic Goals Program.

Enhanced public recognition of industry efforts to achieve the Goals

Public recognition of industry activities often occurs only in the context of negative issues related to noncompliance with environmental, health and safety standards, while the media and public often overlook positive activities in these areas. Industry representatives requested assistance from regulatory agencies in gaining greater public recognition of industry efforts and achievements toward the Goals.

Under the General Pretreatment Regulations and its approved Pretreatment Program, the District is required to publish the identities of significant violators of applicable pretreatment standards in the newspaper, at least annually. Beginning in 1996, the District instituted the practice of also publishing the identities of industrial users having exemplary and consistent compliance records, as a means of publicly recognizing industry's efforts to maintain a high level of compliance with regard to environmental standards. Working through their respective public information offices, the USEPA, the IEPA and the District will also explore additional means of focusing media attention on the Strategic Goals Program and the success stories of Strategic Goals Program participants, including various pollution prevention award programs. Environmental organizations represented in the stakeholder group also need to publicly support the efforts of Strategic Goals Program participants through their respective public information campaigns.

Minimize potential exposure to third-party litigation over environmental regulations

Facilities striving to attain the Goals may experience instances of noncompliance, particularly while testing new technologies. These may lead to increased exposure to liability when compared to maintaining compliance with existing regulations.

The rights of individual citizens to initiate litigation under environmental regulations and other laws cannot be abrogated through participation in the Strategic Goals Program. However, the probability of third-party litigation can be reduced through a system of open communication with potential plaintiffs. Environmental organizations in the stakeholder group have agreed to provide support for Strategic Goals Program participants that are making progress towards the Goals, through public endorsement of

this plan and other outreach activities.

VII. Elements of Local Implementation Plan

After review of the industry focus group barriers, the full stakeholder group established four workgroups to study, in detail, the concerns of the industry sector and other stakeholders in developing a regional implementation plan. These four workgroups were directed to address the following areas:

- Public recognition for facility success, community relations and local partnerships
- Delivering technical and financial assistance to participants
- Measuring and verifying participant performance towards the goals and identifying performance incentives and rewards
- Tax credits and other economic incentives

The work products of the four workgroups are discussed in below.

Public recognition, community relations

The workgroup generally agreed that a 3-tiered approach be developed to measure milestone progress.

Compliance with Federally Mandated Toxics Reporting

The workgroup also recommended that three additional performance measures be included in the GoalsChicago assessment of SGP participants. While these items are not direct measures of environmental performance, they represent critical community relations (right-to-know) and worker/public health and safety issues.

Timely filing of Toxic Release Inventory (TRI) Form Rs and Tier I/Tier II data

EPCRA requires that companies in certain Standard Industrial Classification codes that use more than threshold amounts of one or more of a list of 600+ chemicals must file annual reports with federal and state agencies, estimating their releases of these chemicals into the environment. Companies that store more than threshold amounts of certain extremely hazardous materials must file that information with the appropriate federal, state and local regulatory and emergency planning agencies (Tier I/Tier II data).

Timely development and filing of Risk Management Plans

Section 112r of the Clean Air Act requires companies that have in process threshold amounts of certain toxic or flammable chemicals develop plans outlining how they will reduce the potential for and protect the public from the off-site consequences of an accident involving those chemicals.

Timely development of a process safety management plan

Federal regulations promulgated by OSHA (29CFR 1910.119) requires companies that use threshold amounts of certain highly hazardous chemicals develop plans for protecting workers from the results of catastrophic accidents.

In addition to addressing these three reporting requirements in the local SGP, Goals-Chicago representatives on the National Implementation Workgroup agreed to seek reporting on these three issues on the national SGP worksheet, to ensure that these items are consistently addressed across the nation.

Public Participation

The workgroup recommended that each SGP participant have a public outreach/participation program. Where a number of SGP participants are located near each other (within the same zip code or other commonly recognized geographic community demarcation), a joint meeting with representatives of the SGP participants may be substituted for individual participant meetings. The level of outreach/participation should be incrementally tied the 3-tiered performance milestones currently under development.

Bronze (first) level

The SGP participant will develop a fact sheet, flyer or newsletter describing the national SGP and the participant's involvement in the SGP. The newsletter will be distributed to neighbors and/or made available at the facility. The participant will also designate a Community Relations Contact to respond to inquiries from the community.

The stakeholder group will take responsibility for issuing a press release to the major regional newspapers (e.g., Chicago Tribune, Chicago Sun-Times, Daily Southtown) regarding the SGP. This press release will identify all SGP participants and their designated Community Relations Contacts. In addition, each SGP participant will issue a similar press release to at least one local, community-based newspaper. The stakeholder group will identify target community-based newspapers and will develop and make available, a model press release for use by SGP participants.

Silver (intermediate) level

In addition to the first level community relations activities, the SGP participant will develop annual updates to its newsletter, outlining the company's Goals progress, and will distribute the annual updates to neighbors. The company will also issue an updated annual press release to community-based newspapers. The stakeholder group will develop and make available, a

model press release for use by SGP participants.

The SGP participant will also participate in at least two to three meetings, annually, of local civic organizations, including one business/economic development group, to publicize the SGP and the company's own SGP related activities.

Gold (advanced) level

In addition to the first and intermediate activities, the SGP participant will host an annual "town meeting" to review the company's environmental performance and invite public questions/comments. If feasible, the meeting will be held on-site and include a tour of the participant's facility.

The SGP participant will also commit to further community information/involvement. Depending on the level of community interest, this additional information/involvement can be in the form of a regular community newsletter, more frequent meetings or an ongoing "good neighbor dialogue."

Progress verification

The stakeholder group recognizes that attainment of the Goals will not happen overnight, that participants are being asked to make a substantial, long-term resource commitment towards the program and that recognition of incremental progress towards the Goals will benefit the SGP in a number of ways.

Participants need regular feedback from the stakeholder group regarding their Goals progress.

Individual participants need recognition for incremental successes to foster both internal (employee) and external (e.g., shareholder, financial provider, customer) support for Goals efforts.

Participants collectively need access to successes to foster technology diffusion.

Stakeholders need incremental progress information/recognition to maintain continued support within their respective organizations.

Stakeholders need feedback to assess quality of service delivery to SGP participants.

Based on discussions during previous stakeholder meetings, there is a general consensus within the stakeholder group that Goals progress reported by participants be verified by independent parties. The verification is deemed critical for two reasons:

First, the stakeholder group intends to link any regulatory flexibility under the

SGP to demonstrated performance towards the Goals. Therefore, data used by the stakeholder group in recommending regulatory flexibility must be accurate and reliable.

