



sierrapiedmont®

NO-NONSENSE GUIDE TO COMPLIANCE

**How You Can Avoid
Environmental and Regulatory
Nightmares**

Sierra Piedmont
Engineers & Geologists

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WHAT'S IN THIS GUIDE?

So you find environmental compliance **frustrating**, **time consuming**, and **confusing**...

Then you likely know that **failure to comply comes at a great cost** to your organization.

That's why we made this guide. In the following pages, you'll learn:

- The **3 major groups of environmental regulation** and what they mean in plain English
- The **most common environmental compliance concerns** according to 250+ clients in 25 years
- The **9 most devastating compliance threats** and how to avoid expensive fines

**Consider this your step-by-step checklist
for keeping the regulators from knocking on your door.**



GLOSSARY

SPCC: Spill Control and Countermeasure Plan

SWPPP: Stormwater Pollution Prevention Plan

AST: Aboveground Storage Tank

UST: Underground Storage Tank

LIFT: Hydraulic Lift

RECs: Recognized Environmental Concern

PHASE II: Contamination Assessment

SIC: Standard Industrial Classification Code

NAICS: North American Industry Classification System

TIER II: Forms reporting hazardous chemicals

**NO-NONSENSE
GUIDE**

TO

CONCERNS



WHAT DO I DO WITH THIS REC?

RECs should never be left **unresolved**. You risk purchasing a property with a **costly problem**, or not being able to take advantage of an opportunity. Often, buyers are **scared off** from purchasing a property with an environmental concern.



YOUR SOLUTION:

A Recognized Environmental Concern appears in several ways: **standard, historical, or controlled.**

Resolution and **elimination of RECs** **vary** depending on the type. Often, compliance assurance or historical research provides resolution. Less simple cases need sampling.

Sometimes, the REC can come from an **inconspicuous property nearby**, affecting responsibility.

Regardless of the type, partner with Sierra today, and we'll get your REC to the **best case scenario.**



REC

HOW DO I KNOW WHICH REMEDIATION TECHNOLOGY IS BEST FOR MY PROJECT?

Many **remediation technologies** can be applied to a site, and it depends on the **contaminant characteristics** like:

- source
- type
- concentration
- phase of contamination
- age of discharge
- regulatory requirements
- time frame
- cost
- and the current and future use of the site.

REMEDIATION

SO REMEDIATION IS NOT A ONE-SIZE-FITS-ALL?

NO.

Using the **wrong remediation** strategy for the site could waste **thousands of dollars** and many **years of time**.



REMEDICATION



SOLVE IT THIS WAY INSTEAD:

For example: if the **contaminant source** is a discharge of fuel at a gas station, **free product** is:

1st: **recovered** with a vacuum system

2nd: the impacted soil **excavated**

3rd: a sparging system **treats** impacted groundwater

4th: **natural attenuation** would occur.

Sierra understands remediation complexity, so **let us** help you reach those cleanup goals.



REMEDIATION

WHAT IF SOMEONE ELSE CONTAMINATES MY PROPERTY?

In this case you have both an **environmental** and **legal** concern. Contaminates dissolved within groundwater can “**trespass**” onto your property!

CONTAMINATION



ABOUT THIS CONTAMINATION...

Your first contacts should be an **attorney** and **environmental consultant**. They will coordinate with state agencies on your behalf, determining **severity** and **origin** of contamination.



CONTAMINATION

BUT HOW DOES THIS REALLY AFFECT ME?

Tank owners carry private insurance or through a state trust fund. State trust funds typically **do not compensate** for **third party claims**, however.

If trespass occurs from a fuel tank, we recommend you **discuss this** with an **environmental consultant**.

Your property faces **devaluation** and its ability to be sold is **negatively impacted**.

CONTAMINATION

WHAT DO I DO WITH THIS ABANDONED UST / AST / IN-GROUND HYDRAULIC LIFT ON MY PROPERTY?

First, we must realize
that these cannot
simply be “**left in
place.**”

ABANDONMENT

THEN WHAT?

The previous owner listed with the State authority handles either **removing the tank** or placing it in **temporary closure**. Temporary closure only **applies for 12 months**. Closure and removal must be done according to state regulatory guidance.



ABANDONMENT

SO WHAT IF I IGNORE IT FOR NOW?

