MANAGING ENVIRONMENTAL ISSUES AT CO-LOCATED AND MULTIPARTY FACILITIES

Spring 2017 Environmental Law Seminar
WHAT’S NEW?

• Modern industrial realities and commercial arrangements involve multiple companies operating inside the same fenceline
  – Cogen, steam supply, management services, outsourced activities, contractors and vendors

• Environmental law fundamentally assumes one “owner and operator”
  – Permitting, regulatory and permit requirements, enforcement
  – The “multiparty facility” torques that framework – whose responsibility is it?
WHAT’S NEXT?

• Common problem areas include:
  – Managing spills and wastes
  – Chemicals/EPCRA reporting
  – Air emissions and events
  – Wastewater and stormwater
  – Emergency/incident preparedness and response

• Key tools for managing these issues:
  – Careful coordination/communication, scenario planning and testing, joint drills
  – Careful contractual allocations – “act now/true up later” concept
  – Policy/legal mechanisms like single property designation
  – Pre-engagement with regulators and first responders
KEY TAKEAWAYS

• Don’t assume somebody else is handling it – communicate and confirm who’s got what

• Spend some time with “what if?” If you can imagine a scenario happening, you can imagine how multiparty setting complicates it

• Revisit your permits, procedures, and agreements to make sure allocations of responsibility, liability, leadership, etc. are clear

• Practice makes perfect – joint exercises and drills
THANK YOU!

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