

# Colorado Environmental Leadership Program (ELP) Handbook



**COLORADO**  
Environmental Leadership Program

Department of Public Health & Environment

## COLORADO ENVIRONMENTAL LEADERSHIP PROGRAM HANDBOOK

	Page
1.0 Purpose	1
2.0 Definitions	2
3.0 Eligibility Requirements	5
4.0 Requirements for Supporting Role	7
5.0 Application and/or Nomination to the ELP Process	7
6.0 Retention, Probation and Termination of Designation/Benefits	10
7.0 Probation or Termination of Program Tier Designation and Benefits	12
8.0 ELP Benefits	12
Appendix A - Environmental Management System (EMS) Requirements	14
Appendix B - Incentives Table	21

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## 1.0 PURPOSE

The Environmental Leadership Program (ELP) is a voluntary program that encourages and rewards superior environmental performers that go beyond the requirements of environmental regulations and move toward the goal of sustainability. The program is open to all Colorado businesses, industries, offices, educational institutions, municipalities, government agencies, community, not-for-profit and other organizations. Currently, the program consists of three tiers, Bronze, Silver and Gold. The purpose of this document, The Colorado Environmental Leadership Program (ELP) Handbook, is to provide a central reference for policies and procedures associated with Colorado's ELP. The Handbook summarizes information on current aspects of program implementation, including eligibility requirements and member incentives. To further clarify and interpret program criteria, guidance information is also provided and clearly marked as "guidance". The Handbook is a perennial "working document" that will be maintained primarily in electronic form so that program updates can be incorporated into it quickly and frequently.

## 2.0 DEFINITIONS

As used in this document, unless otherwise specified or the context otherwise requires, the following definitions are provided:

1. **Advisor** - any entity that at a minimum complies with the mandatory elements included in this document and has been so designated by the department as an Advisor to the ELP.
2. **Advocate** - any entity that at a minimum complies with the mandatory elements included in this document and has been so designated by the department as an Advocate of the ELP.
3. **Applicable environmental requirements** - the federal and state environmental statutes, regulations and policies applicable to the entity.
4. **Aspects** - those processes, products and activities over which an entity has control and that can or has the potential to positively or negatively interact with the environment.
5. **Auditor** - a person that is qualified to conduct an EMS audit at the facility. Auditors can be internal or external auditors. An internal auditor is a person that is employed at the facility being audited and is qualified, as determined by the facility, to conduct an EMS audit at the facility; an external auditor is a person that is not employed at the facility being audited and is qualified, as determined by the department, to audit for conformance of the EMS to the criteria set forth in this document.
6. **Bronze Tier** - an Environmental Achiever or the entry-level tier of the ELP.
7. **Department** - the Colorado Department of Public Health and Environment.
8. **Entity** - any facility of a corporation, partnership, sole proprietorship, municipality, county, city, city and county, special district, educational institution, not-for-profit, or state or federal department or agency located and doing business in Colorado.
9. **Environmental Achiever** - a Bronze Tier designation under the ELP designed to recognize entities that have made significant achievements in improving the environment in Colorado.
10. **Environmental Leader** - any entity that at a minimum complies with the mandatory elements included in this document and has been so designated by the department to the Gold Tier of the ELP.
11. **Environmental Leadership Program (ELP)** - the bronze, silver, gold tiers of the department's recognition and reward program.

12. **Environmental management system (EMS)** - part of an overall management system that identifies and addresses environmental concerns through the allocation of resources, assignment of responsibilities and ongoing evaluation of practices, processes and procedures to achieve sound environmental performance.
13. **Environmental management system audit** - a systematic, independent, and documented verification process, conducted by an EMS auditor, which objectively obtains and evaluates evidence to determine whether an entity's EMS conforms to the requirements of an EMS as defined in this document.
14. **Environmental Partner** - any entity that at a minimum complies with the mandatory elements included in this document and has been designated by the department to the Silver Tier of the ELP.
15. **Environmental Steward** - any entity that at a minimum complies with the mandatory elements included in this document and has been designated by the department to the Platinum Tier of the ELP.
16. **Executive Director** - the executive director of the Colorado Department of Public Health & Environment.
17. **Facility** - all contiguous property, land and structures under the control of the owner or operator and used for a designated purpose.
18. **Gold Tier** - an Environmental Leader of the ELP.
19. **Impacts** - positive or negative changes that occur in the environment as a result of the aspects.
20. **Objectives** - overall environmental goals set by the entity to mitigate impacts and lead to improved environmental performance.
21. **Pollution prevention** - eliminating or minimizing the initial generation of waste at the source or using environmentally sound on-site and off-site reuse or recycling. Waste treatment, release or disposal is not considered pollution prevention.
22. **Program tiers** - the Bronze, Silver, and Gold tiers of the ELP.
23. **Responsible official** - an individual who has the authority to sign and certify on behalf of an applicant to the ELP the truth, accuracy and completeness of the application or compliance forms.
24. **Serious violation** - a violation that is prone to cause significant impact to human health or to the environment, which may include, but is not limited to: violation of a consent order; failure to obtain a permit or license; a knowing violation; failure to respond to official request for information; or multiple (environmental) violations. A conviction for criminal violations or under investigation for criminal violations of applicable environmental laws, or out-of-court settlements of formal charges, including falsely certifying compliance and knowing violations; or an on-going EPA or state-initiated litigation.
25. **Significant environmental achievement** - a meaningful improvement in the environment by implementing an operational change, product replacement, new technology, business practice or other innovative measure that results in an improvement to air quality, water quality, a reduction in water use, solid or hazardous waste generated, energy usage, pollution prevention, an Energy Star certification, etc.
26. **Significant impacts** - the impacts as determined by an entity that could cause significant changes in the environment or cause harm to public health.
27. **Silver Tier** - an Environmental Partner of the ELP.
28. **Substantial compliance** - an entity is committed to maintaining compliance with applicable state and federal environmental regulations, as necessary, to qualify for the ELP.
29. **Supporting role** - participation in the ELP either as an Advisor or an Advocate.