Second, industry representatives indicated that there is the potential for unscrupulous companies to manipulate (or possibly) falsify information reported on national performance worksheets to give the impression of substantial progress, both as a possible marketing strategy and to access regulatory flexibility options being discussed by the stakeholder group.

The process verification workgroup recommended the creation of a standing Technical Review Committee to review milestone recognition requests submitted by participants, as a means of increasing process efficiency. The workgroup also developed the proposed verification process depicted in the Appendix.

Progress Measurement

Under the proposed verification process, an SGP participant's progress towards the Goals is measured by the average percentage progress made towards each of the Goals. Thus, a facility that has achieved 66 percent progress towards 3 Goals and 33 percent progress towards 3 Goals is deemed to have attained 50 percent progress overall towards the Goals. Under the Percentage Model, the Bronze, Silver and Gold recognition levels are attained when the SGP participant achieves 33 percent, 66 percent and 100 percent average progress, respectively, towards the individual Goals.

Progress Report Card

A model Progress Report Card for the GoalsChicago program is depicted in the Appendix. For quantifiable performance Goals, the performance metrics are defined as percentage progress from the 1992 baseline performance point towards the projected performance upon attainment of each Goal. For non-quantifiable performance Goals, the performance metrics are defined as assessment and percentage implementation of desired attributes that demonstrate attainment of the each Goal.

Technical and financial assistance delivery

The stakeholder group also recognizes that attainment of the Goals requires participants to move beyond traditional compliance activities into broader facility-wide environmental management systems. At the same time, the stakeholder group also recognizes that many participants lack the resources and expertise to implement environmental management systems in isolation. Therefore, technical assistance, and often financial assistance, will be necessary throughout an individual company's participation in the program.

The workgroup recommended the creation of a standing Technical/Financial Assistance Committee to coordinate the activities of various assistance providers and to ensure

that all participants have access to appropriate assistance in pursuit of the Goals.

Some program enrollees may already have established relationships with private sector technical assistance providers (i.e. consulting engineering firms/laboratories). Because of the institutional knowledge already available through these providers, the stakeholder group will encourage participants with established assistance providers to continue using those providers. Other program enrollees, however, may not have access to technical assistance or may not be able to afford technical assistance to support their voluntary participation. For these facilities, the stakeholder group agreed that technical assistance should be provided through the technical assistance providers identified the Appendix.

Role of technical assistance providers

The stakeholder group anticipates that technical assistance providers will serve three distinct roles in support of program participants.

First, the Technical/F Assistance Committee will contact program enrollees, within 3 weeks of a company's enrollment in the program, to arrange for an initial site assessment visit. This initial site visit will assess the current state of the company's activities and identify pollution prevention activities that will lead to improved environmental performance. The work product of this assessment, which is expected to be available within 10 weeks of sign-up, will be a site-specific Goals Attainment Plan (Attainment Plan) which will be provided to the participant and reported to the stakeholder group.

Second, technical assistance providers will work with the program participant over time to ensure that the Attainment Plan is implemented, and to assist in modifying the Attainment Plan should revisions become warranted.

Third, technical assistance providers will provide a detailed assessment of company operations to ensure the appropriateness of the generic National Performance Goals and to establish a baseline for progress measurement. While companies will submit data to the National Metal Finishing Resource Center using the national performance worksheets, Goals progress will be evaluated locally by the stakeholder group. In the event the generic National Performance Goals are deemed inappropriate for an SGP participant because of site-specific factors [e.g., unique metal finishing unit operations, conflicting goals (e.g., water conservation v. energy), pre-1992 improvements], the technical assistance provider will assist the SGP participant in addressing these concerns before the Technical Review Committee.

Recognizing that prompt, regular infusions of assistance are necessary both to launch participants on the Goals path and to ensure continued focus, this workgroup established a "Participation Timeline" (see Appendix) for delivering assistance to program participants.

WMRC's Accelerated Diffusion of Pollution Prevention Technologies (ADOP²T) Program

Independent of the GoalsChicago effort, WMRC initiated its own study of the effectiveness of pollution prevention assistance methods. In its study, WMRC concluded that several factors contribute to the slow adoption of innovative pollution prevention technologies by the industrial sector, and identified three knowledge levels necessary to facilitate technology adoption:

Principles Knowledge -- information dealing with the function principles underlying how the innovation works

Awareness Knowledge -- information that an innovation exists

How-to Knowledge -- information necessary to use an innovation properly

WMRC further concluded that “how-to” knowledge is often the most critical element in an individual company’s decision whether to adopt a particular innovative technology.

To facilitate diffusion of “how-to” information, WMRC has launched the ADOP²T program. WMRC has implemented a sequential process of identifying best industry practices and executing brief demonstrations and extended pilot trials of the practices that provide participants with the site specific information needed to positively influence company technology decisions. The implementation process is depicted in the Appendix. In addition to providing “how-to” knowledge to reduce the uncertainties surrounding adoption of innovative technologies, participants will have the additional benefit of having the pilot technologies provided by WMRC at no cost to the mentor sites, during the pilot project.

The WMRC recently placed an advertisement in the CMFI newsletter seeking industry leaders for participation as mentor sites. Mentor sites will be selected by WMRC after site visits and evaluation. In addition, mentor sites must agree to open their facilities and share the assessment information collected by the mentor and WMRC through the pilot project, with other metal finishers. In the past month, more than 10 metal finishing facilities have expressed interest in the ADOP²T program. A schematic representation of the ADOP²T program is included in the Appendix.

Regulatory and Financial Incentives

While recognizing that both performance-based regulatory and financial incentives will provide impetus for metal finishing facilities to participate in the SGP, the stakeholder group also recognizes that its role is advisory only, and that it cannot, itself, develop and implement such incentives. Nonetheless, the stakeholder group has identified a number of regulatory and financial areas that the group believes should be explored to provide incentives.

Operating principles for incentives program

Tax credits or other financial incentives should be directly linked to expenditures associated with Goals-related activities identified in each participant's Goals Attainment Plan.

Incentives should be media-specific (e.g., water, land, air) should be made available only when a Goals participant has demonstrated attainment of a performance milestone relative to the specific media (e.g., wastewater incentives only become available when the Goals participant has attained the designated wastewater performance milestone).

No media-specific incentives may be granted to any Goals participant if any environmental performance indicators associated with the specific medium indicate real or potential impairment or non-attainment of an environmental performance objective (e.g., reduced wastewater oversight may not be granted if the biosolids at the receiving POTW are not meeting Part 503 EQ Standards).

