

Being Prepared for Spills

New Online Spill-Resource Benefit for NATA Members

Relationships between airlines, airports and fuel vendors can become adversarial in the event of an airport fuel spill, often resulting in significant exposure and cost to the airline, according to Tom Moses, president of Spill Center, a leading environmental claims and spill management company.

“Spill planning is important for all of the parties involved because of the complex relationships, contractual obligations and security issues at play in this business activity,” related Moses, an environmental attorney. “Determining which entity is legally obligated to respond, report, remediate and dispose of spilled material can be very complicated,” he said.

“Often the agreement governing the relationship between the airport and air operator does not spell out who provides site access, who hires the cleanup contractor or who completes the required reports,” noted Moses. “In any case, fast action is needed to control costs and limit liability related to spills.”

Moses urges managers who are unsure of the environmental liability risks associated with their activities to consider working with a third-party firm such as Spill Center, which specializes in compliance and regulatory reporting and can help limit their liability, stay in compliance with environmental regulations, and reduce costs associated with spills.

Examining Spill Liability

Earlier this year, Moses was invited to speak on the subject of Liability in Airport Fuel Spills at the 8th Annual Jet Fuel and Airport Operations Conference & Exhibition in Las Vegas, sponsored by the Armbrust Aviation Group. He discussed legal responsibilities associated with airport fuel spills.

He observed that laws defining environmental liability provide that a person involved in an activity such as transportation or shipping is legally responsible for damages resulting from that activity. The business activity, not the material spilled, gives rise to environmental liability, he explained.

“If you meet the statutory definition of a legally responsible party, then it does not matter that an environmental release was the result of an accident – even if it was not your fault. Your company may still be liable for the release,” he related.

Moses was also an invited speaker at the Florida Airports Council Facilities and IT Conference held last spring in Clearwater, Fla. He discussed Fuel Farm Maintenance and Environmental Responsibilities.

Spill Resource for NATA

Spill Center recently launched a service for members of the National Air Transportation Association, offering no-cost access to online spill resources. Included is a state-by-state spill reporting database, which lists regulatory requirements and agency contact information. NATA members can search this data and other spill-related information at the Spill Center Website, www.spillcenter.com, at no charge.

Spill Center also offers a comprehensive program of fee-based spill support services as well as legal, technical and environmental expertise and resources. The program is designed to control costs and limit liability arising from accidental releases of hazardous materials, fuel and other regulated materials, according to Moses.

Alan Darrow, NATA Vice President/CFO, welcomed Spill Center as the association's newest affiliate. "We encourage our members to take advantage of the wealth of no-charge online resources as well as Spill Center's fee-based support services, which are available at a discount to NATA members," he said.

Online fee-based services are available to NATA members at 15% off normal fees. Services include spill reporting, cleanup contractor referrals and management, disposal assistance, spill contingency planning and other services which Spill Center has been providing to clients since 1990, Moses added. Members pay only for the services they want.

Online Reporting Regs

Moses explains that NATA members who are involved in spills can access the Spill Center reporting requirements database to determine if a spill must be reported immediately by phone, and then get the phone number to report it.

NATA members can elect to pay to have Spill Center compliance associates make all required phone calls and written reports after a spill, track and manage cleanup operations, and provide other support services. Spill Center's call center is staffed 24/7 to support clients, he said.

A customized spill contingency plan, detailing a company's spill handling instructions, can be completed online, noted Moses. "In the event of a spill, a single call to Spill Center will activate the contingency plan. Having a contingency plan on file in a central location is an important part of spill preparedness," he added.

"No company ever has enough spills to get good at handling them," he observed. "That's the role we have chosen for Spill Center. We help companies involved in spills to control their costs, limit their liability and get through the governmental regulatory maze – which can be very expensive to the uninitiated," he added.

"By aligning yourself with experts who are equipped to provide assistance when you need it most, you broaden your state of preparedness and help minimize your spill related costs and liability," said Moses.

Spill Center®, based in Hudson, Mass., serves the transportation, chemical and insurance industries. Using a proprietary environmental claims reporting, tracking and documentation system, Spill Center helps level the playing field for spill generators who must deal with regulatory authorities, cleanup contractors and third-party claimants.

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