- 30. **Targets** - specific goals that are set to meet the objectives.
- 31. **Waste** - any material or other resource that is not incorporated into a product, such as surplus, obsolete, off-specification, contaminated or unused material and includes any of the following: air emissions, water discharges, hazardous waste and solid waste.

**3.0 ELIGIBILITY REQUIREMENTS**  
**Requirements for Program Tier Status**

Those entities that operate in Colorado and voluntarily seek or agree to designation in one of the program tiers must meet the compliance and beyond-compliance eligibility requirements below.

**1. Compliance-Related Requirements**

Compliance-related eligibility requirements for an entity that voluntarily seeks or agrees to designation at one of the program tiers of the Environmental Leadership Program can be found in below.

Requirement	Period of Time		
	Bronze	Silver	Gold
An entity may not be eligible to participate in the program if there has been a pattern of regulatory or permit violations, notices of violation, civil penalties and/or criminal penalties and significant compliance advisories (or informal enforcement actions) that indicate a lack of commitment to environmental leadership.	*	*	*
Evidence of no serious violations of applicable local, state and federal environmental laws and permits for a period of time immediately prior to the date of submission of the application for participation in the program.	One year	One year	Three years
No conviction of environmental laws or out-of-court settlements of formal charges of criminal violations within a period of time before filing the application.	Two years	Two years	Five years
No settlement agreement has been entered into and no compliance or consent order has been issued for serious violations of environmental laws and permits for a period of time immediately prior to the date of submission of the application for participation in the program.	One year	One year	Three years
Any entity that applies for the program and is part of a corporation, partnership, sole proprietorship, municipality, county, city and county, special district, or state or federal agency or department that has other Colorado facilities may not be eligible for the program unless all of the said Colorado facilities are in compliance with applicable local, state and federal environmental laws and regulations. This provision will be looked at on a case-by-case basis.	N/A	N/A	At time of application

\*Compliance history and the evaluation of commitment to the environment will be determined on a case-by-case basis by ELP and Department environmental staff and management.

## 2. Beyond-Compliance Requirements

In addition to the compliance-related requirements, there are beyond-compliance requirements for each of the program tiers. These requirements are described below.

### A. Bronze Achiever

An entity is nominated to the Bronze Tier of the ELP for making a significant achievement(s) in improving the environment of Colorado. The areas of achievement, which must be beyond compliance, may include one or more of the following:

- Improvement in air quality;
- Improvement in water quality;
- Reducing water usage;
- Reducing energy use (e.g. an Energy Star achievement);
- Solid and/or hazardous waste reductions;
- Implementing pollution prevention actions;
- Land use improvements or protection;
- Environmental education, outreach or mentoring; and/or,
- Other innovative measures which benefit the environment.

### B. Silver Partner

An entity applying to the Silver Tier of the ELP must commit to develop and implement an environmental management system (EMS) within an agreed upon timeframe, not to exceed three years, in addition to meeting the requirements for “beyond-compliance” activities and programs.

Certain milestones (at a minimum) must be met to remain in the program, however, an entity has the opportunity to apply to the Gold Tier sooner if they meet the following requirements:

(NOTE: Not all requirements may apply and will be determined on a case-by-case basis).

- **By the end of year one** the entity must, at a minimum, demonstrate “in process” EMS implementation steps beyond that of the time of applying to the program.
- **By the end of year two**, the entity must, at a minimum, have in process additional portions of an EMS beyond that of the first year.
- **By the end of year three**, the entity must have a fully functional EMS, conducted a third party audit and comply with all the requirements listed in Appendix A. At such time, an entity may apply directly to the Gold Tier.

NOTE: A Silver Level company may apply to the Gold level before the three year timeline should it meet the criteria requirements of the Gold level.

### C. Gold Leader

To qualify for designation as a Gold Leader, an entity **MUST**:

- Have in place a fully operational, facility-specific EMS.
- Have completed at least one full cycle of an EMS that conforms to the criteria set forth in Appendix A (a full cycle includes planning, implementation and operation, checking and management review).
- Have completed both an EMS and internal compliance audit.
- Have completed a third-party assessment of the EMS. (Third-party assessments may be performed by a lead auditor in your parent company or by an independent auditor, but not by individuals who played a substantive role in developing the EMS for the facility).
- Provide a summary, on-site review or some other **documentation of an entity’s EMS** that demonstrates achievement of the criteria set forth in (Appendix A).
- Demonstrate “Past Achievements” in order to show commitment to improving environmental performance. In general, **small entities** (50 employees or less) will be asked to demonstrate one Past Achievement, and **large entities** four.