Granting of incentives to one or more Goals participants cannot result in a measurable degradation of one or more environmental performance indicators associated with the specific medium (e.g., reduced wastewater oversight must not result in increased loading of regulated pollutants to the receiving POTW or waterway, beyond current loading levels).

Media-specific incentives may only be granted if the Goals participant is substantially in compliance with all applicable standards relative to the specific media.

Existing media-specific flexibility

Hazardous and special waste generation/disposal

Illinois is a Resource Conservation and Recovery Act (RCRA) delegated state, and the IEPA administers hazardous waste regulations for Goals participants in Illinois.

Three existing approaches to regulatory flexibility under RCRA are (a) delisting, (b) exemption, and (c) one-time extension to the 90-day RCRA storage rule:

Under delisting, a waste generator may petition the USEPA to delist a site-specific hazardous waste from RCRA regulation, upon a demonstration that the waste does not exhibit any hazardous waste characteristics. This approach is particularly applicable to process-specific listed hazardous wastes (e.g., F006) where the generator's site-specific waste is characteristically different from wastes generally included in the listed class.

Under exemption, a waste generator may petition the IEPA to exempt a site-specific waste from classification as a solid waste (and therefore a RCRA hazardous waste) if the waste is beneficially reused as a product and shipped to a recycling facility. This approach is applicable to hazardous wastes from which the hazardous components may be completely recovered through on-site or off-site processes. USEPA Region 5 is currently reviewing the IEPA's actions in this area to determine the viability of this approach.

Under existing Illinois Pollution Control Board regulations, IEPA may grant a one-time extension to the RCRA waste 90-day storage rule for certain extenuating circumstances.

The IEPA has agreed to prepare guidance to the metal finishing sector regarding the availability of and the application process for seeking these options. In addition, IEPA should be requested to commit to expedited processing of delisting and exemption petitions from SGP participants.

Existing financial incentives

Tax credits/incentives

Illinois sales tax exemption for capital equipment and chemicals used in wastewater management.

The IEPA has agreed to prepare an informational guide describing the existing tax incentives for environmental management expenditures.

Potential permitting incentives

Regulatory agencies participating in GoalsChicago have already agreed, as a matter of policy, to provide expedited processing to Goals participants seeking permits related to any Goals objective.

The stakeholder group will engage other permitting authorities (e.g., City of Chicago Department of Environment, municipal building departments) to implement expedited processing (e.g., short turnaround times) for Goals participants.

Permit fees

For facilities demonstrating full compliance and attaining Goals milestones, permit fee reductions will be explored:

Bronze Level – xx % permit fee reduction

Silver Level – yy % permit fee reduction

Gold Level – 22 % permit fee reduction

The Incentives Development Committee will develop a detailed permit fee reduction plan for future consideration by the stakeholder group.

Potential media-specific incentives

Wastewater toxics reduction

Within the greater Chicago area (all of Cook County except the communities of Chicago Heights, Flossmoor and Homewood tributary to the Thorn Creek Sanitary District), all potential Goals participants discharge to the Metropolitan Water Reclamation District of Greater Chicago (District). Therefore, wastewater incentives discussed below are specific to the District.

Regulatory flexibility

Under the District's current Pretreatment Program, all Significant Industrial Users (SIU) are subject to greater oversight (both direct Control Authority monitoring and SIU self-monitoring) than federally mandated minimums. The stakeholder group recognizes that this creates an opportunity for regulatory flexibility that will both reward superior environmental performance by Goals participants and release District resources to be redirected towards more problematic facilities (Tier 2B, Tier 3, Tier 4) and other environmentally beneficial activities. Therefore, the stakeholder group will explore the following wastewater oversight flexibility:

Bronze Level – 33% reduction in required SIU self-monitoring per 6-month reporting period, as required under the District's Sewage and Waste Control Ordinance. For facilities with process wastewater discharges less than 200,000 gallons per day (gpd), minimum self-monitoring would be reduced from 3 days per reporting period to 2 days per reporting period. For facilities with process wastewater discharges greater than 200,000 gpd, minimum self-monitoring would be reduced from 6 days per reporting period to 4 days per reporting period.

Silver Level – 66% reduction in required SIU self-monitoring. For facilities with process wastewater discharges less than 200,000 gallons per day (gpd), minimum self-monitoring would be further reduced to 1 day per reporting period. For facilities with process wastewater discharges greater than 200,000 gpd, minimum self-monitoring would be further reduced to 2 days per reporting period.

Gold Level – 66% reduction in required SIU self-monitoring (Silver

Level) plus 50% reduction in scheduled Control Authority (District) monitoring.

The stakeholder group recognizes that the regulatory flexibility described above will necessitate revision of the District's Sewage and Waste Control Ordinance.

IEPA has established a workgroup consisting of GoalsChicago stakeholders and agency staff to explore additional potential incentives for Goals participants in this area.

District User Charge/EME Credits

Due to pending litigation regarding its User Charge program, the District cannot address sewer use fee incentives at this time. The stakeholder group agreed to explore potential sewer use fee incentives upon resolution of the pending litigation involving the District.

Hazardous and special waste generation/disposal

Regulatory flexibility

In anticipation of USEPA's final promulgation of the 90-day hazardous waste storage rule extension, the IEPA should commit to preparing a draft Illinois Pollution Control Board petition to facilitate state adoption of the final rule.

The IEPA and the USEPA should develop an enforcement strategy aimed at identifying *and targeting* facilities not currently identified under the RCRA program as well as those facilities that are not operating in compliance with applicable RCRA requirements.

The IEPA and the USEPA should develop a sector-wide assistance strategy aimed at identifying currently operating metal finishing facilities in need of technical assistance regarding RCRA compliance issues. The strategy should address facilities wishing to identify and correct potential RCRA violations and remain in operation, as well as facilities seeking decommissioning assistance. The strategy should include, at a minimum:

- Non-regulatory site assessment of facilities

- Identification of minimally-disruptive remediation technologies for use at sites wishing to remain in operation

- Access to technologies and capital for preemptive remediation of sites wishing to remain in operation

- Creation of Environmental Corporate IRAs, similar to medical or education IRAs for individuals, that would allow viable facilities to accumulate capital on a tax-exempt basis for decommissioning activities at a future time

IEPA has established a workgroup consisting of GoalsChicago stakeholders and agency staff to explore additional potential incentives for Goals participants in this area.

Air emissions

IEPA has established a workgroup consisting of GoalsChicago stakeholders and agency staff to explore potential incentives for Goals participants in this area.

