

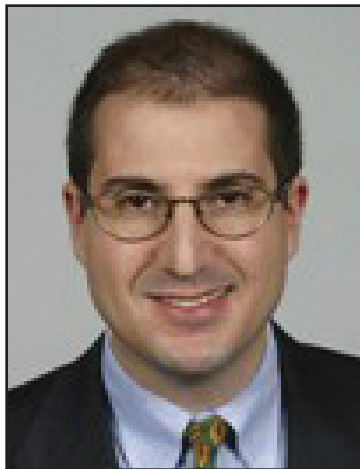
SOUTHERN NJ

Environmental compliance issues intend to prevent environmental catastrophes

An ounce of prevention . . . preventing environmental emergencies

Property owners, property managers and businesses operating on those properties face a myriad of environmental compliance issues, many of which are intended to prevent environmental catastrophes and loss of life. Many of these environmental requirements have obvious benefits for the environment and the protection of human health. Proper secondary containment around storage tanks is one easy example. The proper storage, handling and disposal of hazardous materials that are used at the property also seems to be an obvious example of how our environmental laws protect all of us from environmental emergencies. However, knowing that hazardous materials used at your property have appropriate secondary containment or are being properly stored is not enough. It is the more mundane routinized requirements of the environmental laws that may make the difference between an environmental problem and an environmental disaster.

Taking the example of the properly stored and contained hazardous materials at your property, what happens if you have a small fire and the local fire department responds to the emergency and begins battling the flames with water, unaware that the hazardous materials you are storing react with water, unaware because the



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store room is not properly marked or you do not have the required emergency response plans in place? Your small fire can quickly become a large fire with significant property damage, environmental impacts and loss of life or injury.

How could this emergency have been prevented? Not all environmental disasters and emergencies can be prevented. Frankly, the environmental laws and regulations that apply to so many operations assume that things will go wrong from time-to-time and that is why so many of the environmental regulations faced by property owners, property managers and businesses require the development of written plans which must be regularly and routinely updated to make sure that everyone, employees and early emergency responders alike, respond appropriately to a problem. Keeping these plans up-to-date is also criti-

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cal. It does no one any good to implement an emergency response plan developed for dealing with a product or material you stopped using six months ago. The importance of having all of the required plans in place at your property, and up-to-date, cannot be overemphasized. These plans may mean the difference between an easily managed minor incident and a full-blown environmental emergency.

Another unheralded tool for preventing environmental emergencies is performing required routine environmental inspections. Many of the environmental statutes applicable to so many properties and operations also provide for obligatory inspections at specified intervals. These regular, routine inspections are intended to catch small problems before they become big problems. Catching a crack in a secondary containment area before there is a spill can mean the difference between an uncontrolled environmental release and a discrete contained clean-up.

The purpose of a routine

inspection is to find problems early and to get them corrected. Just because a government inspection finds something amiss does not necessarily mean the property owner has done anything wrong or that it should have to pay a penalty. The routine inspections required by the law are intended to detect problems and get them corrected. If a surprise inspection occurs the day before a regularly scheduled inspection by the property owner and the surprise governmental inspection finds something wrong, it should be recognized that the property owner may have found and corrected the problem itself during its next routine inspection, but this is not always the approach taken by the government. Enforcement most certainly occurs in situations where a problem is being routinely missed during inspections by the property owner or the inspections simply are not being done. Assuming you are appropriately conducting required, routine inspections, this highlights the importance of properly

documenting your inspections and any actions taken as a result of these inspections.

Many sophisticated property owners, property managers and businesses fully appreciate the importance of their routine environmental inspections and the maintenance of accurate up-to-date emergency plans, and they have environmental management systems in place to ensure that this critical "paper work" and the routine inspections get done properly and in a timely fashion. If you do not have an environmental management system in place or are not sure it's working, you might want to consider having an environmental compliance audit conducted as a first step toward ensuring your regular compliance with applicable environmental requirements. An ounce of prevention may help you avoid an environmental emergency.

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