

Appendix 4

NPS COMMERCIAL SERVICES PROGRAM ENVIRONMENTAL AUDIT ENVIROCHECK SHEETS

The EnviroCheck Sheet is a tool to be used when conducting NPS Commercial Services Program environmental audits. This document does not necessarily contain all information needed to determine compliance status. It is the sole responsibility of the concessioner to understand and comply with all applicable laws and regulations.

Campgrounds and Trailer Villages

Food and Beverage Service

Environmental Management Systems

Gas and Service Stations

Golf Courses

Guide and Outfitter Services

Horse, Mule, and Animal Husbandry Operations

Laundry, Swimming Pool, Shower, and Bathhouse Operations

Lodging Management

Marinas and Watercraft Rental Operations

Medical Clinics

Retail Operations

Tennis Courts

Transportation Operations

Water Guide Services

Winter Sports Operations

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INTRODUCTION

Park campgrounds include sites for tent camping, trailer and recreational vehicle (RV) parks, or any temporary structures used for camping within National Park Service (NPS) boundaries. Concessioners may manage campgrounds that range from a few walk-in tent sites with minimal facilities to several hundred RV hookups with showers and restrooms.

Campground activities may include:

- Maintaining water, electrical, and sewer hookups for vehicles
- Operating dump stations and shower and restroom facilities
- Recycling and disposing of solid waste
- Landscaping

Campgrounds may provide park visitors with:

- Food
- Laundry Facilities
- Retail services
- Swimming pools

As a result, the concessioner may need to manage hazardous waste, manage solid waste, conserve water, and handle other environmental issues involving park campgrounds.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to campground operations managed by a concessioner that take place within park boundaries¹. The activities and operations *within the park* undergo environmental audits through NPS regional environmental audit programs, which are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs). As well as, Department of the Interior (DOI) policies, NPS policies, and applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Campgrounds and Trailer Villages’ Specific Issues” sections below for more information on laws and regulations applicable to campgrounds and trailer village operations.

Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal and associated regulations, such as U.S. Environmental

¹ Activities at out-of-park facilities are not currently addressed as part of the environmental audit, unless the facilities are assigned under a Concession Contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety and transportation regulations and codes also apply. Note that such requirements may be more stringent and therefore take precedence over the less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals also apply. For example, those related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with them where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to campgrounds and trailer village operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials from top priority list;
- Reducing water consumption intensity; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary.

Requirements that may be identified in the concessioner contract include:

- Management of solid waste operating requirements;
- Installation of water and energy saving fixtures as replacements are needed;
- Provision of bulk dispensers for shampoo, conditioner, and soap;
- Implementation of specific best management practices (BMPs);
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Record and documentation management of all environmental reports and data; and
- Annual reporting and implementation of an integrated pest management program per approval of the park.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide a framework to use when collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not

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required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering campgrounds and trailer villages' services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a campground includes a gift shop the Commercial Services Program *Retail Operations* EnviroCheck Sheet should be reviewed. Other Commercial Services Program EnviroCheck Sheets that may apply include *Environmental Management Systems (EMS), Lodging Management, Food Service, and Laundry, Swimming Pool, Shower, and Bathhouse Operations*.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (69 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner's operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (69 FR 26063).

Direct Discharge: Discharge to the land or water without any treatment.

FOTW: Federally Owned Treatment Works. A facility that is owned and operated by a department, agency, or instrumentality of the Federal Government treating wastewater, a majority of which is domestic sewage, prior to discharge in accordance with a permit issued under USC 33.1342 (NPDES, see below).

NPDES: National Pollution Discharge Elimination System. A national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

Nonpoint Source Discharge: A discharge that is not traceable to a single originating point. An example of nonpoint source discharges would be pesticide/fertilizer runoff from agricultural fields.

POTW: Publicly Owned Treatment Works. A treatment works, as defined by Section 212 of the Clean Water Act, that is owned by the state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also

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includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant [40 CFR 403.3]. Privately-owned treatment works, federally-owned treatment works, and other treatment plants not owned by municipalities are not considered POTWs.

Point Source Discharge: A direct wastewater discharge into a national water source, such as rivers, lakes, and streams. Common discharge sources of point source pollutants are pipes, ditches, channels, and sewer deposits.

Pretreatment: The reduction, elimination, or alteration of pollutants in wastewater prior to or in lieu of discharging into a POTW (e.g., use of an oil/water separator).

Waters of the United States: All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide. Waters of the United States include all interstate waters and intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. [See 40 CFR 122.2 for the complete definition.]

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts of Operating & Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

The Clean Air Act regulates the campground maintenance activities that generate air pollution, such as boilers and generators, dust emissions from dirt and gravel roads, and accidental releases of hazardous chemicals (e.g., chlorine gas). States regulate air emissions from boilers and generators and may require permits, air monitoring, or pollution control devices. States also regulate particulate emissions and may require watering of roads during dry periods. Refer to the NPS *Air Quality* EnviroCheck Sheet for more information.

CFC and Halon Management

While it is unlikely to see findings related to campgrounds and trailer villages within this topic area, you should review and be familiar with regulations outlined the NPS *CFC and Halon Management* EnviroCheck Sheet.

Emergency Planning and Reporting

Campground and trailer villages with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to non-incident hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous

² The threshold between an incidental and non-incident spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

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substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right-to-Know (EPCRA)

In addition, hazardous substances handled at campground facilities must be considered in park-wide EPCRA reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, campground operations should maintain a current inventory of hazardous substances at the facility and provide this information to the park. Note that campground and trailer village operations typically do not need to provide hazard information (under EPCRA³) directly to a local emergency planning committee (LEPC) or a state emergency response commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the campground and trailer village operation, a simple EMS can be an effective tool. Even if not required, which may be the case for a Category III operation, the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Campground and trailer village concessioners have an opportunity to educate visitors on park resources and applicable environmental issues and programs. Lessons learned can help customers become more sensitive to and respectful of the environment around them. Ideas for providing environmental education and outreach to public visitors include:

- Distributing environmental educational information (e.g., the “Leave No Trace” ethic) in brochures, newsletters, and reservation packets made from recycled content paper, or on websites as a paperless alternative.
- Educating guests on activities undertaken by the concessioner or the park to minimize the impact of the campground and trailer village operation on the environment (e.g., accessible recycling bins, composting toilets or low-flow showerheads).
- Explaining to guests how human activities may impact the park environment (e.g. campfire ash on the nearby soil, improper disposal of human waste impacting certain species of plants, and hikers going off designated trails impacting flora, soil, and fauna of the local area), and how they can make better educated environmental choices (e.g., pack out and properly dispose of all waste and campfire ash).

Environmental Purchasing

Campground operators have an opportunity to manage their operations in a more environmentally-preferable manner. In addition to constructing buildings out of environmentally-preferable materials (e.g., composite lumbers where possible) and using environmentally-preferable products in running administrative offices (e.g.,

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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recycled-content paper products), campground operators can improve the environment in which they work by consciously purchasing items such as re-refined motor oil, water-based paints, and playground materials and picnic benches made from recycled content. Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

While it is unlikely to see findings related to campgrounds and trailer villages within this topic area, you should review and be familiar with regulations outlined the NPS *Fuel Storage Management* EnviroCheck Sheet.

Hazardous Materials Management

Campgrounds may handle a variety of hazardous materials in their daily activities and operations (e.g., chlorine, bromine, medications, detergents, water softeners for maintaining water quality in swimming pools and drinking water systems, and general cleaning chemicals for cleaning bathhouses or other facilities). They may also sell liquefied petroleum (LP) gas for use in barbecue grills. Hazardous materials must be managed and disposed of per regulatory requirements. Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for specific hazardous material management requirements.

Hazardous Waste Management

Cleaning chemicals, paints, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for use may also be considered hazardous waste and therefore must be managed accordingly. Refer to the NPS *Hazardous Waste Management* EnviroCheck Sheet for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to campgrounds and trailer villages within this topic area, you should review and be familiar with regulations outlined the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

All methods to controls pests within a campground and trailer village operation must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of fly spray, conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algacides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management* EnviroCheck Sheet for more information.

Respiratory Protection

In conducting some campground and trailer village maintenance activities such as painting and pesticide application, some operations may require or allow their employees to wear air-purifying respirators – including filtering facepieces (i.e., dust masks). In doing so, a campground or trailer village operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in Appendix D for voluntary use of filtering facepieces. A qualified respiratory protection program administrator is required if a job hazard analysis reveals that an RPP is needed. Refer to the NPS *Respiratory Protection Program* EnviroCheck Sheet for more information.

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Solid Waste Management

Campground and trailer village operators are required to handle solid waste in accordance with federal (40 CFR 243), state, and local requirements. The concessioner should explore opportunities to partner with the park in addressing solid waste management issues (e.g., a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Container Management

Outdoor trash containers must be in good condition, covered and closed, weather proofed, and vermin and animal proofed. Receptacles must be conveniently located and adequate to meet customer demand. Trash must be collected using appropriately designed and operated vehicles, and must be disposed of at a licensed landfill.

Recycling

Campground and trailer village operators within the park must recycle, at a minimum, the same materials as the park in which it operates. This may include beverage containers (aluminum and plastic) and paper used in administrative offices. Campground and trailer village operators should also try to offer easily accessible recycling receptacles to make it easy for guests to participate in recycling efforts.

Reusable Materials

To minimize solid waste generation, campground and trailer villages with shower or bathroom facilities should consider using bulk dispensers for soap, shampoo, conditioner, lotions, and other amenities. Refer to the NPS Commercial Services Program *Laundry, Swimming Pool, Shower and Bathhouse Operations* EnviroCheck Sheet for more information.

Solid Waste Prohibitions

Liquids (e.g., liquid soap) and potentially hazardous waste (e.g., some paints and solvents) cannot go in the regular trash.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

While it is unlikely to see findings related to campgrounds and trailer villages within this topic area, you should review and be familiar with regulations outlined the NPS *SPCC Planning* EnviroCheck Sheet.