Potential financial incentives

The stakeholder group recognizes that the most significant barriers to waste minimization and increased waste recycling are financial:

Capital equipment costs for waste minimization and on-site waste recycling technologies are often not profit centers or payback periods are considered excessive

Transportation costs and recycling fees often render off-site recycling unacceptable when compared to bottom-line costs for disposal

The stakeholder group identified several possible financial incentives at the state level to address these barriers:

Progressive corporate income tax credit (up to xx% of liability) as an incentive to minimize generation of RCRA hazardous wastes or to beneficially recycle such wastes, with greater credit given for source reduction

Progressive corporate income tax credit (up to xx% of liability) as an incentive to minimize generation of special wastes or to beneficially recycle such wastes, with greater credit given for source reduction

Illinois sales tax exemption for capital equipment used in waste minimization, on-site recycling, or on-site waste stabilization in conjunction with off-site beneficial recycling

Federal and state accelerated depreciation of capital equipment used in wastewater management (beyond compliance efforts) in pursuit of the Goals

At the federal and state levels, the stakeholder group identified the possible creation of Environmental Corporate IRAs, similar to medical or education IRAs for individuals, that would allow viable facilities to accumulate capital on a tax-exempt basis for decommissioning activities at a future time

The stakeholder group recognizes that the financial incentives outlined above will necessitate legislative action at both the federal and state levels. The workgroup

recommended the creation of a standing Incentives Development Committee to further develop these and other incentives and to develop an action plan for eliciting appropriate legislative action.

VIII. Standing Committees and Near-Term Projects

Recognizing that the stakeholder group cannot itself conduct the day-to-day business of this implementation plan, the group authorizes the creation of the following standing Committees to carry out the continuing functions discussed in the preceding sections. This organization is depicted in the Appendix.

Steering Committee

The Steering Committee will be responsible for coordinating the activities of all other committees and for the orderly flow of information to and from the full stakeholder group. The committee will also be responsible for development and maintenance of the GoalsChicago information management system necessary to carry out the functions of the local Goals program. The committee will consist of representatives from each of the following stakeholder groups: Industry, USEPA, IEPA, District, Community-based Organizations (CBO). Near-term projects for the Steering Committee will be:

Establish decision authority for all committees to ensure that stakeholder interests are addressed

Establish communication system with regular reporting to and feedback channels from all stakeholders regarding activities of the various standing committees, including electronic communication network (e-mail, listserver)

Articulate overall data management plan for all GoalsChicago activities to ensure compatibility of various committee tracking systems

Establish performance and accountability criteria for the various committees

Recruiting and Enrollment Committee

The primary responsibility for recruiting metal finishing sector participants into the Strategic Goals Program lies with the National Association of Metal Finishers and its local affiliate, the Chicago Metal Finishers Institute (CMFI). In support of recruiting and enrollment, all stakeholders agree to publicly endorse the Strategic Goals Program and to provide assistance to CMFI when requested. The committee will consist of representatives from each of the following constituent groups: Industry (2), District, CBO, Technical Assistance Providers (TAP). The role of this committee will be to provide outreach to potential SGP participants and to track, analyze and report industry sector participation in the SGP back to the stakeholder group. Immediate (near-term) projects for this committee will be:

Develop an industry tracking system identifying all potential SGP participants in the area along with their respective contacts

Publish a GoalsChicago introductory pamphlet (tri-fold or similar) as a marketing

tool

Reconnect with current SGP signees that are not active stakeholders

Plan presentations for the September 1999 joint CMFI/AESF meeting and the October 1999 Metal Finishing Suppliers' Conference

Develop procedures for notifying the Technical/Financial Assistance Committee upon enrollment of a new participant, to ensure that the participant receives information regarding the Strategic Goals Program and technical assistance in establishing (a) a site-specific Goals Attainment Plan and (b) site-specific Performance Metrics. A model for this process is depicted in the Appendix.

Public Information/Community Relations

The Public Information / Community Relations Committee will consist of representatives from the following constituent groups: Industry, USEPA, IEPA, CBO (2), TAP. This committee will be responsible for the development of public information/relations tools for use by SGP participants in fulfilling their community relations commitments under the SGP. The committee will also be responsible for coordinating all public outreach of GoalsChicago, including annual and periodic press releases and other media contacts. Immediate (near-term) projects for this committee will be:

Develop public information/outreach guidance for SGP participants

Develop an overall press strategy for GoalsChicago

Establish a press tracking system and making initial contacts with press representatives

Develop a model GoalsChicago website

Technical Review Committee

The Technical Review Committee will consist of representatives from the following constituent groups: USEPA, IEPA, District, CBO, TAP (2). This committee will be responsible for the development and clarification of Performance Metrics applicable to participants and verification of Goals progress and milestone attainment. Immediate (near-term) projects for the committee will be:

Develop guidance for establishing baseline performance profiles and evaluating requests for alternative baselines

Finalize the industry Report Card depicted in Attachment A for use in reporting Goals participants' progress to the stakeholder group and the public

Develop guidance for verifying Goals participants' requests for milestone incentives

Technical / Financial Assistance Committee

The Technical Assistance Committee will consist of representatives from the following constituent groups: Industry, USEPA, IEPA, CBO, TAP (3), financial assistance providers (as they elect to participate). This committee is charged with oversight of all assistance functions (technical and financial) to ensure that all Strategic Goals Program participants have immediate access to assistance upon enrolling in the Program. Immediate (near-term) projects for this committee will be:

Develop a Goals participant tracking system to ensure that all assistance commitments are carried out

Develop a technical assistance brochure describing the services provided through the Goals program

Develop a tax incentives information brochure based on information developed by the IEPA and DCCA

Develop a financial assistance brochure describing the services being developed through the Goals program

Develop guidance for technical assistance providers in initial site assessments and the development of Goals Attainment Plans and baseline profiles

Monitoring WMRC's ADOP²T Program and coordinating participation for Goals participants

Incentives Development Committee

The Incentives Development Committee will consist of representatives from the following constituent groups: Industry (2), USEPA, IEPA, District, CBO. This committee will be responsible for developing a stakeholder-endorsed plan to achieve regulatory changes identified by the stakeholder group as beneficial to SGP participants, including outreach to legislative, regulatory and other governmental entities. Immediate (near-term) projects for this committee will be:

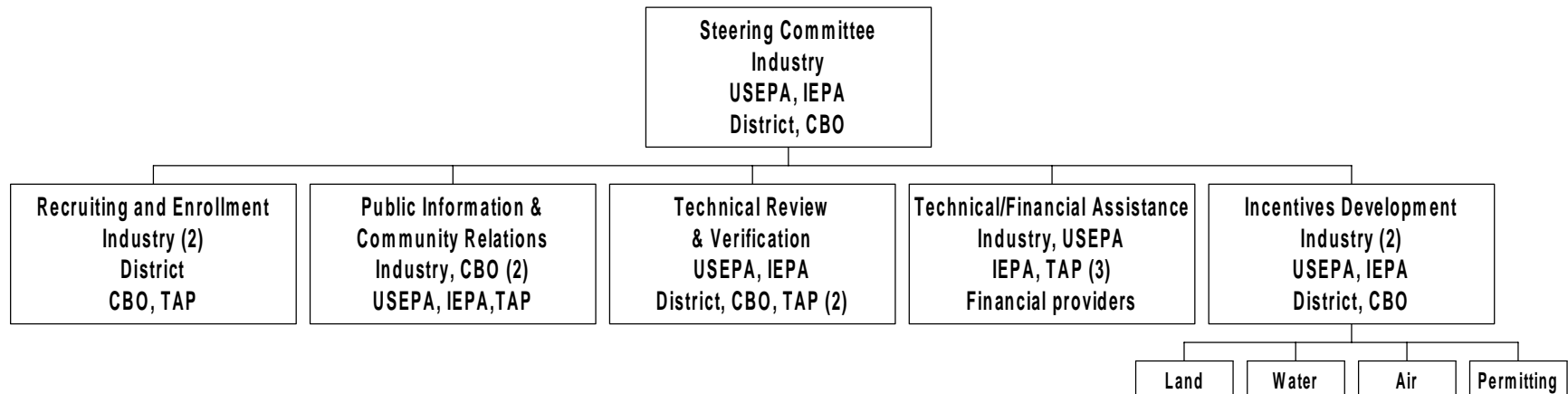
Develop draft amendatory language for the District 's Sewage and Waste Control Ordinance regarding oversight flexibility

Participate in IEPA media and multi-media focus group meetings for further incentives development

Track national issues (e.g., MP&M categorical standards) and assess their impact on the local Goals program

Lay groundwork for Illinois adoption of the revised RCRA storage rule upon Final Rule publication

I. Appendix



***IX.* Assistance Resources**

IX.

Initial Assessment Resources

- On-site
 - Waste Management Resource Center
 - NORBIC Environmental Assistance Center
 - IEPA Office of Pollution Prevention

OSHA Compliance Resources

- On-site
 - Illinois On-site Safety & Health consultation (Illinois Department of Commerce and Community Affairs)
 - NIST Manufacturing Extension Partnership (Chicago Manufacturing Center)

Air Compliance Resources

- On-site
 - Clean Break Amnesty Program (IEPA), if available
 - NIST Manufacturing Extension Partnership (CMC)
- Off-site
 - IEPA Clean Air ombudsman
 - Illinois Small Business Environmental Assistance Program (DCCA)
 - IEPA Office of Small Business

Water Compliance Resources

- On-site
 - Clean Break Amnesty Program (IEPA), if available
 - Metropolitan Water Reclamation District of Greater Chicago

Land Compliance Resources

- On-site
 - Clean Break Amnesty Program (IEPA), if available
 - Waste Minimization Assessment (USEPA)

Pollution Prevention Resources

- On-site
 - Waste Management Resource Center
 - NIST Manufacturing Extension Partnership (CMC)
 - NORBIC Environmental Assistance Center
 - IEPA Office of Pollution Prevention
- Off-site
 - Enviro\$en\$e website
 - Pollution Prevention Information Clearinghouse (USEPA)
 - Pollution Prevention Database (Chicago Legal Clinic)
 - Technical Assistance Project for Toxics Use Reduction/Good Neighbor Project (Citizens for a Better Environment)
 - National Metal Finishing Resource Center (www.nmfrf.org)

Financial Resources

- City of Chicago Environmental Compliance Loan Program
- Small Business Administration/DCCA Access-to-Capital Project for Metal Finishing
- Bank of America (pending)
- South Shore Bank (through Delta Institute) (pending)
- Bank One (pending)

•Technical Assistance Timeline

•Time After Sign-up

Activity

Within 1 week

- SGP Industry Manager (McDowell) provides:
 - “Welcome Aboard Kit to participant
 - Performance sheet guidance
 - Provides regular updates on national events via FAX or e-mail

- GoalsChicago provides:
 - Greater Chicago P2 directory of environmental resources
 - Local contact names/addresses
 - Handouts from available assistance resources
 - Information on upcoming stakeholder meetings
 - Engineering intern program description (as available)
 - Information on local trade associations
 - Information regarding financial assistance opportunities
 - GoalsChicago Welcome information
 - NORBIC Assistance Center pamphlet and contact information

Within 3 weeks

- Initial contact by NORBIC to assess resource needs (information directed to NORBIC, WMRC, IEPA Office of Pollution Prevention or private sector consultant)
- Participant provided intern option/objectives (possible future resource)
 - Assist industry in SGP implementation while gaining knowledge/experience
 - Help relieve reporting burden
 - Facilitate NGO participation in local SGP
 - Assistance areas
 - Performance worksheet data collection
 - P2 assessments
 - P2 technology evaluation/selection

✓

✓Technical Assistance Timeline

✓
✓Time After Sign-up

Activity

Within 10 weeks

- Participant completes national worksheet for 1992 baseline year
- Clean Break Audit conducted (if available) to establish current compliance status or to determine compliance needs
- USEPA advised that participant has requested Clean Break Audit; USEPA will agree not to take enforcement action where the state's response is consistent with USEPA's self-audit policy (December 22, 1995 60 FR 6670)
- On-site safety/health consultation by Illinois DCCA to establish health/safety baseline (and to determine outstanding workplace safety issues)
- Full P2 assessment by one of following:
 - WMRC
 - NIST Manufacturing Extension Partnership (CMC)
 - NORBIC
 - Technical Assistance Project for Toxics Use Reduction/Good Neighbor Project (CBE)
 - private sector consultant
- Participant begins preliminary project definition, assess regulatory requirements, financial assistance needs
- If assessment performed by WMRC, WMRC will evaluate potential participation as demonstrate site under ADOP²T Program

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•Technical Assistance Timeline

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•Time After Sign-up

•Activity

Within 3 months

- Participant receives written safety/health consultation report from DCCA
 - Participant receives P2 assessment report from assessment partner, including:
 - ┌ Relevant fact sheets and case studies to raise awareness of P2 opportunities
 - ┌ Recommendations for adoption of industry “best practices”
 - ┌ Recommendations for P2 project opportunities including incremental changes and possible innovative technologies
 - ┌ Technical and financial feasibility of project recommendations
 - ┌ Possible visits to ADOP²T mentoring sites currently using target innovative practices and technologies
 - Participant develops P2 implementation plan
 - Technical assistance is in place to assist with following:
 - ┌ Project/timeline development
 - ┌ Financial assistance applications
 - ┌ Prioritization of P2 projects and development of P2 implementation plans
 - ┌ Setting up visits to ADOP²T mentoring sites
 - Stakeholder review of P2 plans
-

