

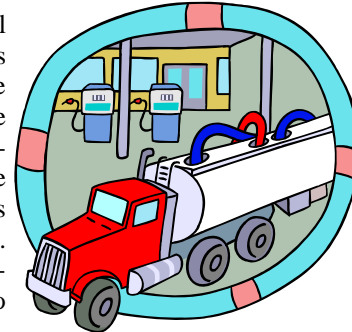


Environmental Issues in Real Estate

The Arizona Department of Environmental Quality has new UST Rules!

Volume 1, Issue 16
September 2008

Arizona State Governor Janet Napolitano signed into law House Bill 2425 and it becomes effective September 26, 2008. This law gives ADEQ the ability to order “stop-use” of any Underground Storage Tank (UST) found to be out of compliance. The UST owner will be responsible for immediately emptying the tank and making any upgrades, repairs or certification requirements before they can re-use the UST. There will be possible enforcement actions and possible fines for any delivery companies who ignore the visible “stop-use” order. Any existing system that replaces 25% or more of their piping between USTs and dispensers after January 2, 2009 will be required to replace the entire piping system with secondary containment and interstitial monitoring. Also after January 1, 2009 if a dispenser is to be replaced it must be upgraded with an under-dispenser containment system. Finally, UST owners will be required to train their operators in one of three classes. Class A operators will be knowledgeable in ALL administrative and technical requirements of UST release detection and prevention. Class B and Class C operators will have less training with at least 1 Class C operator being required for ALL manned stations during operating hours. [ADEQ Facts Sheet.](#)



The new rules will place some of the burden of enforcement on the fuel delivery companies with possible fines if they knowingly deliver to a UST that has been tagged with a “stop-use” order.

Quality is the Most important issue in an ESA!!

Quality in an Environmental Site Assessment is often mentioned yet often not accomplished in many inexpensive Environmental Site Assessments. In Nevada, there is at least a minimum certification by the state you must possess to perform Environmental Site Assessments. In Nevada, this program is known as the Bureau of Corrective Actions Certification Program. You must be or operate under direct supervision of a [Certified Environmental Manager](#) to perform any environmental consulting in Nevada. Look for this certification when requesting ESA’s in Nevada. Arizona is different! They have no certification or licensing requirements for any Environmental Consultants. In this case it would be prudent to look for consultants that have taken the time and made the investment to obtain certifications from other states such as Nevada and [California](#). This, at a minimum, ensures that they meet some minimum requirements deemed necessary by these adjoining states. Look for Errors and Omission insurance. There should be no less than \$1 million dollars in coverage. If you are working on multi-million dollar deals then consider \$2 million or more as a minimum. Finally, get a professional opinion. When you have selected and have started using a consultant, have the work reviewed by an environmental attorney. This is an inexpensive way to make sure you get what you are paying for!



Converting to native southwestern plants will save water.

The Green Corner-more green tips!

It sounds simple and it is! We have heard for years that it’s important to adjust your sprinkler irrigation system so that water does not run into the streets and sidewalks. We have also heard that these systems should only be run at night to reduce the amount of evaporation that occurs in our desert southwest. What you may not have heard is this is part of being green. The more water that gets onto the grass and plants means that the system may be able to run for shorter periods of time. This means less water usage which adds up over time. If you want to be even greener in your landscaping try going with less green and more native desert landscapes.

CES, Inc.-HQ
5230 North 16th Street
Phoenix, Arizona 85016
(602) 230-1471 Main
(602) 230-9598 Fax

To remove your name from our mailing list, please [click here.](#)

Questions or comments? E-mail us at rbowen@cesaz.com

CES, Inc. Las Vegas
272 Pear Meadow Street
Henderson, Nevada 89012
(702) 436-2899