Storm Water Management

Heavy traffic on grounds and at trailheads may result in a loss of vegetation, increased erosion, and sediment buildup in nearby waterways. To protect plants, soils, and water quality, campground and trailer village operations should consider:

- Establishing erosion controls such as wood chips in barnyards, stables, trailheads, and/or other heavy use areas;
- Constructing and maintaining vegetated berms, or diversion swales/dikes to control up-gradient run-on and down-gradient runoff in areas that have heavy traffic and are poorly vegetated; and,
- Using and maintaining vegetative filter strips, infiltration areas, temporary settling basins, and/or other erosion controls.

Nonpoint Source Pollution from Road Construction and Maintenance

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The Clean Water Act regulates small (i.e., disturbing between 1 and 5 acres) and large construction (i.e., disturbing over 5 acres) activities, including those associated with road construction (e.g., paved, dirt, gravel). Campgrounds involved in these construction activities are required to obtain and comply with a NPDES permit, and implement BMPs to prevent erosion, sediment, or other pollutants from entering the waterways. For more information refer to the NPS *Storm Water Management* EnviroCheck Sheet.

Universal Waste Management

While it is unlikely to see findings related to campgrounds and trailer villages within this topic area, you should review and be familiar with regulations outlined the NPS *Universal Waste Management* EnviroCheck Sheet.

Used Oil Management

While it is unlikely to see findings related to campgrounds and trailer villages within this topic area, you should review and be familiar with regulations outlined the NPS *Used Oil Management* EnviroCheck Sheet.

Wastewater Management

Preventing point source and nonpoint source pollutant discharges may be the most significant environmental challenge for campgrounds. Refer to the NPS *Wastewater Management* EnviroCheck Sheet and NPS *Storm Water Management* EnviroCheck Sheet for more information.

Discharges to Waters of the United States

Campgrounds that discharge wastewater from any operation (e.g., bathhouses, laundry facilities, washing vehicles and equipment, swimming pools, dump stations, wastewater treatment plants) must obtain and comply with conditions contained in a NPDES permit. These permits can be obtained from the EPA or state permitting authority.

NPDES permit conditions usually include the following:

- Inclusion of ways in which the permittee should physically, biologically, or chemically treat the wastewater;
- Requirements for wastewater sampling and monitoring for pH, suspended solids, biological or chemical oxygen demand (BOD or COD), fecal coliform, and other pollutants; and
- Requirements for filing monthly reports to the EPA or state permitting authority.

Discharges to POTWs

Campgrounds should contact their POTWs to determine whether there are requirements with which they should comply. In general, POTWs do not place discharge requirements for wastewaters from bathhouses, dump stations, and laundry operations. However, there may be restrictions on the quantity of oil, grease, metals, or other chemicals that enter the POTW from industrial or service operations (e.g., food services or vehicle maintenance). This may trigger the need for the campground operation to obtain a POTW discharge permit.

Discharges to Septic Systems

Campgrounds may need to obtain operating permits for on-site septic systems (unless very large in size) from the local municipality or county health agency. In addition, septic systems used in maintenance areas may be required to use pretreatment systems (e.g., grease traps or oil/water separators).

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Discharges to Leaching Fields

Campgrounds discharging wastewaters to leaching fields should ensure that their discharge does not contaminate surface waters. Campgrounds should contact their state water pollution control authority or health departments to determine if they must obtain and comply with any wastewater discharge permits to leaching fields.

CAMPGROUND AND TRAILER VILLAGE-SPECIFIC ISSUES

Managing campgrounds involves a number of activities, including but not limited to looking after roads and buildings, clearing debris, and providing electricity for lighting and electrical hookups.

Dust Suppression

Campgrounds are prohibited from using used oil as a dust suppressant (40 CFR 279.82), unless the state has specifically been authorized by the EPA to do so. (As of 09/08/03, EPA had not authorized any states to utilize used oil as a dust suppressant.) As a BMP, campgrounds should seek to minimize the occurrence of dust which could potentially contaminate adjacent land, groundwater, or surface waters. Recommended methods for suppressing dust from dirt or gravel roads and areas include:

- Sealing or paving roads;
- Watering lightly on a regular basis; and
- Applying organic non-bituminous stabilizing agents (e.g., lignosulfonates, vegetable oils, molasses, etc.).

Energy and Water Conservation

Campgrounds offer many areas in which energy and water efficient equipment and practices can be implemented. For example, in restrooms, showers, and laundry facilities. By reducing energy and water consumption, campgrounds will increase cost savings and decrease the quantity of harmful emissions released from power plants. Energy conservation should be considered in facility and equipment design, work plans, and operating plans. Energy and water conservation BMPs have been incorporated into each of the concession-specific EnviroCheck Sheets. For example, if the campground or trailer village offering shower facilities, refer to the NPS Commercial Services Program *Laundry, Swimming Pool, Shower and Bathhouse Operations* EnviroCheck Sheet for more information on energy and water conservation suggestions.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS and Regional Concession Chiefs and Specialists
- EPA Stormwater assistance: http://cfpub.epa.gov/npdes/home.cfm?program_id=6
- EPA NPDES information: <http://cfpub.epa.gov/npdes/index.cfm>
- EPA Office of Small Business Ombudsman for State contacts environmental requirements: <http://www.epa.gov/smallbusiness/experts.htm>
- EPA's ENERGY STAR Program (for information on products and joining as an organization): <http://www.energystar.gov>.

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- Green Seal Environmentally Preferable Products Lists: <http://www.greenseal.org/findaproduct/index.cfm>
- Leave No Trace Center for Outdoor Ethics: <http://www.lnt.org>
- National Guide to Sustainable Municipal Infrastructure – “Dust Control for Unpaved Roads”: www.sustainablecommunities.ca/files/Infraguide/Roads_and_Sidewalks/dust_control_unpaved_rd.pdf

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁴. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist items listed in the first column identify the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, or park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources and concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions comply with the audit criteria and demonstrate that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, or tribal policies or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--|---|----------|
| Emergency Response, Planning, and Reporting | | |
| 1. | Has the Concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |

⁴ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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| CHECKLIST ITEM | | PRIORITY |
|---|--|-----------------|
| 2. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or non-incidental? Does it instruct staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 3. | Has the campground concessioner developed and implemented an EMP? [Standard Concession Contract, Sec. 6 (b)] | 3 or BMP |
| 4. | Are guests educated on the "Leave No Trace" ethic? [Leave No Trace] | BMP |
| 5. | Are customers informed of efforts the concessioner has taken to lessen its environmental impact? [NPS Commercial Services Program] | BMP |
| Environmental Purchasing | | |
| 6. | Does the concessioner purchase and use nontoxic, low toxicity, or biodegradable cleaning products? [Green Seal] | BMP |
| 7. | Does the concessioner purchase and use playground materials, picnic benches, and/or other goods made from recycled-content materials? [NPS Commercial Services Program] | BMP |
| 8. | Has the concessioner made efforts to educate customers regarding recycling? (Techniques include posting signs and/or distributing adequate numbers of clearly marked recycling containers.) [NPS Solid Waste Management Handbook] | BMP |
| 9. | Has the concessioner made efforts to educate customers regarding its steps taken to minimize environmental impact (e.g., by advertising its recycling program)? [Greening Your Property, Green Seal] | BMP |
| 10. | Does the concessioner meet federal affirmative procurement requirements? [EO 13423] | BMP |
| Hazardous Materials Management | | |
| 11. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-------------------------------|---|----------|
| Solid Waste Management | | |
| 13. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 14. | Does the concessioners' recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 15. | Are refillable dispensers used for amenities such as soap, shampoo, conditioner, and lotion? [Greening Your Property, Green Seal] | BMP |
| Wastewater Management | | |
| 16. | Has the concessioner assessed the potential for graywater recycling and/or reuse? [Greening Your Property, Green Seal] | BMP |

CONCESSIONER SPECIFIC

| CAMPGROUND AND TRAILER VILLAGE OPERATIONS | | |
|--|---|-----|
| Dust Suppression | | |
| 17. | Does the concessioner ensure that used oil is not used as a dust suppressant? [40 CFR 279.82(a)] | 2 |
| 18. | Has the concessioner implemented a method to suppress dust from unpaved roads, such as: <ul style="list-style-type: none"> • Sealing or paving roads; • Watering lightly on a regular basis; or • Applying organic non-bituminous stabilizing agents (e.g., lignosulfonates, vegetable oils, molasses, etc.)? [NPS Commercial Services Program] | BMP |
| Energy and Water Conservation | | |

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| | | |
|-----|--|-----|
| 19. | Have efforts to reduce water consumption been made? Such efforts could include: <ul style="list-style-type: none">• Developing and implementing a water efficiency and conservation program or strategy;• Educating staff on water efficient practices such as turning off faucets, etc.;• Posting signage regarding water conservation;• Conducting a water audit;• Incorporating water efficiency and sustainability concepts into building construction and renovation;• Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans;• Developing regular maintenance and tune-up programs for water consuming equipment; <p>[EO 13423]</p> | BMP |
|-----|--|-----|

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------|--|-----------------|
| 20. | <p>Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work plans and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). <p>[EO 13423]</p> | BMP |
| 21. | <p>Have efforts to increase the use of renewable energy been implemented?</p> <p>[EO 13423]</p> | BMP |

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INTRODUCTION

The National Park Service (NPS) has approximately 130 food service concessioners, ranging from vendor carts to full service dining facilities. These food service establishments have a wide variety of operations and activities that impact the environment, including:

- Disposal of solid wastes (including hazardous waste) and wastewater
- Operation and maintenance of refrigerated units
- Purchase of goods and services
- Consumption of energy and water resources

Concessioners may benefit financially if they consider implementing appropriate best management practices (BMPs) to minimize solid waste generation (through recycling and composting), and conserve energy and water resources (in kitchen and bathroom areas). In addition, due to their high profiles, concessioners can assist in educating park visitors on environmental issues within the parks and further reduce environmental impacts by implementing appropriate environmental purchasing policies (e.g., biodegradable takeout containers) and environmental management systems (EMS).