• **Technical Assistance Timeline**

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•Time After Sign-up

•Activity

Thereafter

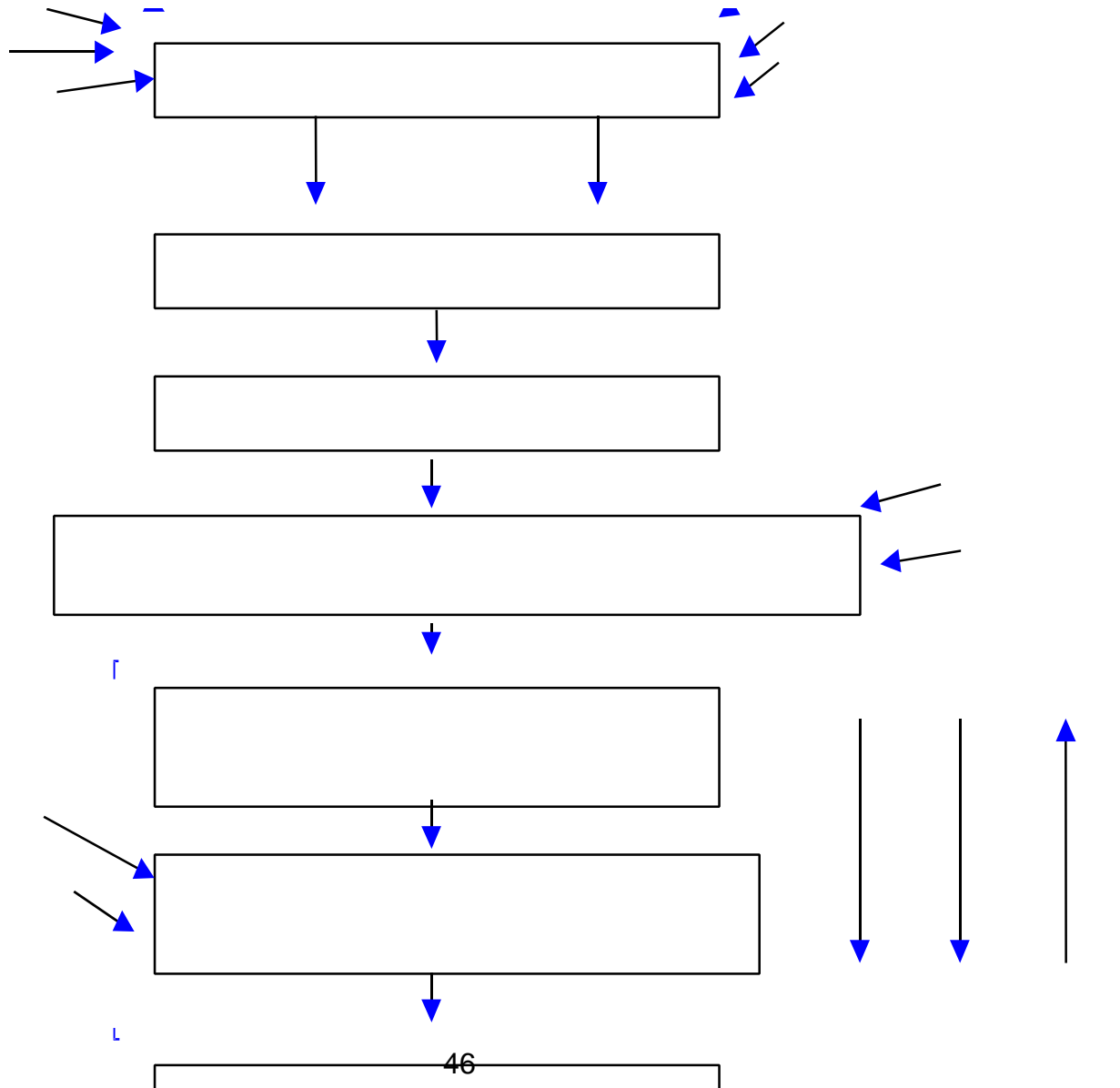
- Participant implements P2 plan and desirable process changes
- Practices requiring extensive process changes and/or more sophisticated technology implementation may require pilot studies to reduce uncertainty, resolve compatibility issues and address the technical complexity of innovation. Technical assistance will remain available to research potential projects and interface participants with mentors, equipment vendors and other resources for pilot studies. Focus on delivering “how to” knowledge
- Successful activities documented through SGP intern or P2 partner, consistent with confidentiality/trade-secret requirements. Documentation made available to stakeholder group for industry sector and public access
- Successes, pilot studies and other research activities documented into fact sheets, case studies and other database materials for stakeholder use to create additional “awareness” of SGP, and for CMFI to create regional resource center

