



# Environmental Issues in Real Estate

## EPA Fines several gasoline stations in Arizona.

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As of October 2007, the U.S. Environmental Protection Agency has, in cooperation with several Tribal governments through out the Pacific Southwest, inspected around 136 UST fuel tank sites. As a result, more than \$71,000 in fines for violations in Arizona alone. Some of the more common problems were failures to properly inspect and maintain the dispensing and leak detection systems as well as failure to document annual testing and insurance requirements. The U.S.EPA has stated they will continue to work with state and tribal governments to increase awareness to regulations on these types of systems. According to the report, leaks as small as a pinhole can release more than 400 gallons of fuel each year. The maintenance of these detection systems is a critical part of reducing the costs of remediation and the negative environmental impacts that underground storage tanks have on our environment. According to the U.S. EPA's latest data, there are more than 49,000 active underground storage tanks currently in use in Region 9. More than 158,000 tanks have been closed or removed. This year alone (through March 31, 2008) 150 confirmed releases were reported to the U.S. EPA. For more information on the U.S. EPA UST program click on the link. <http://www.epa.gov/OUST/>



*Most incidents for non compliance were found to be the annual inspections and normal operating documentation.*

## ASTM 1527-05 EPA's AAI standard for Land Owner Protection

By now everyone involved in property transactions should be familiar with the current ASTM standard and how it provides the requirements the EPA has designated as All Appropriate Inquiry (AAI) for CERCLA Limited Liability Protections (LLP). What many people still have questions on are the ability to update previous reports. According to the ASTM standard adopted by the EPA, a typical report is considered current if its 180days old (6 Months) or less. These reports may be relied on without any update requirements. If a report is between 6 months and 12 months old, the standard requires updates to parts for the report. A new site visit is required and any of the government databases that have been updated since the original report was done must be researched again. If the report is more than 12 months old the entire process must be redone in order to be in compliance with the standard. We continue to see companies that are producing current reports referencing a standard that no longer exists! A report such as that is not worth the paper it is printed on. With an ever increasing scrutiny on loan transactions, the environmental report is a critical component of the entire transaction. Making sure it is done properly and to the standard is critical in nearly all current property transactions!



*Many people don't realize that Mercury is contained in many CFL bulbs!.*

## The Green Corner - Green tips for February

CFL or not to CFL? That is the question! By now you have heard many things about Compact Florescent Light bulbs and the energy savings they provide. One often overlooked issue is that most of these lights contain small amounts of the highly toxic element Mercury. This is a key component in these types of light bulbs that make them work. It is very important that when you replace these types of light bulbs the you send them to a proper recycler and not to a landfill. Many communities are working together to recycle these light bulbs so that their danger to human health and the environment don't outweigh the benefit in energy savings. Also, if you accidentally break one you don't want to come into direct contact with any of the pieces. There is more information available on these topics at the EPA's Web site: [www.epa.gov](http://www.epa.gov)