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to food service operations managed by a concessioner that take place within park boundaries. This includes the provision of food service facilities (i.e., a kitchen) for private use (i.e., for concessioner employees only)¹. The activities and operations within the park undergo environmental audits through NPS Regional environmental audit programs. These are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Food Service Specific Issues” sections below for more information on laws and regulations applicable to food service operations.

Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Food and Drug Administration (FDA) Food Codes. FDA Code Chapter 5 (Water, Plumbing, and Waste) and Chapter 7 (Poisonous or Toxic Materials) are relevant to environmental performance regulations. State and local environmental and associated public health, safety, and food service regulations and codes also apply. Note that such requirements may be more stringent and therefore take precedence over less stringent federal standards. If

¹ Activities at out-of-park facilities are not currently addressed as part of the environmental audit, unless the facilities are assigned under a Concession Contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

The FDA Food Code is referenced in the NPS Director's Order #83, Public Health. The U.S. Public Health Service (USPHS) assists the NPS in assuring that NPS food service operations are conducted in accordance with federal, state, and local health codes by inspecting NPS permanent food service facilities, such as food service concessioners. However, the environmental performance of food service operations extends beyond the public health related issues addressed by the USPHS, and can be addressed by this and other EnviroCheck Sheets. In addition, concession contracts often include environmental requirements for food service concessioners, such as solid waste management operating requirements and grease trap maintenance schedules.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals apply, such as those related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to food service operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials from top priority list;
- Reducing water consumption intensity; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Solid waste management operating requirements;
- Grease trap maintenance schedules;
- Sustainable foods usage;
- Inventory of hazardous chemicals and waste streams maintenance and submission;
- Records and document management of all environmental reports and data; and
- Park approved integrated pest management program annual reporting and implementation.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program

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environmental audits as BMPs are either classified as “BMP – Potentially Low” or “BMP – Potentially High” in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering food services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a food services operation includes a gift shop the Commercial Services Program *Retail* EnviroCheck Sheet should be reviewed. Other Commercial Services Program EnviroCheck Sheets that may apply include: *Environmental Purchasing* and *Environmental Management Systems (EMS)*.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner’s operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

Environmental Purchasing: Purchase of products and services that are environmentally preferable, which is also referred to as “green procurement” or “environmentally preferable purchasing.”

Environmentally Preferable: Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

Pollution Prevention: "Source reduction" as defined in the Pollution Prevention Act of 1990 (42 United States Code 13102) and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

POTW: Publicly Owned Treatment Works. A treatment works, as defined by Section 212 of the Clean Water Act, that is owned by the state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant [40

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CFR 403.3]. Privately-owned treatment works, federally-owned treatment works, and other treatment plants not owned by municipalities are not considered POTWs.

Source Reduction: Any practice which (i) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and (ii) reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

Waste Reduction: Preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

Waste Prevention: Any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts in Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

While it is unlikely to see findings related to food service operations within this topic area, you should review and be familiar with regulations outlined the NPS *Air Quality* EnviroCheck Sheet.

CFC and Halon Management

Many food service establishments operate and maintain refrigerators and freezers (i.e., standalone or walk-in), and own or rent refrigerated vending machines (e.g., soda machines). Because these units contain ozone-depleting substances (e.g., CFCs), these food service establishments must ensure that their units are being serviced properly and maintain specific records (for units containing greater than 50 pounds of refrigerant). In addition, food service fire suppression systems (i.e., fire extinguishers) may contain halon. Refer to the NPS *CFC and Halon Management* EnviroCheck Sheet for more information.

Emergency Planning and Reporting

Food service operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not concessioner employees are required to respond to non-incident hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

² The threshold between an incidental and non-incident spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

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Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled at food service facilities must be considered in park-wide EPCRA reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, food service establishments should maintain a current inventory of hazardous materials at the facility and provide this information to the park. Food service establishments typically do not need to provide hazard information under (EPCRA³) directly to a Local Emergency Planning Committee (LEPC) or a State Emergency Planning Committee (SEPC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the food service operation, a simple EMS can be an effective tool. Even if not required, the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Hundreds of thousands of visitors patronize food service establishments within the parks each year. Food service concessioners have a great opportunity to educate visitors on preventing and minimizing pollution and conserving resources. Ideas for providing environmental education and outreach to public visitors include:

- Posting signage that encourages reuse and/or recycling of waste food containers (e.g., bottles, plastic utensils);
- Posting signage that encourages visitors to turn off lights, use less water, use hand dryers rather than paper towels in the restroom;
- Implementing programs that serve water to customers in arid locations on a “by-request” basis, unless directed otherwise by the park to prevent dehydration;
- Implementing programs that encourage visitors to return brochures and other materials for reuse;
- Posting signage and other informational materials regarding the environmental programs and systems in place at the establishment (e.g., water and energy saving fixtures, use of environmentally preferable cleaning chemicals); and
- Printing menus on post-consumer recycled content paper with soy inks.

Environmental Purchasing

As a major consumer in the park and local economy, larger food service establishments and smaller ones that partner with one another may have the ability to have a measurable environmental impact and drive market forces by implementing “environmental purchasing” policies. Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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Federal Affirmative Procurement Requirements

RCRA section 6002, 40 CFR 247, EO 13423 and other laws, regulations, and policies mandate affirmative purchasing by the federal government for certain products, such as paper with recycled content and ENERGY STAR certified equipment. Food service concessioners can adopt the same affirmative purchasing requirements demanded of the federal government and help lessen the amount of toxic chemicals used within the park by reducing the amount used for cleaning and maintenance activities.

Environmental Purchasing Program

Food service establishments have many opportunities to purchase in an environmentally preferable manner or purchase environmentally preferable materials. For example, concessioners can buy products with less packaging (e.g., in bulk) or buy locally to reduce transportation related environmental impacts. In addition, they can purchase products containing post-consumer recycled content (e.g., office paper, cash register receipts, paper towels, toilet paper), biodegradable products (e.g., starch-based flatware, tableware, and cups), and low toxic or nontoxic chemicals (e.g., detergents, cleaning chemicals).

Fuel Storage Management

While it is unlikely to see findings related to food service operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Fuel Storage Management* EnviroCheck Sheet.

Hazardous Materials Management

Only those poisonous and toxic materials that are required for the operation and maintenance of the food service operation such as cleaning supplies, sanitizing equipment, and pesticides, are allowed in the establishment. These materials must be stored in separate locations or in locations clearly partitioned off from food or utensils (FDA Food Code, Chapter 7). Other applicable hazardous materials found primarily at food service establishments include compressed carbon dioxide cylinders used to carbonate beverages, general cleaning supplies (e.g., janitorial closet), and dishwashing detergents (which should not be stored above foods or clean dishes). The auditor should refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for specific hazardous material management requirements.

Hazardous Waste Management

Items such as cleaning chemicals, paints, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for use may also be considered hazardous waste and therefore must be managed accordingly. Refer to the NPS *Hazardous Waste* EnviroCheck Sheet for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to food service operations within this topic area, you should review and be familiar with regulations outlined the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

All methods to controls pests within a food service establishment must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algacides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. Pesticides should only be applied by a licensed applicator within food service facilities. Amounts and types of pesticides used by the concessioner must

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also be reported to the IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management* EnviroCheck Sheet for more information.

Respiratory Protection Program

While it is unlikely to see findings related to food service operations within this topic area, you should review and be familiar with regulations outlined the NPS *Respiratory Protection Program* EnviroCheck Sheet.

Solid Waste Management

Food service operators are required to handle solid waste in accordance with the FDA Food Code, as well as federal (40 CFR 243), state, and local requirements. The concessioner should explore opportunities to partner with the park in addressing solid waste management issues (e.g., a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Container Management

Outdoor trash containers must be in good condition, covered and closed (this includes the bung hole), weather proofed, and vermin and animal proofed. Receptacles must be conveniently located and adequately meet customer demand. Trash must be collected in appropriately designed and operated vehicles, and must be disposed of at a licensed landfill.

Recycling

Food service operators should recycle, at a minimum, the same materials as the park in which it operates. This may include beverage containers (aluminum and plastic) sold to park visitors, cardboard, and white and mixed paper in their administrative offices. An adequate number of clearly labeled, strategically placed recycling containers should be available to customers and employees. Cardboard and other recyclables that previously contained food should be stored in a secure location that prevents the harborage of vectors (e.g., insects, rodents).

Reusable Materials

To minimize solid waste generation, food service establishments should explore using refillable condiment dispensers instead of individual condiment packets. They should also use reusable flatware, tableware, glasses, and cloth napkins, and minimize the use of disposable materials such as plastic flatware, paper plates, paper cups, and paper napkins. Non-disposable options are feasible only if the concessioner has the capability of sanitizing the items in accordance with the FDA Food Code (e.g., dishwasher, 3-compartment sink, or equivalent). If disposable products must be used, concessioners should try to purchase recycled-content, recyclable (and can be recycled in the area), or biodegradable products.

Solid Waste Prohibition

Liquids (e.g., used oil and fat, liquid soap) and potentially hazardous waste (e.g., some paints, cleaners) cannot go in the regular trash. As a BMP, the concessioner could place liquid disposal buckets beside trash cans for customers to dispose of liquids, before throwing cups into the trash. This will lessen solid waste disposal costs, and unwanted drink liquids can be discarded down the sink. If this practice is adopted, the concessioner should routinely clean the disposal buckets to prevent them from becoming an attractant for vectors (e.g., insects, rodents).