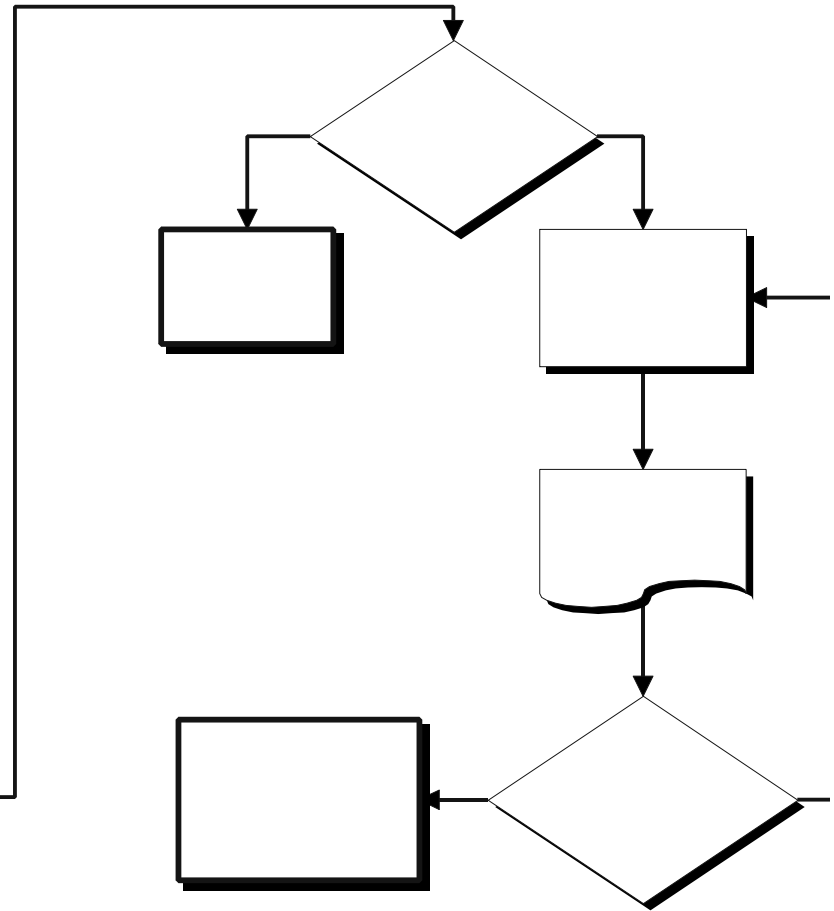
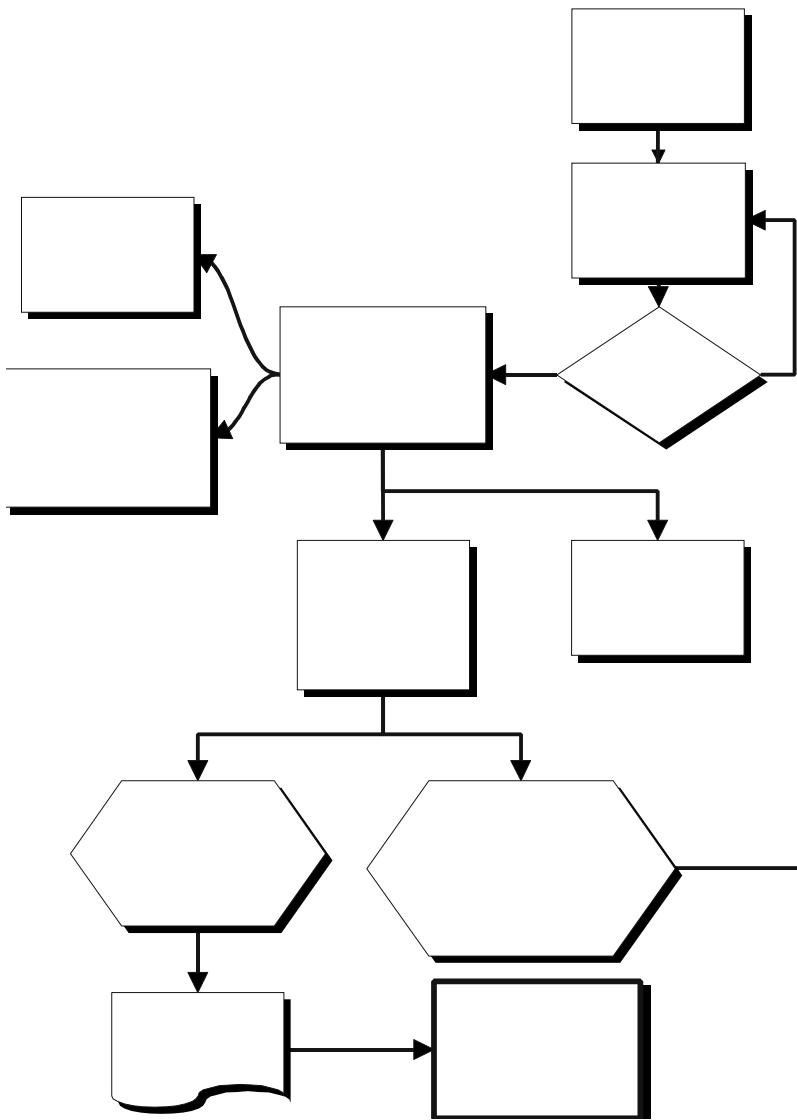
Annually

- Participant continues to complete national performance worksheet
 - Stakeholder review of project progress
-

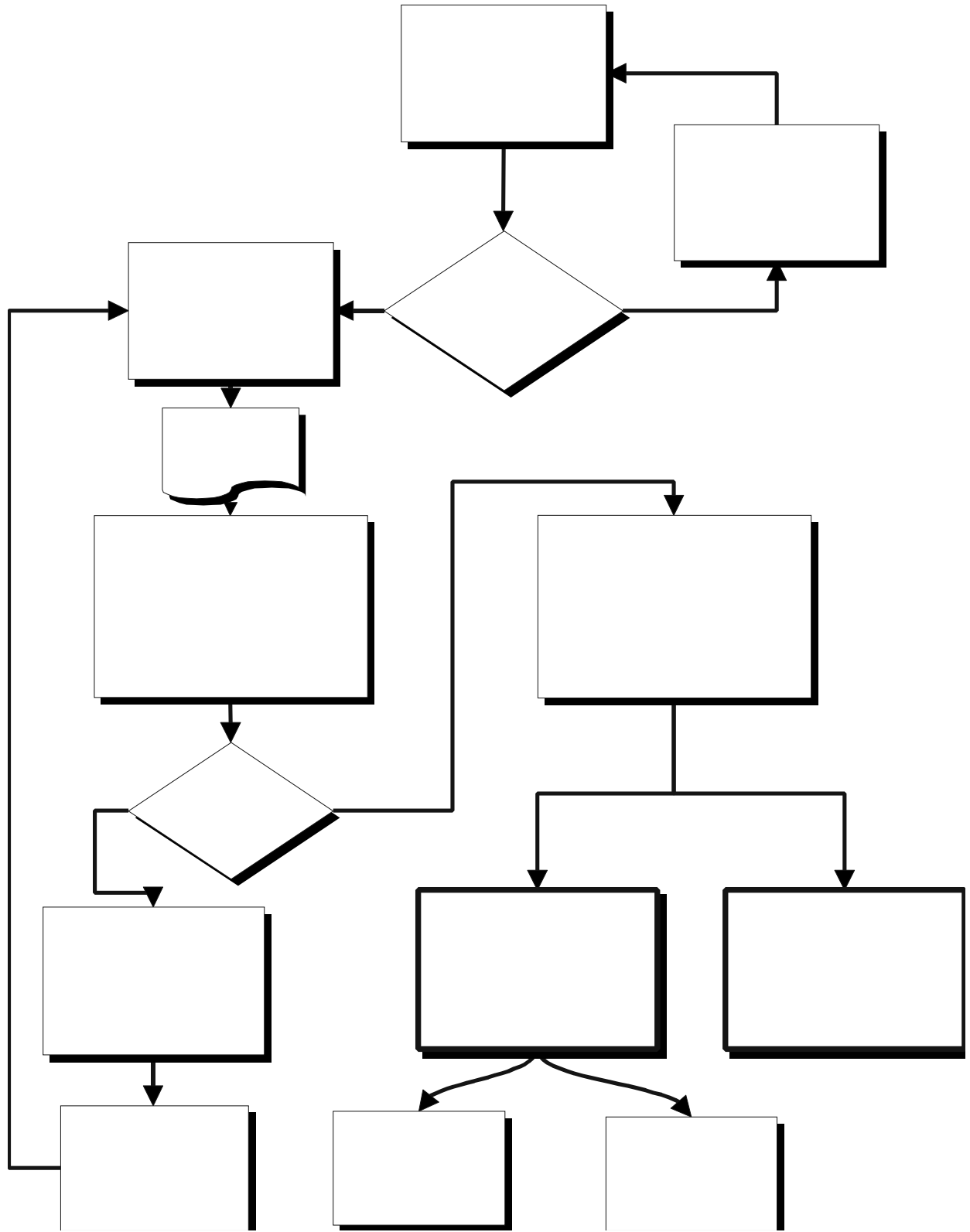
Accelerated Diffusion of P2 Technologies