- Set continual environmental improvement goals “**Future Commitments**” as the means to achieve environmental excellence. Future Commitments should be based on a sound systematic approach to environmental decision-making and goal setting, supported by measurable results. The number of Future commitments an entity must set depends on the size of the entity as determined by the department. In general, **small entities** will be asked to set **two** continual improvement goals and **large entities** **four** goals.

**Guidance:**

*Continual environmental improvement goals should promote the following: (1) the elimination or reduction of waste at the source of generation; (2) redirection of waste streams for reuse or for substitution of commercial products; (3) environmentally sound on-site and off-site recycling programs; and, (4) beyond compliance activities and programs. Other goals may include attending or sponsoring environmental workshops, developing case studies, establishing pollution prevention networks with suppliers or providing the department with pollution prevention information for possible publication or dissemination. Aspects are chosen by the facility. Commitment for improvement should relate to the significant environmental aspects identified in the EMS and should take into account local environmental priorities and pollution prevention opportunities.*

*Optional activities or programs that qualify for continual environmental improvement can include participating in mentoring opportunities with other companies or organizations such as providing technical assistance and exchanging innovative technologies, attending or sponsoring workshops and developing case studies.*

#### **4.0 REQUIREMENTS FOR SUPPORTING ROLE**

The supporting role in the ELP is designed to enhance and complement the overall program. Those entities that operate in Colorado and agree to participate in a supplementary role as an Advocate or Advisor must meet the requirements outlined below.

##### **1. Advisor**

This section applies to an individual or group that acts in an advisory capacity and assists in shaping the future of the ELP. Examples of existing or expected advisory capacities follow:

- **Pollution Prevention Advisory Board**
- **Colorado Environmental Partnership (CEP)**
- **Internal Advisory Panel**

The Internal Advisory Panel consists of representative(s) from each of the environmental divisions (Air Quality Control, Consumer Protection, Hazardous Materials and Waste Management, Water Quality Control) at the department.

- **External Advisory Panel**

The External Advisory Panel consists of current ELP Members.

##### **2. Advocate**

This section applies to an individual or group that promotes and supports the ELP in a variety of ways. For example, an Advocate may be a consulting firm that provides a free training session to our members or a trade association that encourages nominations and applications to the program or even a company that provides in-kind or financial contributions for the annual fall recognition event.

#### **5.0 NOMINATION and/or APPLICATION TO THE ELP**

The program tiers are open to all Colorado businesses, industries, offices, educational institutions, municipalities, government agencies, community, not-for-profit and other organizations. An entity

wishing to apply for designation in the Environmental Leadership Program shall follow the procedures set forth in this document.

## **1. Application and/or Nomination Form Submission Information**

There are currently three tiers of the ELP for which entities may apply: Bronze Achiever, Silver Partner and Gold Leader. To determine which of the existing program tiers is the best fit for your entity, see Section 3.0. Applicants are encouraged to submit forms electronically. Applications and nomination forms should be sent to [lynette.myers@state.co.us](mailto:lynette.myers@state.co.us)

### **A. Bronze Achiever**

Nominations of candidates to the Bronze Tier of the program may be made by a prospective recipient, state or local inspectors or others with knowledge of the environmental achievement of the business or entity. The Bronze Nomination forms are accepted throughout the year. In order to be recognized in the current year at the fall awards event must complete and *submit nominations by June 30<sup>th</sup> each year.*

### **B. Silver Partner**

To join the program at the Silver Tier, complete a Silver Environmental Leadership Application. Silver Partner Applications are accepted throughout the year. Entities wishing to be recognized in the current year at the fall awards event must complete and submit the application by *June 30<sup>th</sup> of each year.*

### **C. Gold Leader**

To join the program at the Gold Tier, complete a Gold Environmental Leadership Application. (Application instructions are provided separately.) Gold Leader Applications are accepted throughout the year, but applications are only processed once per year. Entities wishing to be recognized in the current year at the fall awards event must complete and *submit applications by June 30<sup>th</sup> each year.*

## **2. Nomination and/or Application Form Review Process**

The schedule for nomination and application form submittal and the review process for acceptance into the ELP is discussed below. The timelines outlined in this document are subject to change due to timeliness of expected responses, availability of department resources and other unforeseen circumstances. A person operating an entity in Colorado may reapply for consideration into the ELP at any time.

### **A. Bronze Achiever**

#### **1. Nomination Submittal**

Nominations may be submitted at any time. Those organizations wishing to be recognized in the current year at the fall awards event must complete and *submit nominations by June 30<sup>th</sup> of each year.*

#### **2. Nomination Receipt**

The department will contact the nominator (not the nominee) to acknowledge receipt and to provide a timeline for processing.

#### **3. Nomination Internal Processing**

During the processing period, the department shall:

- Review the nomination for completeness and request additional information as needed;
- Conduct a compliance review of the nominee;
- Consult with the advisory panel(s) on any nomination as necessary;

- If required, request that the internal/external advisory panel(s) provide a recommendation for approval or denial of the nomination to the executive director of the department.

