

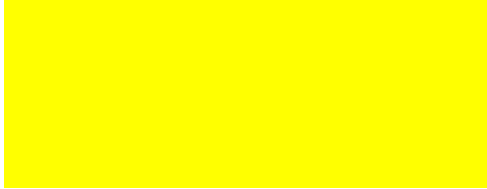


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

copy

JUL 24 2000

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE



Dear [redacted]:

Airports, because of their size and the nature of their operations, can have significant effects on the environment. I am contacting you and other airport managers to provide information about your environmental obligations related to discharges of pollutants into waters of the United States, releases of hazardous substances and other potentially applicable environmental requirements. I also want to acquaint you with EPA's Audit Policy, which provides the opportunity to voluntarily disclose and correct violations in return for a possible reduction or elimination of penalties that would otherwise be incurred. I encourage you to audit your facilities and disclose violations under the Audit Policy as appropriate.

Airport operations have a high potential to contribute to water quality problems. In order to protect the quality of the nation's waters and shorelines, an operation may only discharge pollutants, such as de-icing agents, oils and other contaminants, in accordance with a valid National Pollutant Discharge Elimination System (NPDES) permit. Airports must also control discharges, such as construction or airplane wash runoff and oil/grease from runway or truck maintenance, through storm water pollution prevention plans and other control measures including treatment. Also, no one may dredge or fill wetlands or other waters of the United States without authorization from the Army Corps of Engineers. The Clean Water Act (CWA) and other environmental statutes require immediate notification of government authorities of discharges and other releases of reportable amounts of oil and hazardous substances. Failure to comply with the applicable environmental statutes, regulations and permit requirements may subject your airport and/or tenants to penalties and implementation of corrective measures.

Certain pollutants associated with airport operations discharged into waters of the United States are harmful to human health and the environment and may be particularly toxic to aquatic ecosystems. They destroy natural breeding areas, create excess turbidity, reduce dissolved oxygen and impair a water body's ability to cleanse itself and support a healthy ecosystem. Wetlands serve many vital functions, including flood control, pollutant filtration, biodiversity,

nursery incubation and migratory bird habitat. It is important for each facility to operate in a responsible manner that protects these important resources and the integrity of our nation's water systems.

For compliance assistance information on NPDES permits and other water discharge requirements, contact your State or EPA Regional office. A list of these contacts and other useful information regarding airport environmental obligations is available through the web site of the Transportation Environmental Resource Center: www.transource.org.

As a manager responsible for environmental management and compliance with Federal law at your airport, you should be aware of the unique opportunity for self-auditing provided by EPA's Audit Policy. The policy demonstrates how industry and the Agency can work together to achieve full compliance and increase protection for human health and the environment without costly and adversarial litigation.

Enclosed is a settlement between EPA and AMR Corporation (American Airlines) that demonstrates how voluntary audits, disclosures and corrections may be carried out under the Audit Policy. In brief, EPA cut penalties potentially totaling \$1.4 million by over 90% for AMR for violations of §211 of the Clean Air Act that were voluntarily disclosed and corrected prior to EPA initiating an investigation. AMR also agreed to purchase 12 electric-powered belt loaders to replace existing gas-powered loaders at Boston's Logan airport, an improvement expected to eliminate nearly 700 tons of pollutants from the air annually at Logan. We greatly appreciate AMR's initiative in bringing these violations to light, correcting them promptly, and helping to improve air quality in the Boston area. The AMR settlement serves as a model for air transport industry companies that want to come forward and resolve multiple federal environmental violations at one time.

If you decide to conduct a voluntary environmental audit, you may want to undertake a comprehensive review of your compliance with all environmental laws and requirements. See EPA's Audit Policy for the nine conditions of the policy; it does not apply, for example, to violations that are the subject of a federal, state or local agency inspection, investigation or information request.

I have attached a brief description of some of the environmental requirements that may apply to your facility (Enclosure A). It does not provide a comprehensive review of all of your environmental obligations, but highlights some of the requirements most commonly applicable to your industry. You may want to consult the applicable statutory and regulatory provisions to ensure that you are in compliance with the law. You may also wish to explore the information resources identified in Enclosure B. In addition, I have enclosed copies of: 1) a brochure describing EPA's environmental Audit Protocols; 2) the American Airlines settlement; 3) EPA's Self-Audit Policy; 4) an August 2, 1996 letter from EPA to the law firm, Bryan Cave, L.L.P., in which EPA explained that the person in charge of each is responsible for ensuring that releases

from their facilities are properly and accurately reported; 5) the Memorandum of Understanding between EPA and the Department of Transportation (Coast Guard) that provides information on transportation and non-transportation related facilities; 6) the brochure - How to Reduce Waste at Your Shop; and 7) a description of the Transportation Environmental Resource Center.

If you have any questions or would like to discuss the possibility of disclosing violations for potential consideration under the Audit Policy, please feel free to call me at (202) 564-2220, or my staff: Leslie Jones at (202) 564-5123, or Gale Bonanno at (202) 564-2243.

Sincerely,



Eric V. Schaeffer
Director, Office of Regulatory Enforcement

Enclosures

cc: Michael B. Cook, Director, Office of Wastewater Management
Michael M. Stahl, Acting Director, Office of Compliance
Donald E. Zinger, Assistant Director, Office of Transportation Air Quality