ADOP²T Program





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Goals - Chicago

**An Industrial User Progress Report for the
Metal Finishing Sector Strategic Goals Program
(for the period ending _____)**

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Participant

Address

Contact

Telephone Number

Facsimile

e-mail

Website

Goal 1 – Improved Resource Utilization

(a) 98 % of metals ultimately utilized on product

This Goal is achieved when a facility is emitting less than 2% of the metals it purchases into the environment, through all media.

Baseline performance: XX percent of incoming purchased metals utilized in product.

Target performance: 98 percent of incoming purchased metals utilized in product.

XX percent utilization **X**
98 percent utilization

(b) 50% reduction in water purchased and used

This Goal is achieved when a facility has an annual water usage that is 50% or less of its baseline year water usage, adjusted for any changes in the facility's level of production. If an outstanding performance level was reached prior to 1992, the 50% reduction target may not be fully achievable, or the effort to achieve it may not be the best use of available resources.

Production-normalized baseline usage: XX gallons per measurement unit

Target performance: XX gallons per measurement unit

Baseline usage **X**
50 percent of baseline usage

(c) 25% reduction in facility-wide energy use

This Goal is achieved when a facility's total annual energy consumption is 75% or less of its baseline year total energy consumption, adjusted for any changes in the facility's level of production. . If an outstanding performance level was reached prior to 1992, the 25% reduction target may not be fully achievable, or the effort to achieve it may not be the best use of available resources.

Production-normalized baseline usage: XX units per measurement unit (electrical)
XX units per measurement unit (gas)

Target performance: XX units per measurement unit (electrical)
XX units per measurement unit (gas)

Baseline usage **X**
75 percent of baseline usage

Goal 1 Overall Performance: _____ = [(a) + (b) + (c)] / 3

(c) Reductions in human exposure to toxic materials in the facility and the surrounding community, clearly demonstrated by actions selected and taken by the facility.

Such actions may include, for example, pollution prevention, use of state-of-the-art emission controls and protective equipment, use of best recognized industrial hygiene practices, worker training in environmental hazards, or participation in a Local Emergency Planning Committee.

(c) *Pollution Prevention*

- | | | |
|---|------------------------------|-----------------------------|
| Prepared process map of facility operations? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Identified process raw materials/energy inputs for each step? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Identified all process outputs? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Included auxiliary operations in process map? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Prioritized wastestreams by environmental impact? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Established written corporate environmental/P2 policy? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Established employee P2 suggestion system? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Formal P2 assessment conducted? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Investigated chemical substitution or other P2 opportunities? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Implemented chemical substitution or other P2 opportunities? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

(c) *Materials Storage and Utilization*

- | | | |
|---|------------------------------|-----------------------------|
| All containers closed? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| All containers clearly and properly labeled? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| On-site storage minimized? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Solvent tanks covered when not in use? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Implemented projects to reuse/recover chemicals? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Implemented projects to increase material use efficiency? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Storage areas kept clean to facilitate spill collection? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

(c) *Personal Protective Equipment (PPE)*

- | | | |
|---|------------------------------|-----------------------------|
| Where applicable, PPE always worn? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Annual training for proper PPE conducted? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

(c) Industrial Hygiene Practices

- Investigation/sampling performed in response to complaints? Yes No
- Corrective action taken if exposure greater than Permissible Exposure Limit (PEL)? Yes No
- Workplace sampling performed regularly? Yes No
- Corrective action taken if exposure near PEL? Yes No
- Proper ventilation rates maintained on ventilated processes? Yes No
- Implemented medical surveillance program, if warranted? Yes No

(c) Employee Training in Environmental Hazards

- Spill management system in place to track causes and implement corrective action for all spills/accidents? Yes No
- Trained personnel in container handling and spill response? Yes No
- Trained personnel in proper mixing and monitoring techniques for baths? Yes No
- Implemented SPCC Plan with annual review? Yes No

(c) Local Emergency Planning Committee (LEPC)

- Contingency plan developed for LEPC? Yes No
- Regular communications maintained with LEPC? Yes No
- Contingency plans reviewed annually? Yes No

(c) Compliance with Environmental Regulations/Standards

- Is the facility currently in compliance with all applicable environmental standards? Yes No
- Is the facility currently in Significant Noncompliance (water) or otherwise in major noncompliance with any applicable environmental standards? Yes No

(c) Compliance with Federally Mandated Toxics Reporting

- Has the facility filed TRI Form Rs and all Tier I/Tier II data? Yes No
- Has the facility developed an acceptable Risk Management Plan pursuant to Section 112r of the Clean Air Act if required to do so? Yes No

Has the facility developed a Process Safety Management Plan pursuant to 29 CFR 1910.119 if required to do so? _____Yes _____No

Goal 2 Overall Performance: _____ = **[(a) + (b) + (c)] / 3**, where (c) is the percentage of qualitative attributes achieved.

Goal 3 – Increased Economic Paybacks and Decreased Compliance Costs

(a) Long-term economic benefits to facilities achieving Goals 1 and 2

This Goal is achieved when a facility recognizes long-term economic benefit in conjunction with achieving Goals 1 and 2. Such economic benefit can be derived from a combination of reduced raw material, water and energy costs; marketing advantages; reduced liability exposure and the implementation of Goal 3(b).

(a) 50% reduction in costs of unnecessary permitting, reporting, monitoring and related activities (from 1992 levels), to be implemented through burden reduction programs to the extent that such efforts do not adversely impact environmental outcomes.

(b) This Goal is achieved through the cumulative effect of all burden reduction efforts undertaken in Part 2 of the National Strategic Goals Action Plan.

(b)