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Waste Reduction

Concessioners providing food services have a number of opportunities to reduce the amount of solid waste produced in their operations, including: purchasing food items in bulk, providing discounts to customers who bring in reusable beverage containers (e.g., coffee mugs, soda cups), providing drinks in cups without lids or straws, eliminating the use of single use flatware and serviceware, and providing visitors with reasonably-sized portions to minimize food waste. Also, food service establishments should utilize bulk dispensers for condiments, cereals, and straws. Concessioners should check with the park's Office of Public Health before implementing most of these practices.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

While it is unlikely to see findings related to food service operations within this topic area, it is important to note that all oils, including animal fats and vegetable oils (AFVO), count towards SPCC thresholds if they are stored in 55-gallon or larger containers. Refer to the NPS *SPCC Planning* EnviroCheck Sheet for more information.

Storm Water Management

Food service establishments can have an impact on storm water. Storm water discharges are generated by runoff from land and impervious areas such as parking lots and building rooftops during rainfall and snow events. They often contain pollutants (e.g., trash, oil) in quantities that could adversely affect water quality. Several ways to prevent storm water pollution are:

- Control litter in parking lots; perform routine trash collection and removal;
- Prohibit storm drain disposal of mop water;
- Prohibit outdoor cleaning of floor mats, garbage cans, etc. where water leads to storm drains;
- Ensure dumpsters are outfitted with properly fitting lids/covers that are kept closed.
- Install oil/water separators in parking lots to remove oil and grease from parking lot runoff where feasible.

Refer to the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Universal Waste Management

The Universal Waste Rule streamlines hazardous waste regulations that govern the collection and management of certain widely generated wastes. Universal wastes from food service operations include spent fluorescent and CFL lamps, waste batteries, and waste mercury-containing equipment (e.g., computer monitors). Refer to the NPS *Universal Waste Management* EnviroCheck Sheet for more information.

Used Oil Management

While it is unlikely to see findings related to food service operations within this topic area, you should review and be familiar with regulations outlined the NPS *Used Oil* EnviroCheck Sheet.

Wastewater Management and Treatment

Wastewaters from food service operations may contain food waste, oil and grease, soaps, and cleaning solutions. These wastewaters, if not properly treated or monitored, can adversely impact the performance of the plumbing system, wastewater treatment plant, and/or septic system. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more information.

Wastewater Pollution Prevention

Federal regulations prohibit the discharge of materials that would cause Pass-Through (i.e., a discharge that would violate the specifications of a POTW National Pollutant Discharge Elimination System [NPDES] permit) or

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interference with the operation of a POTW (40 CFR 403). Low and high pH materials such as descalers, oils, grease, and solvent wastes, cannot go down the drain without pretreatment (e.g., grease trap for oily wastes). Food service managers must ensure that employees and visitors do not discharge inappropriate materials down the drain, such as used oil and grease. Therefore, employers should train employees and post signs at janitorial sinks describing the types of materials that are prohibited from drain disposal. Food service operators should consider using environmentally-preferable products such as phosphate-free detergents and biodegradable cleaners to lighten the wastewater treatment load.

FOOD SERVICE OPERATION-SPECIFIC ISSUES

Energy and Water Conservation

Food service operations can be significant users of energy and water resources. Energy and water conservation programs not only benefit food service concessioners financially, but also assist the NPS in achieving federally mandated energy reductions.

Conservation Opportunities

Many energy and water conservation opportunities exist for food service establishments through appliance and building system upgrades, such as ENERGY STAR labeled refrigerators, freezers, fryers, and dishwashers. Also, motion sensors can be installed on vending machines to power-down when not in use for extended periods of time.

ENERGY STAR

Food service establishments should participate in the EPA/Department of Energy (DOE) ENERGY STAR Program (www.energystar.gov), which can assist them in becoming a more energy efficient organization⁴. Concessioners should also consider obtaining the ENERGY STAR label for leaders in energy efficiency, which could be a valuable demonstration to the park of environmental leadership.

Financing

Food service establishments should be made aware of Energy Savings Performance Contracts (ESPCs) and NPS/DOE partnership audits that can help them save energy and money. Concessioners may not qualify for this type of assistance; however, auditors should provide information so that private Energy Service Companies (ESCOs) can conduct concessioner energy audits and incur the cost of upgrades in exchange for a portion of the concessioner's energy savings.

Operating and Preventive Maintenance Programs

Energy efficiency and water conservation is maximized when equipment is properly operated and maintained. Food service operators should have formalized operation and maintenance programs in place for water and energy consuming equipment and building systems.

Food Waste

Food service establishments should not let unused food go to waste. If approved by the state or local public health service, unused food should be segregated from the waste stream and given to local charity organizations, if any exist within a reasonable distance. If there are no charities close by, appropriate leftover foods could be provided to local farmers to feed livestock.

⁴ ENERGY STAR appliances and equipment must meet the appropriate NSF standard for commercial use.

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Composting

Food service establishments should research the feasibility of a composting program. Concessioners should consider if composting can be done without attracting wildlife. Perhaps a composting program can be developed and implemented in conjunction with the park, or by a vendor who recycles compostable wastes (i.e., food waste and other organic matter).

Sustainable Foods

Food service establishments should maximize opportunities to purchase sustainable foods as long as they are from commercial USDA approved facilities and comply with the most current version of the FDA Food Code. Consideration should be given to foods that are organic, locally-produced, hormone and antibiotic-free, and free of additives. In addition, food operators should provide a variety of healthy options to visitors, including vegetarian options.

Used Cooking Oil Management

No quantity of kitchen oil and grease may be disposed of down the drain. Grease traps must be regularly maintained to operate correctly. If a food service establishment has a grease trap, its maintenance and operations should be included in an O&M program.

Used cooking oil and grease must be stored in containers that are in good condition, covered and closed, weather proof, and vermin and animal proof. Containers should be located in a secure location to prevent access by bears and other animals, and secondary containment should be provided. Concessioners should consider donating or selling used kitchen grease for the production of biofuels.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS Environmental Compliance and Response (ECR) Branch : 202-513-7033
- NPS Sustainable Operations and Climate Change (SOCC) Branch: 202-354-1835
- EPA's ENERGY STAR Program (for information on products and joining as an organization):
<http://www.energystar.gov>
- EPA Comprehensive Procurement Guidelines (CPG):
<http://www.epa.gov/epawaste/conserves/tools/cpg/index.htm>
- Storm Water BMPs for the Restaurant and Food Industry:
http://www.lvstormwater.com/bmps_foodservice.htm
- Green Restaurant Association: <http://www.dinegreen.com>
- Sustainable Table (for information on sustainable agriculture): <http://www.sustainabletable.org/home.php>
- Recycling Used Cooking Oil: <http://www.jatrodiesel.com/usedcookingoils.htm> (MI/OH);
<http://www.southerngrease.com/> (GA); <http://www.sfgreasecycle.org/> (CA)

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure

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concessioner compliance with Applicable Laws⁵. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist items listed in the first column identify the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, or park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources and concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding. An isolated finding is an audit finding where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions comply with the audit criteria and demonstrate that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state or tribal policies or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--|--|-----------------|
| Emergency Response, Planning, and Reporting | | |
| 1. | Has the concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 2. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or non-incidental? Does it instruct staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 3. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Sec. 6 (b)] | 3 or BMP |
| 4. | Has the concessioner made efforts to educate customers regarding recycling? (Techniques include posting signs and/or distributing adequate numbers of clearly marked recycling containers.) [Greening Your Property, Green Seal] | BMP |

⁵ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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| | | |
|----|---|-----|
| 5. | Has the concessioner made efforts to educate customers regarding its steps taken to minimize environmental impact (e.g., by advertising its recycling program)? [NPS Commercial Service Program] | BMP |
|----|---|-----|

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|--|-----------------|
| Environmental Purchasing | | |
| 6. | Does the concessioner purchase products in bulk or with less packaging? [NPS Commercial Services Program] | BMP |
| 7. | Does the concessioner use biodegradable takeout or disposable containers? [Storm Water Best Management Practices for the Food Service Industry, City of Los Angeles Department of Public Works] | BMP |
| 8. | Does the concessioner purchase nontoxic, low toxic, or biodegradable cleaning products? [Green Restaurant Association] | BMP |
| 9. | Does the concessioner meet federal affirmative procurement requirements? [EO 13423] | BMP |
| Hazardous Materials Management | | |
| 10. | Does the concessioner segregate poisons and toxic chemicals used at the facility from food stored and served at the facility? [FDA Food Code, Chapter 7] | 2 |
| 11. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Solid Waste Management | | |
| 13. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 14. | Does the concessioners' recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 15. | Has the concessioner placed liquid disposal buckets beside trash cans for customers to dispose of liquids before throwing cups into the trash? [NPS Commercial Services Program] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-------------------------------|--|-----------------|
| 16. | Has the concessioner implemented a plan to distribute condiments and accessories (i.e., napkins, straws) from behind the counter instead of self-serve? [Food for Thought: Waste Reduction in the Restaurant Industry, Greater Vancouver Regional District] | BMP |
| 17. | Does the concessioner have a program in place to provide discounts to customers who bring in reusable cups (if appropriate and approved by the public health service)? [Food Service Facilities Model Shop Report, Air Force Center for Environmental Excellence] | BMP |
| 18. | Does the concessioner use reusable flatware, tableware, glasses, and cloth napkins? <ul style="list-style-type: none"> • If no, are the single service items made from recycled content, recyclable, or biodegradable? [Food Service Facilities Model Shop Report, Air Force Center for Environmental Excellence] | BMP |
| 19. | Do concessioner employees use permanent-ware (vs. disposable) for their drinks? [Recycling Guidebook for the Hospitality and Restaurant Industry, Metropolitan Council of Governments] | BMP |
| Storm Water Management | | |
| 20. | Has the concessioner made provisions to limit equipment cleaning and dumping of rinse water to designated areas (e.g., janitor/utility closets or areas where sinks/floor drains are connected to the sanitary sewer)? [Michigan Department of Environmental Quality] | BMP |
| Wastewater Management | | |
| 21. | Has the concessioner ensured there has been no Pass-Through or interference with operation of the POTW? [40 CFR 403] | 2 |
| 22. | Has the concessioner implemented a program to prevent unacceptable discharges to the sewer (e.g., oil and grease)? Does the program include employee training and posting of warning signs near janitorial sinks or other appropriate locations? [40 CFR 403] | 2 |
| 23. | Does the concessioner use strainers or traps to collect food to prevent it from entering the garbage disposal? (Garbage disposals use a significant amount of water.) [NC Division of Pollution Prevention and Environmental Assistance] | BMP |