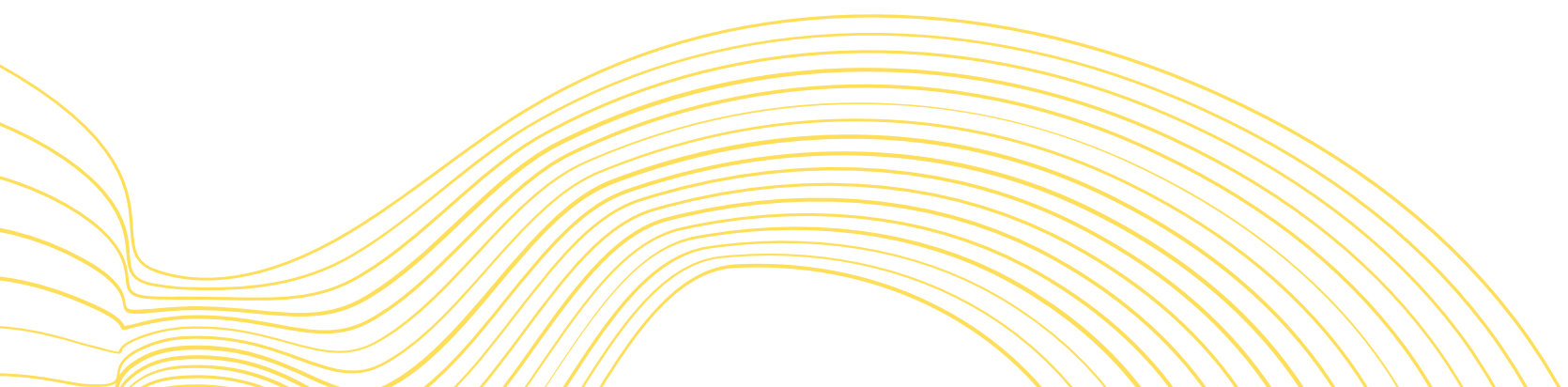
If you have purchased property with abandoned tanks and your Purchase and Sale Agreement indicates the equipment and fixtures come with the sale, **you may now be the responsible party.**

ABANDONMENT



YOUR SOLUTION:

Sierra Piedmont can facilitate the **removal** of the AST/UST/lift per state **regulatory requirements**, ensuring your property retains its value.



ABANDONMENT

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GUIDE**

TO

PERMITTING

DO I NEED TO KNOW MY SIC/NAICS CODE?

For data gathering on the economy, the U.S. **government classifies industries** and their business activities.

Determining codes applicable to your business will **make compliance** with permitting **easier**.

Based on your industrial code, Sierra will assist you in discerning what permits are needed.

PERMITTING

WHAT DOES THIS EVEN MEAN?

Knowing your codes means **knowing your permits**. Without this information, you **risk violating** the Clean Water Act and other federal **regulations**.

PERMITTING

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TO

**PLANS,
ASSESSMENTS &
FORMS**

WHY DO I NEED AN SPCC?

Above ground or below, **federal regulation** exists to guide facilities towards **discharge prevention**. SPCC plans and secondary containment **mitigate a release** of oil into surface waters.

WHEN WOULD I QUALIFY?

Does your facility store at least **1,320 gallons** of oil? Do you store oil above ground in containers **greater than 55 gallons**? Are there **42,000 gallons** of oil in completely buried storage containers?



WHAT HAPPENS IF I DO NOTHING?

SPCC fines and penalties accrue **daily**, aside from potential litigation. The **most recurrent** fines from the EPA are **SPCC-related**.



YOUR SOLUTION:

3 year's worth of SPCC **recordkeeping**,
personnel **training**, and adequate **inspections**
are **mandatory** if you want to stay in
compliance.



SPCC

WHY DO I NEED A SWPPP?

Do you want your PR to take a hit? No?

There is no avoiding that industrial activities pose **risks to the waterways** of the U.S.

Facilities operating under the **NPDES Permit Program** need SWPPPs. A facility's **SIC code** determines how the Clean Water Act applies to them.

SWPPP

WHAT HAPPENS IF I DO NOTHING?

Without a SWPPP, you risk **violating**
the **Clean Water Act** and can be
subject to potential fines of **\$2,500.00**
to **\$25,000.00 per day** or more.

SWPPP



YOUR SOLUTION:

Maintaining compliance with the NPDES permit **requires** a **SWPPP** and **NOI submission**.

Alternatively, Sierra can **manage your stormwater** for you.



SWPPP

WHEN DO I NEED A PHASE II?

You need a Phase II under the following conditions:

1. A REC is **found during Phase I** Site Assessment.
2. Your property is **affected by an adjacent property's** business.
3. You suspect **on-site contamination**.

PHASE II

HOW DOES IT AFFECT MY BUSINESS?

Let's say you **purchase a property** only to later find out it's **contaminated**.

When the next party comes to buy your property, it could be **harder to sell** and you risk taking **discounts** to the sale price.



BUT DO I HAVE TO GET THIS DONE?

A Phase II site assessment **saves time and money** in the long run.

It will **prevent** environmental-related **property devaluation** and reduce the risk for penalties and fines.



PHASE II



IS A TIER II REQUIRED OF MY BUSINESS?

The Emergency Planning and Community Right-to-Know Act (**EPCRA**) **requires Tier II Reporting**. Its purpose is to **ensure the correct response** from emergency personnel, when needed.



TIER II



DID I RECORD SUFFICIENT INFORMATION IN MY TIER II REPORT?

Your **annual** Tier II report must include:

1. **All hazardous material** quantities greater than the threshold of 10,000 pounds
2. The lowest quantity of **all extremely hazardous chemicals** (either 500 lbs or the chemicals' respective Threshold Planning Quantity)

For proper identification of hazardous materials, include the **type, quantity** and **location** in your Tier II Report.



TIER II

WHY IS THIS REPORT SO IMPORTANT?

To put it simply,
if a firefighter shows up to a **fire**,
without knowing the **chemicals** on site,
lives could be in **danger**.

Save lives by recording **sufficient** information
in your Tier II reports.

TIER II

**NO-NONSENSE
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TO

**ENDING YOUR
NIGHTMARES**

EMAIL

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OR

Jump on the client hotline!



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