#### **4. Acceptance Process**

The department will make a determination of acceptance or denial: If the department approves a nomination, a letter of acceptance will be sent to the nominator and nominee. If however, the nomination is denied, at a minimum, the nominator will be notified of the decision.

#### **5. Incentive Rewards for Nominated Members**

Bronze Achiever recipients are eligible for the incentives listed in Appendix B (Environmental Leadership Program Incentives Table), for an entire year following receipt of the award.

### **B. Silver Partner**

#### **1. Application Submittal**

Applications may be submitted at any time. Those organizations wishing to be recognized in the current year at the fall awards event must complete and *submit nominations by June 30<sup>th</sup> of each year.*

#### **2. Application Internal Processing**

- The department will contact the applicant of receiving an application to acknowledge receipt and to provide a timeline for processing the application.
- The department will complete an initial review of the application to ensure completeness of application. The department will contact the applicant to request additional information if necessary.
- The department will conduct an environmental compliance review after the *June 30<sup>th</sup>* deadline once all applications have been received.
- The department will schedule a site visit, if necessary, upon receipt of a complete application.

*Guidance: During the application review process the department will conduct a compliance review of each applicant and/or nomination to the ELP. The compliance review will include consulting available databases and enforcement sources including the EPA and local health departments to obtain compliance information. Prior to applying to the ELP, applicants are encouraged to assess their own compliance record.*

#### **3. Acceptance Process**

The department will make a determination of acceptance or denial: Within 90 days of the *June 30<sup>th</sup>* deadline date and review of a complete application the department will notify the applicant, in writing, of the approval or denial of the applicant into the ELP.

#### **4. Incentive Rewards for Nominated Members**

Silver Partner recipients are eligible for the incentives listed in Appendix B (Environmental Leadership Program Incentives Table), for three years following receipt of the Silver Status or until Gold Leader Membership is achieved (whichever comes first).

### **C. Gold Leader**

#### **1. Application Internal Processing**

- The department will contact the applicant of receiving an application to acknowledge receipt and to provide a timeline for processing the application.
- The department will complete an initial review of the application to ensure completeness of application.
- The department will contact the applicant to request additional information if necessary.
- The department will conduct an environmental compliance review after the *June 30<sup>th</sup>* deadline once all applications have been received.
- The department will schedule a site visit, if necessary within 60 days of the June 30th deadline date.

*Guidance: During the application review process the department will conduct a compliance review of each applicant and/or nomination to the ELP. The compliance review will include consulting available databases and enforcement sources including the EPA and local health departments to obtain compliance information. Prior to applying to the ELP, applicants are encouraged to assess their own compliance record.*

## **2. Public Comment Period**

- The department will initiate a public comment period within 60 days of the *June 30<sup>th</sup>* deadline date.
- As a Gold Leader candidate, the application and all related documentation will be made available for public review for a period of not less than 30 days. Public review, at a minimum, will include: posting a notice on the department’s Internet site. The public notice will allow for comments to be made to the department.
- The department will notify the applicant of all comments received. The documentation provided for public review includes a copy of the applicant’s environmental policy.
- Following close of the public comment period, the department will advise the applicant of any significant comment(s) that could impact eligibility.

## **3. Approval or Denial**

- Once significant comment(s) have been sufficiently addressed, the Administrator will provide a recommendation for approval or denial of the application to the executive director of the department.
- Within 90 days of the *June 30<sup>th</sup>* deadline of the application the department will notify the applicant, in writing, of the approval or denial of the applicant into the ELP.
- There is no formal appeal of the executive director’s final eligibility decision.

## **4. Incentive Rewards for Nominated Members**

Gold Leader recipients are eligible for the incentives listed in Appendix B (Environmental Leadership Program Incentives Table), for the three year/ recognition period.

# **6.0 RETENTION AND RENEWAL OF PROGRAM TIER DESIGNATION AND BENEFIT**

## **1. Requirements for Program Tier Status**

The requirements to retain a program tier status in the ELP are described below. If requirements are not met, probation or termination of a member’s status and incentives may result. (Refer to “7.0 Probation or Termination of Program Tier Designation and Benefits”).

## **2. Tier-Specific Retention and Renewal Requirements**

In addition to compliance requirements, there are also specific retention and renewal requirements for each tier of the ELP. More information is provided below.

#### **A. Bronze Achiever**

- Bronze Achiever awards are honored for at least a one-year period from receipt of notification of award from the department.
- Bronze Achiever awards are **NOT** automatically renewed. A nomination form documenting further achievements may be submitted to the department for consideration of a subsequent Bronze Achiever award.

#### **B. Silver Partner**

##### **1. Retention/Annual Progress Report**

Silver Partners are recognized for a maximum of three years unless Gold Level Status is achieved sooner. Silver status shall not exceed three years (see provision for a request of extension below). To retain status as a Silver Partner, an entity must:

- Continue to progress implementation of an EMS as required by the Eligibility Requirements in section 3.0 of this Handbook.
- Non-participation and/or not meeting the required milestones may lead to probation or termination of a member's designation.