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CONCESSIONER SPECIFIC

| FOOD SERVICE OPERATIONS | | |
|--------------------------------------|--|-----|
| Energy and Water Conservation | | |
| 24. | <p>Have efforts to reduce water consumption been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc. • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. <p>[EO 13423]</p> | BMP |
| 25. | <p>Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). <p>[EO 13423]</p> | BMP |
| 26. | <p>Has the concessioner taken opportunities to participate in the EPA/DOE ENERGY STAR Program?</p> <p>[ENERGY STAR]</p> | BMP |

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| | | |
|------------------------------------|--|-----------------|
| 27. | Has the concessioner implemented a water-by-request policy (unless directed otherwise by the park to prevent dehydration)? [NPS Commercial Services Program] | BMP |
| CHECKLIST ITEM | | PRIORITY |
| 28. | Have efforts to increase the use of renewable energy been implemented? [EO 13423] | BMP |
| 29. | Has the concessioner installed motion sensors on its vending machines? [NPS Commercial Services Program] | BMP |
| Food Waste | | |
| 30. | Does the concessioner make use of opportunities to participate in community charity collections for unused food? [Food Service Facilities Model Shop Report, Air Force Center for Environmental Excellence] | BMP |
| 31. | Does the concessioner compost organic waste? (Consider technical feasibility.) [Food Service Facilities Model Shop Report, Air Force Center for Environmental Excellence] | BMP |
| Sustainable Foods | | |
| 32. | Does the concessioner purchase products grown or produced locally? [Green Restaurant Association] | BMP |
| 33. | Does the concessioner purchase foods that are organic, hormone and antibiotic-free, and free of additives as much as possible? [Green Restaurant Association] | BMP |
| 34. | Does the concessioner offer healthy options as part of its menu, including vegetarian options? [Green Restaurant Association] | BMP |
| Used Cooking Oil Management | | |
| 35. | Does the concessioner store used cooking oil in non-leaking containers that are covered and closed, weather proofed, and vermin and animal proofed? [40 CFR 243.200-1] | 2 |
| 36. | Has the concessioner implemented an operating and maintenance program for grease traps? [FDA Food Code, Chapter 5] | 2 |

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| | | |
|-----|--|-----|
| 37. | Has the concessioner researched alternative uses for used grease generated from food services (e.g., biofuel production)? [NPS Commercial Services Program] | BMP |
|-----|--|-----|

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INTRODUCTION

An “Environmental Management System” (EMS), not to be confused with “Emergency Management” or “Emergency Medical” System, is a management approach that formally integrates environmental considerations into day-to-day decisions and practices. An EMS is part of a facility’s overall management system, similar to personnel and financial management systems. An EMS provides a proactive approach to environmental management that emphasizes efficiency and continuous improvement instead of reactive crisis management. Investing in an EMS can provide benefits that yield tangible returns such as:

- Reducing legal, environmental, and human risk; and, diminishing liability;
- Identifying and reducing environmental impacts in order to make operations more efficient and less wasteful; and
- Fostering more positive relationships with employees, the public, and regulators, by demonstrating a commitment to improving environmental performance and going beyond regulatory compliance.

The Environmental Management Program (EMP)

Concessioners operating under a new contract may be required to develop and implement a documented Environmental Management Program. (EMP is the NPS Commercial Service Program’s term for an EMS; an EMP is one type of an EMS.)

The elements of an EMP based on the Standard Concession Contract are:

- Policy
- Goals and Targets
- Responsibility and Accountability
- Documentation
- Document Control and Information Management
- Reporting
- Communication
- Training
- Monitoring, Measurement, and Corrective Action

An EMP provides a framework for managing environmental responsibilities, including regulatory compliance; however, the EMP policy, goals, and targets may address compliance, sustainability, pollution prevention, and environmental education. EMP documentation and document control procedures help manage environmental records required for proper and efficient concession operation, including waste disposal records and employee standard operating procedures (SOPs) for activities such as recycling practices, emergency response, and others. If developed and implemented properly, an EMP can make the concessioner’s environmental management responsibilities less burdensome. By improving overall environmental performance and placing more emphasis on pollution prevention and best management practices (BMPs), an EMP can also help concessioners operate more efficiently and move beyond compliance. This approach is consistent with the overarching EMP goal of continual improvement.

EMP models are flexible enough that they can be structured to address the specific goals, activities, budgets, conditions, and stakeholders of any concessioner operation. However, the EMP should be appropriate to the nature and scale of the operation. Therefore, it may vary in complexity from a set of simple policies, goals and SOPs guiding the operations of a small retail operation, to complex programs managed by full-time staff.

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Regardless of the scope, an effective EMP provides managers with the tools to better manage and assess their environmental activities.

Through implementing good business practices, many concessioners are likely to have already informally incorporated many elements of an EMP into their operations. However, a formal documented EMP provides managers with a more effective tool to tackle environmental concerns and issues that stem from day-to-day business. The EMP should build upon existing programs, which means incurring fewer costs compared to adopting an entirely new system to address environmental issues.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to all concession service types – including all operations and activities covered by concession contracts. The EMP should be evident throughout the concessioner’s operations. The elements of the EMP will manifest themselves in documentation, practices, and staff understanding and application. Due to the emphasis on documentation in the EMP, documents related to EMP are subject to review; for example, records that pertain to EMP reporting, monitoring, training, and management reviews.

Auditor Guidelines

Records to Review

- Documented EMP
- Environmental Policy
- Safety Policy
- Job Descriptions
- Performance Evaluation Criteria
- Training Records
- Environmental Program Plans
- Contingency Plans
- SOPs
- Waste Inventories

Features to Observe

- Records and Document Organization in Key Compliance Areas
- Communication Methods
- Housekeeping (general)
- Personnel Knowledge

Persons to Contact

- Concessioner General and/or Environmental Manager
- Key Environmental Staff
- Key Safety Staff

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract.

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Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, and transportation regulations and codes also apply. Note that such requirements may be more stringent and therefore take precedence over less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those which require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals also apply, such as those related to sustainability and waste reduction.

Although concessioners are not subject to EOs, unless specifically called out, NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*).

Concession Contract Requirements

EMP implementation is required of all NPS concessioners awarded Category I or II concession contracts that are based on the Standard Concession Contract provisions published in the Federal Register on May 4, 2000 (65 FR 26051-26086; Part III, Department of the Interior, National Park Service, Standard Concession Contract; Revision; Notice)¹. Under Section 6 of the Standard Concession Contract, concessioners must prepare and submit an initial written EMP to the park within 60 days of the effective date of the concession contract. Concessioners are required to implement the park approved EMP at concessioner facilities and services in the park. Per Standard Concession Contract requirements, the EMP should be updated and submitted to the park for approval annually to ensure it is current and applicable to concessioner facilities and services.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the potential level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner required to develop an EMP, determine which other NPS Commercial Services Program EnviroCheck Sheets may apply to the service being audited. For example, if the concessioner provides horseback riding services you should review the Commercial Services Program *Horse, Mule, and Other Animal Operations* EnviroCheck Sheet. Other Commercial Services Program EnviroCheck Sheets that may apply to a

¹ For concession contracts that do not require an EMP to be developed and implemented (e.g., Category III and 1965 Law), it is suggested as a BMP.

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horse and mule operation include: *Food Service, Guide and Outfitter Services, and Retail Operations.*

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under the concession contract. BMPs are expected to change as technology evolves, with a goal of sustainability integrated into the concessioner's operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

Environmental Management Program (EMP): A program that achieves the Standard Concession Contract Environmental Management Objectives of (1) complying with all applicable laws pertaining to the protection of human health and the environment and (2) incorporating best management practices in a concessioner's operation, construction, maintenance, acquisition, provision of visitor services, and other activities under a concession contract. The EMP should be developed, documented, implemented, and complied fully with by a concessioner to account for all activities with potential environmental impacts conducted by the concessioner or to which the concessioner contributes.

Environmental Purchasing: Purchase of products and services that are environmentally preferable, which is also referred to as "green procurement" or "environmentally preferable purchasing."

Environmentally Preferable: Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

Pollution Prevention: "Source reduction" as defined in the Pollution Prevention Act of 1990 (42 United States Code 13102) and other practices that reduce or eliminate the creation of pollutants through: (1) increased efficiency in the use of raw materials, energy, water, or other resources; or (2) protection of natural resources by conservation.

Source Reduction: Any practice which (1) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and (2) reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. The term includes equipment or

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technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

Standard Operating Procedure (SOP): Procedures used to carry out a specific activity or operation. SOPs are usually documented and filed or posted in a readily accessible location for employee review.

Waste Reduction: Preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

Waste Prevention: Any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS and Regional Concession Chiefs and Specialists
- “Environmental Management Systems: An Implementation Guide for Small and Medium Sized Organizations, Second Edition,” <http://www.epa.gov/owm/iso14001/ems2001final.pdf>
- IEMS Company Manual Template for Small Businesses, http://www.epa.gov/opptintr/dfe/pubs/iems/iems_template/index.htm

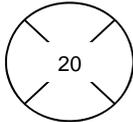
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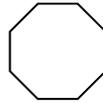
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Use the following decision-making chart to guide you through the compliance data collection process.



