



# Environmental Compliance Assessment Program (ECAP)



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## Objective

The goal of ECAP is to minimize environmental impacts by industrial tenants and maintain regulatory compliance through education and assessments





# Why ECAP?

- ▶ Ensure regulatory compliance
- ▶ Potential legal actions against Ports and tenants
- ▶ Streamline environmental compliance program
- ▶ Reduce cleanup costs
- ▶ EMS requirement
- ▶ Communication with tenants





# Program Overview



ECAP is Comprehensive:

- ▶ Hazardous waste
- ▶ Emergency Planning and Community Right to Know (EPCRA)
- ▶ Stormwater
- ▶ Spill Prevention Control and Countermeasures (SPCC)
- ▶ Air







# Attorney Client Privilege- Option

- ▶ Protection of privilege for the tenants
- ▶ Protect Port and tenants
- ▶ Review finding with attorney





# Benefits of Implementation

## Property Owner

- ▶ Check environmental compliance
- ▶ Reduce environmental/regulatory liability
- ▶ Verify facility activities
- ▶ Face time with tenants
- ▶ Promote pollution prevention goals
- ▶ Promote environmental stewardship
- ▶ Positive public relations

## Tenant

- ▶ Receive consultation by environmental professionals
- ▶ Potential cost savings through waste minimization and recycling recommendations
- ▶ Prevent costly fines or cleanup
- ▶ Positive public relations
- ▶ Free environmental consulting



# Implementation

## Team Formation

- ▶ Experienced team with diverse experience
- ▶ Tenant activities vary
- ▶ Team:
  - ▶ Patrick Domres (Hazardous Waste and Tank Inspections)
  - ▶ Port Representative





# Implementation

## Forms

- ▶ Assessment Forms
- ▶ Cover Letter







# Implementation

## Use of agency published guidance documents

- ▶ Public guidance documents
- ▶ Ecology publications
- ▶ EPA guidance documents





# Lets Get Started

- ▶ Safety standards and security requirements
- ▶ Coordinated activities with lease holders (property managers)
- ▶ Get access to tenant information (lease, operating agreements, site history)
- ▶ Identify appropriate tenant contacts



# ECAP Process

ECAP site visits is a process:

1. Pre site visit research (compile maps, conduct EPA and ECHO search)
1. On site
  - ▶ Pre and post interview
  - ▶ Review findings with attorney and site representative
2. Site walk
3. Post assessment activities



# Potential Pitfalls

- ▶ Avoid development of negative business relationship
- ▶ Avoid being perceived as an enforcement agency
- ▶ Avoid offering interpretation of complex regulatory issues
- ▶ Keep in mind the profit margins, staffing and sophistication of smaller operations



# Potential Pitfalls

Major noncompliance or criminal activities

- ▶ Should be directed to appropriate authorities/agencies
- ▶ Seek legal counsel
- ▶ Be aware of your legal obligations and rights
- ▶ Call the attorney!







# Common Findings

- ▶ Lack of SPCC Plan
- ▶ Hazardous waste findings
- ▶ Stormwater
  - ▶ SIC Code
  - ▶ Not implementing or documenting Corrective Actions or other reqmts.
  - ▶ PARIS database is not up-to-date





# Port of Everett and Port of Seattle

- ▶ Port of Everett recent compliance inspection
- ▶ Communication with tenants
- ▶ Education for the tenants
- ▶ Training of Port folks on compliance
- ▶ Stormwater concerns





# Summary

- ▶ ECAP is a tool to assess environmental liability and regulatory compliance
- ▶ If implemented successfully, the benefits of ECAP can be substantial
  - ▶ Education
  - ▶ Communication
  - ▶ Cost Savings
  - ▶ Positive public relationships