##### **2. Completion of the Silver Partner Requirements**

Once all requirements are met within the three-year period (or sooner), Silver Partners may submit a **Gold Environmental Leadership Program Application** to the department to achieve Gold Level Status. The application will be treated as a Gold Leader Application as stated in section 4.0 "Nomination/Application to the Environmental Leadership Program" of this handbook.

##### **3. Extension of three year Recognition**

In the event a Silver Leader Company may need an extension of the three year maximum status, formal request must be made to the ELP Administrator. Determinations of each request will be handled on a case-by-case basis. Possible requests for extension may include:

- Regulatory/Compliance "three year clean compliance record concerns";
- Economic/Resources issues for implementing and EMS.

#### **C. Gold Leader**

##### **1. Retention/Annual Progress Report**

Gold Leaders are honored for three years and may renew their membership. To retain status as a Gold Leader, an entity must:

- Continue to maintain and implement an EMS as required by (Appendix A) of this document. A pattern of non-conformances may lead to probation or termination of a member's designation.
- Annually report metrics and goals to the ELP in order to track progress towards continuous improvement goals and explain any unmet goals or changes in commitments.

##### **2. Renewal**

On the three year anniversary year, Gold Leaders are required to submit a Gold Leader Renewal Application, by June 30<sup>th</sup> of that same year.

##### **3. Change of Ownership**

In the case of a change of ownership, the department may consider the environmental record of the new owner in determining whether the criteria in this document are met. The department should be notified at least 30 days prior to a

change of ownership with instructions as to membership status (e.g., remain in program or terminate membership).

## **7.0 PROBATION OR TERMINATION OF PROGRAM TIER DESIGNATION AND BENEFITS**

### **1. Environmental Compliance**

To retain program tier status in the ELP, entities must endeavor to maintain substantial compliance with applicable environmental regulations while in the program. The executive director of the department may place a member on probation or terminate its ELP designation for any of the following environmental compliance issues:

- The ELP member has been convicted of a criminal violation of applicable environmental requirements;
- The ELP member has been assessed a significant civil or administrative penalty or damages for violation(s) of environmental requirements;
- The ELP member has been found by a court of appropriate jurisdiction to have been responsible for an illegal action that caused substantial endangerment to public health or to the environment; or,
- The ELP member was found by the executive director to have failed to promptly or adequately correct and resolve a violation of applicable environmental requirements.

### **2. ELP Program Compliance**

In addition to Environmental Compliance, entities must maintain deadline dates for retention and renewal requirements. The executive director of the department may place a member on probation or terminate ELP designation for any of the following ELP Program compliance issues:

- The ELP member has failed to submit Reports and/or applications as required by the tier level;
- The ELP member has failed to submit a Renewal Request application as required by the tier level;
- The ELP member has not completed the above mentioned requirements as appropriate.

### **3. Probation**

The executive director will advise the ELP member of his/her intent to place the ELP member on probation not less than 30 days before the action occurs. Length of probation and actions required will be determined on a case-by-case basis. There is no formal appeal of the executive director's probation decision.

Possible actions may include:

- Member must refrain from using ELP logo;
- Existing incentives may be restricted or terminated; and
- Requested incentives may be postponed or denied.

### **4. Termination**

ELP status will be terminated at the written request of the entity at any time or if the member fails to renew its application. In cases other than those listed in the paragraph directly above, the executive director will advise the ELP member of intent to terminate the ELP designation not less than 30 days before the action occurs. Upon termination from the ELP, the department will terminate or restrict all benefits provided to the former ELP member, as determined by the executive director.

## **8.0 ENVIRONMENTAL LEADERSHIP PROGRAM BENEFITS**

Colorado's ELP members are recognized as entities that inspire and challenge other organizations to higher levels of environmental performance. The voluntary and substantial commitments that members make with respect to environmental protection are recognized and valued commitments to the state of Colorado. In exchange, the department provides a number of guaranteed and potential benefits as set forth in department policy (see Appendix B). Entities interested in any of the listed

potential incentives, or interested in proposing an alternative incentive not included on the incentives table in (Appendix B), should contact the ELP to determine feasibility and discuss the details of finalizing an incentive(s) agreement.





**APPENDIX A**  
**ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) REQUIREMENTS**

## ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) REQUIREMENTS

(Note: This section closely reflects the ISO 14001 (2004) requirements.)

*Guidance: There are many models of EMSs. The department considers an EMS to be a flexible system designed to continually manage and reduce an entity's environmental impact. The complexity of an EMS can range from simpler and more streamlined for smaller, less complex organizations and businesses to very comprehensive for larger, more complex entities. Regardless of complexity, all EMSs must identify and rank the full spectrum of an entity's environmental impacts and all applicable environmental legal and regulatory obligations. The EMS must be fully supported by and incorporated into the existing management structure of a company or entity and must be appropriate to the nature, scale and potential environmental impacts of an operation or entity. The department's EMS framework is similar to ISO 14001, but certification to the international standard is **not** required by the department.*

### 1. Environmental Policy

An **environmental policy** statement should demonstrate a high tier of commitment to environmental management through the establishment of guiding principles. The environmental policy should be available to the public and be communicated to all employees who work for or on behalf of the entity. The environmental policy should be appropriate to the nature and scale of the entity or business and should include all of the following:

- A commitment to environmental excellence and continual environmental improvement;
- A commitment to pollution prevention;
- Commitment to comply with applicable environmental regulations and other requirements; and,
- A statement acknowledging the importance of communication with employees and the public.