*Indicates the need for an audit finding.
Numbers in the center or to the right of the
circle specify the EnviroCheck Sheet question
numbers.*



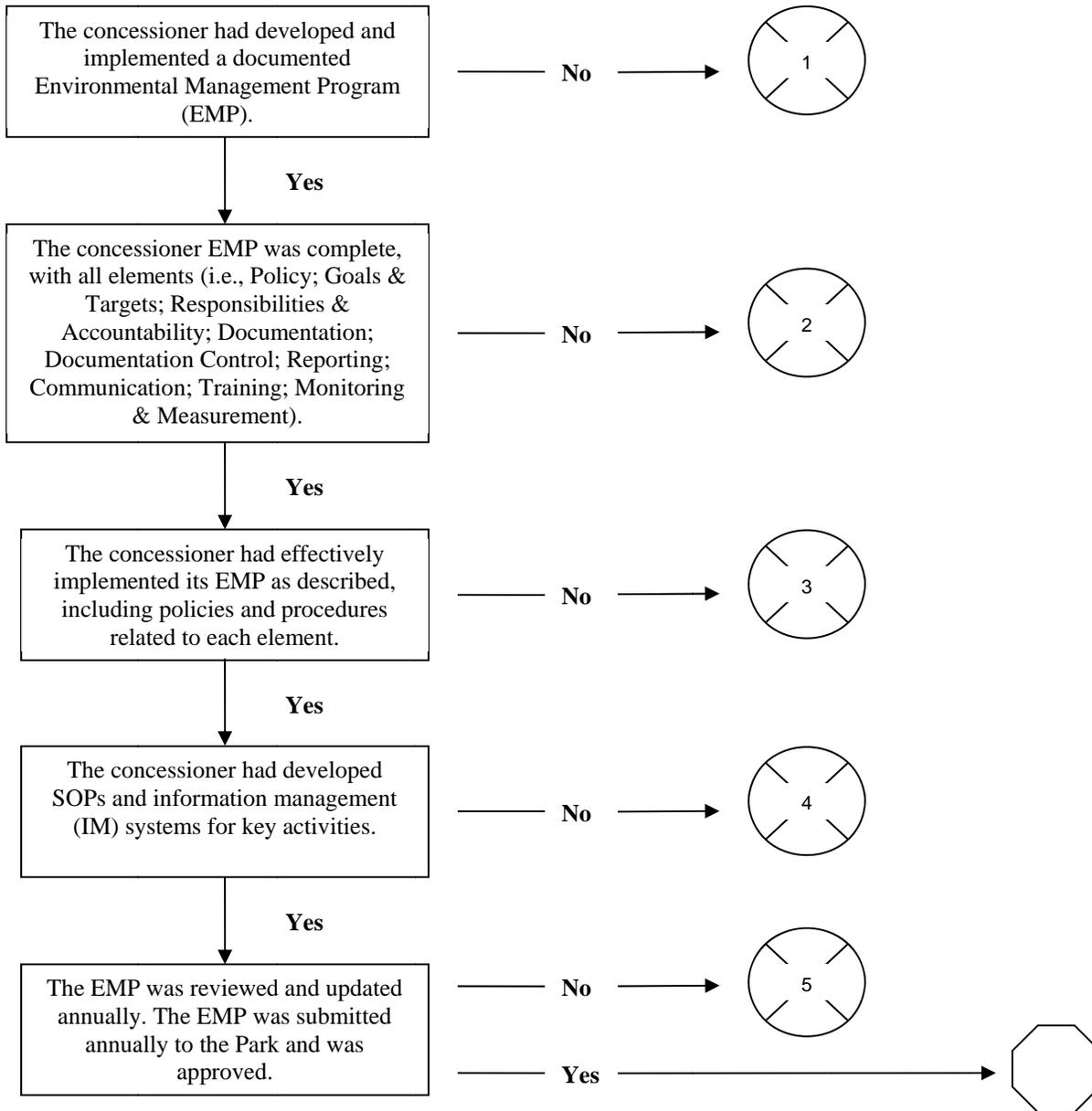
*Indicates that the regulatory
requirement has been met and that
the train of questions can stop.*

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This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws². Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

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- Priority 1 findings represent non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
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The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, or tribal policies or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|---|---|-----------------|
| Documentation and Information Management | | |
| 1. | Does the EMP identify plans, procedures, manuals, and other documentation that meet the environmental management objectives (i.e., regulations and BMPs)? Have SOPs and IM systems been established for key concessioner activities? [Standard Concession Contract, Sec.6(b)(3)(iv-v)] | 3 or BMP |
| EMP Development and Implementation | | |
| 2. | Does the concessioner have an EMP developed, documented, and implemented? [Standard Concession Contract, Sec.6(b)(1)] | 3 or BMP |
| 3. | Is the EMP complete - does the EMP contain all of the elements, including an environmental policy; goals and targets; responsibilities and accountability; documentation; document control and information management; reporting; communication; training; and monitoring, measurement, and corrective action? [Standard Concession Contract, Sec.6(b)(3)] | 3 or BMP |

² Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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| <u>CHECKLIST ITEM</u> | | <u>PRIORITY</u> |
|------------------------------|--|------------------------|
| 4. | Has the concessioner developed and implemented plans and procedures that outline the process for each element of the EMP? Are the procedures outlined in the EMP consistent with observed processes? [Standard Concession Contract, Sec.6(b)(1-2)] | 3 or BMP |
| Management Review | | |
| 5. | Is there a system in place for providing reports to the Park for review and approval? If the EMP has been implemented for one year or more, has the concessioner received written confirmation that the park has reviewed and approved the EMP? [Standard Concession Contract, Sec.6(b)(1)] | 3 or BMP |

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INTRODUCTION

There are almost 40 gas and service station concessioners in the National Park Service (NPS) in addition to NPS vehicle maintenance and fueling areas. The gas and service station's main service is to provide visitors with fuel for their cars, trucks, and other vehicles. Some concessioners offer painting and towing services, and perform vehicle maintenance and repair in remote areas. Many also have retail operations that sell vehicle maintenance fluids such as oil and antifreeze, convenience items such as first aid kits and film, and foods items such as packaged snacks and ready-to-eat hot foods.

Of greatest environmental importance at gas and service stations is proper fuel management and storage. Other environmental issues of concern include storm water management, hazardous materials storage, and hazardous waste management.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to gas and service stations managed by a concessioner within the boundaries of a national park. It specifically covers fuel storage requirements and vehicle maintenance activities¹. The activities and operations within the park undergo environmental audits through NPS regional environmental audit programs. These are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the "General Environmental Issues" and "Gas and Service Station Specific Issues" sections below for more information on laws and regulations applicable to gas and service station operations.

Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, and transportation regulations and codes also apply. Note that such requirements may be more stringent and therefore take precedence over the less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those which require environmental audits of concessioners. It is NPS policy to meet National Fire Protection Association (NFPA) code requirements. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals also apply, such as those

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are assigned under a Concession Contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to gas and service stations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials from top priority list;
- Reducing water consumption intensity; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Provision of spill cleanup equipment;
- Training of staff on proper fueling procedures;
- Implementation of specific best management practices (BMPs);
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Documentation and record of management of all environmental reports and data; and
- Implementation and annual report of an integrated pest management program per approval of the park.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering gas and service station visitor services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a gas and service station operation includes any food services the Commercial Services Program *Food Service* EnviroCheck Sheet should be reviewed. Other Commercial Services Program EnviroCheck Sheets that may apply include: *Retail Operations* and *Environmental Management Systems (EMS)*.

DEFINITIONS

Aboveground Storage Tank (AST): Tanks and their associated piping that have less than 10% of their volume

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located underground. AST regulations similar to UST performance regulations (i.e., 40 CFR 280) do not exist at the federal level. State AST regulations similar to federal UST performance regulations (i.e., 40 CFR 280) exist in many states; check with the state environmental regulatory authority to determine whether state AST regulations exist.

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under the concession contract. BMPs are expected to change as technology evolves, with a goal of sustainability integrated into the concessioner's operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

Hazardous Chemical: Any chemical that is a physical hazard or a chemical hazard (OSHA definition).

Hazardous Substance: Any substance designated or listed below, to which exposure may result in adverse effects on the health or safety of employees or visitors:

- Any substance defined under section 101(14) of CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act).
- Any biologic agent and other disease-causing agent that may cause death, disease, or behavioral or physical abnormalities in people or their offspring.
- Any substance listed as a hazardous material by the Department of Transportation in 49 CFR 172.101, and appendices.
- Any hazardous waste (OSHA definition, paraphrased).

Hazardous Waste: A solid waste which has a hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic) or is listed and that is not excluded from hazardous waste regulations (Environmental Protection Agency [EPA] definition, paraphrased).

Retail Gas Station: A retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land.

Storm Water Permits: Many states and local governments have more stringent permitting programs and effluent guidelines to follow than federal programs and guidelines. Pretreatment systems (e.g., grease traps, oil/water separators) may be mandated. Construction permits may also be required in certain cases.

Underground Storage Tank (UST): Tanks and their associated piping that have at least 10% of their volume located underground. USTs are regulated by Subtitle I of the Resource Conservation and Recovery Act (RCRA),

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and EPA Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (40 CFR 280). In some cases, state UST regulations may be more stringent than federal regulations. Check with the state environmental regulatory agency to determine whether this is the case.

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts or concessioner Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

Air quality management issues for gas and service station operations may apply to facilities located within the park boundary. If the gas and service station has a paint spray booth, they may need an air permit. Check with the state regulatory agency for more information. A high volume, low pressure spray gun is preferable because it directs more paint towards the object being painted and allows less paint to evaporate into the air. Refer to the NPS *Air Quality* EnviroCheck Sheet for more information.

