

TABLE OF CONTENTS

Preface	5
Introduction	7
1. Understand Senior Management’s Thinking	11
2. Working with Your Colleagues	15
Working with Attorneys	16
Working with Plant Managers	20
3. Working with Regulatory Agencies	25
Meet All Deadlines with Agencies	28
4. Know the Regulations and Minimize Your Liabilities	33
Relationship between EPA and state agencies	34
How to stay current	35
The Importance of Documentation	36
Learn to Navigate the 40 CFR	37
Understand how Enforcement is done	41
EPA’s case selection process	43
Avoiding Perils of Environmental Crimes	47
Sometimes Less is better	49
Setting Up an Early Warning System	50
5. Managing Environmental Risks and Hazards	53
Environmental Risks	53
Environmental Hazard Analysis	55
A Case Study	58
6. Managing your Environmental Data	61
Getting Information Out of Data	62
Data Management	65
Understanding “environmental Sustainability”	66
Myths about Environmental Indices	69
7. Doing Environmental Audits	73
EPA’s Environmental Audit Policy of 1986	73
EPA Self-Disclosure Policy	78

Benefits of Environmental Audits	78
Protecting Your Audit Results	82
Different Types of Environmental Audits	83
Root Cause Analysis	91
Preparing Your Audit Report	92
8. Selecting the Right Consultants	97
Pricing your Consultants	101
The Importance of Proper Due Diligence - a case of Caveat Emptor	107
9. Ownership is the Key to Implementing Your Plans	113
Writing Best Management Plans	118
10. How to Deal with Citizen Lawsuits	121
11. Get Ready for the Inspectors	125
Joint Federal/State Inspections	126
Agency's Authority to Inspect	126
What Are Your Rights?	127
Preparing for an Agency Inspection	128
Opening Conference	130
Closing Conference	132
12. How to Prepare for THAT Accident	135
The List of Lists	136
Federal Reporting Procedures	136
Lessons from the BP Oil Spill of 2010	145
Release Reporting in California	147
Release Reporting in Other States	148
13. Your Duty to Report to Agencies	155
14. How to Make Effective Presentations	159
The First Five Slides are Most Important	162
Handling nervousness during the presentation	176
15. Setting Up an Environmental Management System	179
Environmental Policy	180
Planning	181
Implementation	182

Audit	183
Senior Review	183
Practical Environmental Management System Checklist	184
The US EPA EMS Model	190
16. Key Elements of California Specific Requirements	193
California Environmental Protection Agency	193
Certified Unified Program Agencies (CUPAs)	194
Unique Elements in California Laws and Regulations	194
Prop 65 Law	196
Insignificant exposure	199
Types of exposures under Prop 65	200
Two Famous Prop 65 Enforcement Cases	201
Changes to Prop 65	202
17. A Blueprint for Environmental Compliance	203
Appendix 1 : Overview of Environmental Regulations	209
Appendix 2: Understanding the Clean Water Act	217
NPDES Permit	217
Water Quality Standards and Effluent Limits	219
NPDES Permitting Process	220
Mixing Zone	224
Waste Load Allocations	226
Pretreatment Program	226
Citizen Lawsuits	228
Violations that Could Lead to Criminal Prosecution	231
EPA's civil penalty policy	232
Things to watch out for under the Clean Water Act	233
Spill Prevention, Control & Countermeasure (SPCC) Program	234
Requirements of SPCC	237
Storm water Management	239
Appendix 3: Air Permits and Cape-and-Trade	257
How to Avoid Title V Air Permits	258
Cap-and-Trade	261

Appendix 4: How to Write Readable Reports	263
Appendix 5: Cal/EPA Incentives For Voluntary Disclosure	267
Appendix 6: EPA Memo on the Exercise of Investigative Discretion	277
Appendix 7: DOJ Guidance on Environmental Crime Prosecution	285
Appendix 8: Five Bad Environmental and Safety Decisions	295
Appendix 9: Common Environmental Terms	311
Appendix 10: List of Common Abbreviations	335
Addition Resources	339
About the Author	341