#### **Guidance:**

*The policy statement should be kept brief, appropriate to the scope of the EMS and meaningful to management, employees and to the entity as a whole. A brief description of the business or entity may be included in the policy statement. Procedures that convey how frequently a policy will be reviewed, who is responsible for reviewing the policy, how the policy is communicated to employees and how the policy will be made available to the public should also be developed.*

### 2. Planning

**2.1 Environmental Aspects** - Identification and prioritization of activities and the corresponding **aspects** that have or can have an **impact** on the environment.

#### **Guidance:**

*Identifying environmental aspects and impacts can be one of the most challenging elements of an EMS. Begin by identifying activities at the facility and the corresponding environmental aspect resulting from these activities. Include day-to-day operations, infrequent operations and activities related to potential accidents or emergencies. From this analysis the expected or likely environmental impact can then be identified. The impacts should be ranked to identify the most significant impacts. The EMS should include procedures to help identify both positive and negative actual or potential environmental impacts and to ensure that the impacts and opportunities for environmental improvement are considered to determine significance and set environmental objectives.*

From the comprehensive list of environmental impacts, the next step is to develop the criteria that will be used to determine the significance of each impact. This step identifies the aspects of an entity's operations that have or can have **significant impacts** on

the environment.

**Guidance:**

*The significant impacts will be used to develop other elements of the EMS including: setting environmental objectives and targets; developing operational procedures; training employees; and, establishing monitoring and measuring programs. A consistent methodology that includes criteria such as any related legal requirements, the likelihood of occurrence, the frequency, intensity, duration and offensiveness, or concerns of interested parties or the community of potential or real environmental impacts, should be considered. Once criteria are selected, a procedure to rank or score the criteria should be developed. The ranking can be numerical or based on a rating of high, medium or low. Regardless of the ranking or scoring system selected, it is important that each environmental impact is analyzed in a consistent way to develop a sound evaluation process*

- 2.2 Legal and other Requirements** - A list of **legal and other requirements** should include all applicable environmental federal, state and local requirements related to its environmental aspects, including all applicable environmental permits and the terms and conditions contained therein. Company-specific requirements or other external requirements (e.g., community, customer, shareholders, etc.) should also be included with this list. An entity must also determine how these requirements apply to its environmental aspects.

**Guidance:**

*Identifying and keeping up-to-date with legal and other requirements is important to the implementation and continued improvement of the EMS. A procedure should be developed to describe how to identify any environmental requirements that are applicable to the scope of the EMS. Consider federal, state and local requirements as well as all environmental permits, industrial codes of practice, agreements and non-regulatory guidelines. Tables that list regulatory and other requirements, including recordkeeping requirements and external regulatory inspections are helpful in tracking and keeping up-to-date with legal and other requirements.*

- 2.3 Objectives and Targets** - The EMS should include **objectives and targets** to help address environmental impacts in a definitive, systematic way. The target is a detailed performance requirement that supports a specific objective. Objectives and targets are often combined together into one procedure in the environmental management program. Each objective should be realistic, quantitative and measurable.

**Guidance:**

*When establishing objectives, consider the following: significant aspects; the environmental policy; legal and other requirements; technological options; pollution prevention opportunities; financial, operational and business requirements; and views of interested parties and/or the surrounding community.*

- 2.4 Environmental Management Program(s)** - An **environmental management program** is a systematic way of managing environmental objectives and targets. The program should focus on continual improvement and address significant impacts of an entity's activities. The program should include a list of roles and responsibilities for implementation, maintenance and control of the EMS.

**Guidance:**

*An action plan should be developed for achieving compliance and meeting objectives and targets. The action plan should define the steps that will be taken to achieve each stated objective and target, include who is responsible for meeting the target, the timeline for achieving milestones and the target date for completion.*

### 3. Implementation and Operation

- 3.1 **Structure and Responsibility** - An EMS must define **structure and responsibility**. This element defines and documents roles and responsibilities for your entity. These roles and responsibilities must be clearly communicated to appropriate personnel.

**Guidance:**

*Identify all personnel responsible for activities that could have an impact on the environment. The EMS should document roles, titles and responsibilities. The personnel responsible for serving as management for purposes of reviewing the EMS should also be included in this list.*

- 3.2 **Training, Awareness and Competence** - Successful implementation of an EMS is dependent on a program that includes employee and supply chain **training and awareness**. Training is needed when the EMS is first implemented; new employees are hired; employee responsibilities change; procedures change; new processes or equipment is installed; suppliers are brought on-site, or new regulations are put in place. The EMS should include procedures that establish and maintain environmental training needs for all employees and subcontractors who have responsibility or authority over activities that have significant environmental impact or the potential for significant environmental impact.