CFC and Halon Management

If a gas station or service station services vehicle air conditioners, the employer must ensure that his/her technician is EPA-certified, uses EPA-certified equipment, and manages evacuated refrigerant properly. Refrigerants may contain chlorofluorocarbons (CFCs), gases that are known ozone-depleting substances (ODSs). Many gas and service stations own or rent refrigerated vending machines (e.g., soda machines); this equipment may also contain ODSs. Refer to the NPS *CFC and Halon Management* EnviroCheck Sheet for more information.

Emergency Planning and Reporting

Gas and service station operations should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document).

An EAP is required if employees are prohibited from responding to the spill in any way, except that the employees contact the appropriate emergency and response personnel and evacuate the area. With an EAP, employees are even prohibited from taking action such as blocking off storm drains, unless they are very familiar with the hazardous substance spilled and work with it on a regular basis. As such, some employees (e.g., those who pump fuel into USTs, but not those who exclusively operate the cash register) may be permitted to block off storm drains as a preventive measure prior to evacuating the area if a fuel spill were to occur. However, under an EAP, properly trained personnel must still be contacted since it is likely staff on-site are not qualified to fully

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

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address a hazardous spill. The EAP must be maintained and readily available on site for concessioners employing over 10 full-time employees. At a minimum, all concessioners should have a *verbal* EAP in place.

If there is a possibility that employees will respond to a hazardous substance spill, then the employer must have an ERP. Implementation of an ERP requires designated employees to undergo Hazardous Waste Operations and Emergency Response (HAZWOPER) training. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In general, gas and service stations that store greater than 10,000 pounds of a particular hazardous chemical (i.e., any hazardous chemical that requires an MSDS under OSHA regulation 29 CFR 1910.1200) are subject to EPCRA regulations (see exceptions in next paragraph). Gasoline and diesel fuel are two hazardous chemicals that may be subject to EPCRA reporting requirements to local fire stations, Local Emergency Planning Committees (LEPCs), and/or the State Emergency Response Commission (SERC). As part of the reporting requirement, Tier I reports must be submitted annually and Tier II reports must be completed and submitted at the request of an individual or organization.

There are exceptions to EPCRA reporting requirements for certain types of gas and service stations:

- If the gas and service station is classified as a “retail gas station,” and was in compliance at all times with federal UST regulations (40 CFR 280) or the EPA-approved state UST program during the previous calendar year, and all gasoline (all grades combined) is stored in USTs, the minimum EPCRA threshold reporting value is 75,000 gallons (i.e., approximately 283,900 liters), instead of 10,000 pounds.
- If the gas and service station is classified as a “retail gas station,” and was in compliance at all times with federal UST regulations (40 CFR 280) or the EPA-approved state UST program during the previous calendar year, and all diesel fuel (all grades combined) is stored in USTs, the minimum EPCRA threshold reporting value is 100,000 gallons (i.e., approximately 378,500 liters) instead of 10,000 pounds.

Concessioner gas and service stations will most likely be classified as “retail gas stations” (i.e., facilities engaged in selling gasoline principally to the public for motor vehicle use on land [Section 370.20(b)(2)]). However, there are instances where concessioner gas stations are used only to fill up concessioner-owned and operated vehicles. In these cases, the EPCRA reporting requirements described above would not apply.

Preparing for a Release of Hazardous Waste

Under the Resource Conservation and Recovery Act (RCRA), large quantity generators (LQGs) of hazardous waste (i.e., who generate over 1,000 kilograms (kg) [approximately 2,200 pounds] of hazardous waste, or over 1 kg [approximately 2.2 pounds] of acutely hazardous waste per calendar month) are required to implement Preparedness and Prevention procedures (40 CFR 265 Subpart C), prepare a Contingency Plan, and implement Emergency Procedures (40 CFR 265 Subpart D).

Small quantity generators (SQGs) of hazardous waste (i.e., who generate between 100 kg and 1,000 kg of hazardous waste per month) are required to implement Preparedness and Prevention procedures (40 CFR 265 Subpart C) and prepare a modified Contingency Plan (40 CFR 262.34(d)).

Environmental Management Systems (EMS)

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Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of gas and service station operations, a simple EMS can be an effective tool. Even if not required, the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System* EnviroCheck Sheet for more information.

Environmental Education

As part of a concessioner's EMP, gas and service stations have an opportunity to educate visitors on ways to conserve and protect the park while still enjoying the surrounding environment. Lessons learned can help customers become more sensitive to and respectful of the environment around them. Ideas for providing environmental education and outreach to public visitors include:

- Educating guests on recycling and properly disposing of waste, and detailing how improper disposal practices have a negative impact on the park.
- Offering alternative fuels that have less of an impact on the environment and educating customers on the benefits, both economic and environmental, of using cleaner burning fuels.
- Explaining to guests how human activities may impact the park environment (e.g., air pollution from vehicles are causing the demise of certain species of plants, litter thrown in the park does not disappear and ruins the "nature" experience for other visitors) and how they can make better educated environmental choices (e.g., walk or bike instead of driving when possible, pack out and properly dispose of all trash).
- Informing clients of environmental practices that the concessioner has implemented (e.g., using environmentally-preferable products, development of an EMP).

Refer to the NPS Commercial Services Program *Environmental Management System* EnviroCheck Sheet.

Environmental Purchasing

In addition to acquiring environmentally-preferable products for use in the administrative offices (e.g., recycled content paper products), gas and service stations should use and make available automotive products that are environmentally-preferable. These products include recycled ethylene glycol-based antifreeze, propylene glycol-based antifreeze, re-refined oil, retread tires and environmentally-preferable deicers (e.g., not salt). Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

Regulated USTs under 40 CFR 280 include tanks and their associated piping that have at least 10% of their volume located underground and that contain regulated substances, including petroleum products, that are liquids at standard pressure (e.g., diesel fuel, gasoline). USTs should be monitored for fuel leaks at least once a month, year-round. This also applies to concessioners that operate seasonally. Propane tanks are not covered by federal UST regulations. USTs holding waste gasoline are regulated as a hazardous waste (see Hazardous Waste section below); USTs holding used oil are regulated under 40 CFR 280. Refer to the NPS *Fuel Storage Management* EnviroCheck Sheet and NPS *Used Oil* EnviroCheck Sheet for more information about USTs and ASTs.

Hazardous Materials Management

Gas and service stations handle a variety of hazardous materials in their daily activities and operations. These hazardous materials may include gasoline, diesel fuel, caustic cleaners, and other flammable materials.

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Hazardous materials must be managed and disposed of per regulatory requirements. Refer to the *Hazardous Materials Management* EnviroCheck Sheet for specific hazardous materials management requirements.

Hazardous Waste Management

Waste and/or contaminated gasoline and diesel fuel, contaminated shop rags and absorbents, used oil, used antifreeze, used batteries, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous chemicals no longer used or needed, such as cleaning chemicals forgotten in a closet, may also be considered hazardous waste. All hazardous waste must be managed per regulatory requirements. It is best to check with the state environmental regulatory agency to determine specific differences between state and federal hazardous waste regulations. For example, state regulations may require solvent-contaminated rags to be treated as hazardous waste. The determination may be dependent on how the rags are laundered or managed at the end of use. Refer to the NPS *Hazardous Waste* EnviroCheck Sheet for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to gas and service station operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

All methods to control pests within a gas and service station operation must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of fly spray, conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algacides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management* EnviroCheck Sheet for more information.

Respiratory Protection

In conducting activities such as painting, sanding, and pesticide application, some gas and service station operations may require or allow their employees to wear air-purifying respirators – including filtering facepieces (i.e., dust masks). In doing so, a gas and service station operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in Appendix D for voluntary use of filtering facepieces. A qualified respiratory protection program administrator is required if a job hazard analysis reveals that an RPP is needed. Refer to the NPS *Respiratory Protection Program* EnviroCheck Sheet for more information.

Solid Waste Management

While proper management of fuels and other hazardous substances are of utmost concern at gas and service stations, solid waste management should also be considered. Gas and service stations should provide an adequate number of trash containers and recycling containers for customers, since many customers dispose of their accumulated trash at gas and service stations. In addition, if vending machines are present, recycling containers for cans and bottles should be available to encourage recycling. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

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Spill Prevention, Control, and Countermeasure (SPCC) Planning

A gas or service station is subject to SPCC regulations if one of the following conditions is met AND there is a reasonable expectation of a discharge of oil into or upon navigable waters:

- The facility has aggregate aboveground storage capacity greater than 1320 gallons (this includes any storage container with the potential of holding at least 55 gallons of oil); or
- The facility has aggregate underground storage capacity (not including USTs regulated under 40 CFR 280) greater than 42,000 gallons in completely buried containers.

SPCC Planning requirements include: conducting a review and incorporating amendments, if necessary, at least every five years, having specific equipment on-hand, training, and recordkeeping. Refer to the NPS *SPCC Planning* EnviroCheck Sheet for more information.

Storm Water Management

Storm water permits may be required at the state or local level because fueling and vehicle maintenance activities generate pollutants that may sit on the ground or have the potential to be washed away by storm water. Storm water management planning and control are recommended as a BMP for unregulated facilities. Refer to the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Universal Waste Management

Gas and service stations that offer automotive repair and maintenance services may generate universal wastes such as lead-acid batteries from vehicles and fluorescent lamps from building maintenance activities. The requirements for managing and disposing of universal wastes largely depend on the state requirements as well as the gas and service station's hazardous waste generator status. For more information, refer to the regulations outlined in the NPS *Universal Waste Management* EnviroCheck Sheet.