**Guidance:**

*Employees (and suppliers) should be trained on relevant elements of an EMS. Training should include information on the environmental policy, the significant environmental aspects of their activities and related work instructions, objectives and targets, their EMS roles and responsibilities, the emergency action plan and other pertinent information related to the EMS. The EMS should identify and track the training needs of each employee (within the scope of the EMS). If questioned in the field, employees should be able to demonstrate competency about the EMS and their environmental responsibilities.*

- 3.3 **Communication** - The EMS must include a communication plan for **internal communication and external community outreach and communication**. Both a process and procedures for communicating information on environmental issues and the EMS to employees and with the public, including the local community and interested groups, should be developed.

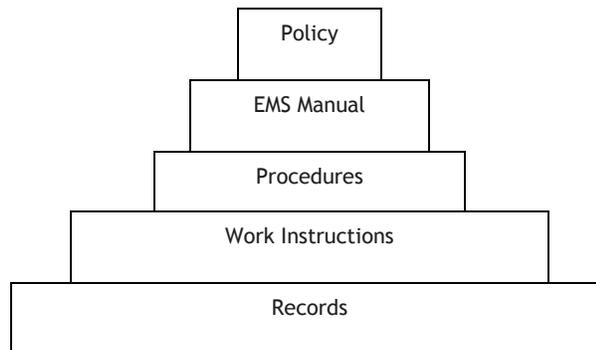
**Guidance:**

Environmental leaders should maintain a community outreach and communications plan to effectively communicate the environmental impact, objectives and targets of your business or entity and to address the community's perceptions and reactions to this information. Public communication and outreach activities can vary across facilities depending on the size, setting, type of operation or other sensitivities. At a minimum, public communication and outreach plans should include procedures for: (1) identifying and responding to community concerns; (2) informing the community of important matters that might or do effect it; and, (3) reporting on the facility's environmental policy, EMS and performance commitments. Other communication efforts might include raising environmental awareness in the community, providing or assisting with training, education or incentive methods that focus on environmental improvement and excellence in the community. Active communication with employees and the community help to convey: what an EMS is; what management's commitments are with respect to environmental issues; the benefit(s) an EMS brings to the business or entity; and progress in meeting objectives and targets. Communication plans and techniques will vary for each company or entity.

- 3.4 **Environmental Management System Documentation** - The EMS documentation element is designed to ensure that entities create and maintain documents in a manner sufficient to implement the EMS. Documentation can be maintained in paper or electronic form.

**Guidance:**

*The EMS documentation requirement can be met by development of an EMS manual. The manual should detail the overall structure of the EMS and ensure that the EMS is understood and operating as designed. EMS procedures should be either referenced, but not included in the manual, or incorporated consistently into the manual. Written procedures are not required for all elements of the EMS. A separate procedures document from the manual is a cleaner and clearer approach. The following diagram depicts a common document hierarchy.*



- 3.5 **Document Control** - Controlling documents is another important element of an EMS. An established **document control** process helps to track progress and improvements. A procedure that describes how documents will be controlled and identifies personnel responsible for controlling EMS documentations should be included in the EMS.

**Guidance:**

*Keep the document control process simple and within easy access. Creating a master EMS document list may be helpful. Documents should be periodically reviewed and revised as necessary. Original documents should be dated and identified as the most recent version. Current versions of essential documents should be available at all locations as appropriate. One way to track documents is to use headers with pertinent tracking information. Obsolete documents should be removed from the working files, but retained when necessary for legal and or historical recordkeeping purposes. Reasonable precautions should be taken to protect original documents from damage, loss or other accidental events, such as fire or flood. Controlled documents include: the environmental policy; related procedures; and, records and forms used to implement and track the EMS.*

- 3.6 **Operational Control** - Operation and maintenance programs for equipment and other activities that are related to legal compliance and achieving the objectives and targets in the EMS should be included as part of the EMS.
- 3.7 **Emergency Preparedness and Response** - It is important to identify the potential for and how to respond to accidents and emergency situation of environmental aspects.

**Guidance:**

*The outcome should result in having documented procedures/instructions in place for emergency type situations. They should be easy to reference and use, and all effected personnel understand how to react in emergency situations. It is important to include prevention and mitigation of environmental aspects of potential accidents and emergencies. Should an emergency situation arise, it is important to review and revise procedures as applicable after the situation is controlled to ensure they are complete and accurate.*

**4. Checking and Corrective Action**

- 4.1 Monitoring and Measurement - Establish and maintain specific measurable metrics and/or goals** to monitor progress toward achieving and obtaining goals. This data will be used to validate and support EMS efforts within the department and for other Environmental Stewardship Program needs (i.e., publications, presentations and information dissemination).

**Guidance:**

*The outcomes must be measurable and should be linked to the environmental policy, objectives and targets of a company or entity. Measurable goals might include: quantity of air pollution reduced or mitigated; quantity of water pollution reduced or mitigated; quantity of hazardous and solid waste reduced or mitigated; quantity of water and energy use reductions; and, reduction in risk to employees and the community. For example, environmental performance might be reported in solid waste reduction in tons per year; hazardous pollutants (air, water, or waste) in pounds per year; water use reduction in gallons per year; energy use reduction in kWh per year; and, air pollutant reductions (CO<sub>2</sub>, PM, and VOCs) in tons or pounds per year. Other measures might include pollution prevention performance information and community involvement measures such as increased reporting to the community through public reports (i.e., sustainability or environmental reports), and community involvement in identifying goals of facility.*

- 4.1.2** A program should also be in place for ensuring **equipment** used for monitoring and measuring environmental conditions is **calibrated** according to the manufacturer's recommendations.

- 4.2 Nonconformance and corrective and preventive action - Establish and maintain procedures for investigating and correcting nonconformance.**

**Guidance:**

*Identify the cause of the nonconformance. Implement the necessary corrective action. Implement and/or modify controls necessary to avoid repetition of the nonconformance. Record any changes in written procedures resulting from the corrective action*

- 4.3 Records - Establish and maintain procedures to provide and require records to be kept.**

**Guidance:**

*Records should be identified, maintained and show disposition by determining retention times. Records should be easily retrievable, legible and traceable.*

- 4.4 Environmental Management System Audit - Procedures to provide for regular self-initiated regulatory compliance and EMS (systems) audits** must be included in the EMS. Both internal and external or third party audits should be conducted on a regular basis. Effective mechanisms (procedures) should be in place to assess compliance with environmental laws; assess conformance with the procedures and systems of the EMS; assure that effective mechanisms are in place to promptly and adequately respond to and ad-

dress violations of applicable environmental requirements or nonconformance of the EMS.

**Guidance:**

*The entire EMS needs to be audited periodically to identify any inconsistencies between your EMS requirements and actual practices and measurements. An audit is an important tool to determine if your EMS is being properly maintained and implemented. Audits will help to identify and resolve EMS deficiencies and can be used to assess regulatory compliance and to update environmental and legal requirements in the EMS. As a rule of thumb, all parts of the EMS and compliance related issues should be audited at least once each year. To be effective, the EMS should include: (1) audit procedures and protocols that are specific to your company and operations; (2) a schedule of appropriate audit frequencies; (3) auditor training; and, (4) appropriate audit records. The internal and external EMS auditors should be trained in auditing techniques and management system concepts. Auditors should also be objective, knowledgeable of the applicable environmental regulations and of the facility operations.*

**4.5 Management Review** - Establish and maintain a procedure for management review of the EMS.

**Guidance:**

*Reviews may include: (1) results from audits; (2) the extent to which objectives have been met; (3) the continuing suitability of the environmental management system in relation to changing conditions and information; (4) concerns amongst relevant interested parties. The reviews should be documented/recorded.*



## ELP Incentive Table

CDPHE Division  
 \* = Must be re-  
 requested  
 X = Automatic

INCENTIVES	G O L D	S I L V E R & B R O N Z	DESCRIPTION	C O N T R O L	A u t o m a t i c	E L P	A i r	L a n d	W a t e r
Use of ELP Logo and Leadership Award	Yes	Yes	Logo available for recognition purposes.	ELP	X				
Partnership with the state	Yes	Yes	Add comfort level for members and internal employees.	ELP	X				
Invitation to Fall Recognition or similar event	Yes	Yes	Recognition	ELP	X				
Public Recognition	Yes	Yes	Recognition	ELP	X				
Provide press release and other assistance on public/ community outreach needs	Yes	Yes	Recognition and work to improve external relationships.	ELP		*			
Complementary registration to leadership forums and/or reduced fees for EMS training or other related training sessions	Yes	Yes	Provide training	ELP	X				
Mentoring/partnership/networking opportunities.	Yes	Yes	Organize workgroup meetings	ELP	X				
Notice of rulemaking initiatives.	Yes	Yes	Include members in the stakeholder process for regulatory proposals - only those where a stakeholder process is initiated.	State		*	*		
To the extent possible, assign same permit writer and inspector for a site to ensure consistent inspection, interpretation and enforcement.	Yes	No	Assign same inspector for two or three years. If requested by leadership company, allow permit writer to visit facility.	State			X		
One-stop multi-media inspections	Yes	No	One-stop visits. One-day inspections with combined report, where feasible.	State			*	*	*

	G O L D	S I L V E R & B R O N Z E		C O N T R O L	A u t o m a t i c	E L P	A i r	L a n d	W a t e r
INCENTIVES Continued			DESCRIPTION						
Priority permitting for modifications to the extent consistent with backlog reduction requirements and other statutory limitations.	Yes	No	Include leadership logo on forms (cover letter) for easy identification. ELP members will be “red tagged” in Air Database.	State			X	X	X
Allow sites to comply with only most stringent Leak Detection and Repair (LDAR) requirements.	Yes	No	Case-by-case. Title V sources already allowed to streamline. Streamline using most stringent requirement. Requires policy change, permit modification, EPA approval through permitting process?	State				*	
Expedited technical assistance.	Yes	No	Expedite ELP member requests where practicable.	State		*			
Consolidated permitting - one permit for all media.	Pilot	No	EMS as a permit. Compliance is baseline. Must remain in compliance with all applicable regulatory requirements.	State		*			

\*This table lists a variety of incentives potentially available to members of the Colorado Environmental Leadership Program. All optional incentives must be requested by ELP member.

\*\*Pending further discussion. CDPHE has signed a Memorandum of Agreement with EPA to work together on developing incentives and other program benefits.