Used Oil Management

Gas and service stations that offer automotive repair and maintenance services will probably generate used oil and other lubricants which must be managed properly to ensure compliance with state and federal regulatory requirements. Rather than recycle the used oil, some stations may opt to reuse the oil by burning it on-site in an energy recovery unit called a used oil furnace. Used oil furnaces are required to have an EPA identification number and may require registration and reporting through the state agency or local air quality district. If the used oil is transported off-site for disposal, the generator should ensure the transporter is certified to be performing such duties and is disposing of the material properly. For more information, refer to the regulations outlined in the NPS *Used Oil* EnviroCheck Sheet.

Wastewater Management

Wastewater from maintenance activities may require a federal, state, or local permit, depending on the type of wastewater entering the drain and where the drain leads (e.g., septic tank, Publicly Owned Treatment Works (POTW), Federally Owned Treatment Works (FOTW), surface water). While, in most cases, wastewater from normal maintenance activities can be discharged to a POTW without exceeding local sewer and/or permit ordinances, local authorities may still require that pretreatment equipment (e.g., oil/water separators) be installed and maintained. However, in general, it is illegal to pour or dump most facility vehicle maintenance liquids (e.g., solvents, fuels, oils, antifreeze) down the drain. Refer to the *Wastewater Management* EnviroCheck Sheet for more information.

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GAS AND SERVICE STATION OPERATION-SPECIFIC ISSUES

Energy and Water Conservation

Most gas and service stations have restrooms available for employee and customer use. While this represents a small segment of the gas and service stations operations, employers can educate customers on water and energy conservation by installing occupancy sensors or timers for lights in bathrooms, using low-flush toilets, and/or aerating sink faucets. In addition, gas and service stations are encouraged to use energy-miser vending machines and purchase Energy Star® approved appliances (e.g., microwave ovens).

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS Environmental Compliance and Response (ECR) Branch : 202-513-7033
- NPS and Regional Concession Chiefs and Specialists
- Coordinating Committee for Automotive Repair (CCAR) – GreenLink. A partnership of industry, education, and government collaborating to meet environmental challenges: <http://www.ccar-greenlink.org>
- Comprehensive Procurement Guidelines for Products Containing Recovered Materials (40 CFR 247): <http://www.epa.gov/epawaste/conserve/tools/cpg/index.htm>
- Green Seal Environmentally Preferable Products Lists: <http://www.greenseal.org/findaproduct/index.cfm>
- NPS Fuel Management Technical Guidance – Part I
- NPS Hazardous Waste Management and Pollution Prevention Team: 202-565-1240

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws³. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist items, listed in the first column, identify the regulatory criteria. The priority number, listed in the second column, identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy, or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry and other sources. Concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions complies with the audit criteria and demonstrates that the audited entity has made an effort and understands the audit criteria.

³ Applicable Laws refers to regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, or tribal policies or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--|---|----------------------------------|
| Air Quality | | |
| 1. | <p>Does the concessioner offer paint services in a paint spray booth?</p> <ul style="list-style-type: none"> • If yes, does the concessioner have an air permit, if required by the state regulatory agency? <p>[State requirement]</p> <ul style="list-style-type: none"> • If yes, is the paint applied using a high volume, low pressure spray gun to minimize the amount of overspray? <p>[NPS Commercial Services Program]</p> | 2 BMP |
| 2. | <p>Does the concessioner burn used oil for energy recovery purposes (e.g., building heating)?</p> <ul style="list-style-type: none"> • If yes, does the concessioner have an air permit, if required by the state regulatory agency? <p>[State requirement]</p> | 2 |
| 3. | <p>Are vehicles not allowed to idle, unless safety requires it (e.g., ambulances)?</p> <p>[NPS Commercial Services Program]</p> | BMP |
| Emergency Response, Planning, and Reporting | | |
| 4. | <p>Has the concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA?</p> <p>[Standard Concession Contract Sec. 6(d)(1)]</p> | 3 or BMP |
| 5. | <p>Has the concessioner developed a written standard operating procedure (SOP) that provides a threshold for determining whether a hazardous substance spill is incidental or nonincidental, and instructs staff on how to respond to each type of spill?</p> <p>[NPS Commercial Services Program]</p> | BMP |
| Environmental Management Systems | | |
| 7. | <p>Has the concessioner developed and implemented an EMP?</p> <p>[Standard Concession Contract, Sec. 6(b)]</p> | 3 or BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|---|-----------------|
| 8. | Are customers informed of efforts the concessioner has taken to lessen its environmental impact? [NPS Commercial Services Program] | BMP |
| Environmental Purchasing | | |
| 9. | Are purchasing personnel buying equipment that is energy efficient? [EO 13423] | BMP |
| 10. | Are nontoxic, low toxic, or biodegradable cleaning products purchased and used? [Green Seal] | BMP |
| 11. | Does the concessioner make available environmentally preferable vehicle products? Some examples include: re-refined oil, recycled antifreeze, and retread tires. [Comprehensive Procurement Guideline for Products Containing Recovered Materials, 40 CFR 247] | BMP |
| 12. | Does the concessioner make available alternative fuels? (Examples of such products include various grades of biodiesel.) [DOE Alternative Fuels Data Center] | BMP |
| 13. | Does the concessioner meet federal affirmative procurement requirements? [EO 13423] | BMP |
| Fuel Storage Management | | |
| 14. | Does the gas or service station concessioner store fuel in either an UST or an AST? • If yes, does the concessioner follow applicable fuel storage regulations? [State requirement] | 2 |
| Hazardous Communication | | |
| 15. | Has the concessioner submitted an inventory of all OSHA designated hazardous chemicals used and stored in the concessioner's area to the park annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| Hazardous Materials Management | | |
| 16. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Pesticide Management | | |
| 17. | Are fans and insect repellents (e.g., topical repellents) used to get rid of and avoid biting insects, rather than spraying pesticides in the air? [NPS Commercial Services Program] | BMP |

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**NATIONAL PARK SERVICE
Commercial Services Program
EnviroCheck Sheet**

*Gas and Service Stations
2011 Update*

| CHECKLIST ITEM | | PRIORITY |
|-------------------------------|--|-----------------|
| Solid Waste Management | | |
| 18. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 19. | Has the gas or service station concessioner provided an adequate number of trash and recycling containers at or around the facility? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 20. | Does the concessioners' recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| Storm Water Management | | |
| 21. | If water from wash down activities is discharged to the ground, is the area situated such that: <ul style="list-style-type: none"> • Wash waters drains away from the nearest surface water (e.g., creek, stream, lake)? • There is adequate vegetation to filter the wash water? [State requirement or BMP, PHS Environmental Health Practice in Recreational Areas] | 2 or BMP |
| Wastewater Management | | |
| 22. | Do gas and service station operation wash waters drain away from drinking water wells? [State requirement] | 2 |
| 23. | If water from the gas and service station operation discharged to a sanitary sewer, is the concessioner in compliance with state requirements and/or local sewer/sanitation district ordinances? [State requirement] | 2 |

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*Gas and Service Stations
2011 Update*

| CHECKLIST ITEM | PRIORITY |
|----------------|----------|
|----------------|----------|

CONCESSIONER SPECIFIC

| GAS & SERVICE STATION OPERATIONS | | |
|---|---|-----|
| Energy and Water Conservation | | |
| 24. | Have efforts to reduce water consumption been made? Such efforts could include: <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc. • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans, and operating plans; and • Developing regular maintenance and tune-up programs for water consuming equipment; [EO 13423] | BMP |
| 25. | Have efforts to increase the use of renewable energy been implemented? [EO 13423] | BMP |
| 26. | Has the concessioner installed motion sensors on its lights and vending machines? [NPS Commercial Services Program] | BMP |

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*Gas and Service Stations
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| | CHECKLIST ITEM | PRIORITY |
|-----|---|-----------------|
| 27. | <p>Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work plans and operating plans; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). <p>[EO 13423]</p> | BMP |

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NATIONAL PARK SERVICE Commercial Services Program EnviroCheck Sheet

*Guide and Outfitter Services
2011 Update*

INTRODUCTION

Guide and outfitter operations have some of the closest encounters with the environment of any operation taking place in national parks. As a result, these hunting, fishing, and mountaineering guides and outfitters (ranging from individuals to larger companies) have a healthy respect for protecting and conserving park resources. Their livelihoods depend on park resources.

Nevertheless, guides and outfitters (including smaller concessioners) need to be vigilant about complying with current rules and regulations and consider adopting applicable best management practices (BMPs). Some of the environmental issues that guides and outfitters should be concerned about include backcountry practices, solid and sanitary waste management, and hazardous materials management. There are also environmental purchasing and educational opportunities for guide and outfitter operations.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner guide and outfitter operations located within park boundaries. Many guide and outfitter operations may have building space in which they store and clean their equipment and out of which they run the administrative part of their business. However, this building space is typically located outside the park boundary¹. The activities and operations within the park undergo environmental audits through NPS regional environmental audit programs. These are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

While this EnviroCheck Sheet concentrates on providing information for auditing guide and outfitter concessioners, it is also applicable to staff who enter the backcountry to perform trail maintenance, check on remote campsites, and conduct security tours.

This EnviroCheck Sheet does not apply to:

- Transportation via passenger car, van, sport-utility vehicle (SUV), pickup truck, boat, plane, helicopter, snowmobile, or snowcat;
- Vehicle fueling and maintenance activities;
- Watercraft fueling and maintenance; or
- Retail operations.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Guide and Outfitter Specific Issues” sections below for more information on laws and regulations applicable to guide and outfitter services.

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply. Note that such requirements may be more stringent and therefore take precedence over the less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of concessioners. Park specific policies found in Director's Orders (DOs) and associated Reference Manuals also apply, such as those related to concession management, integrated pest management, and backcountry operations. Parks may also have park specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*).

Some parks (e.g., Grand Canyon National Park), as well as some states, may require that guides acquire licenses to demonstrate their knowledge and skill in operating in the backcountry.

Concession Contract Requirements

Concession contracts for guides and outfitters often include environmental requirements; however, individual contracts may vary. Requirements that may be identified in the concessioner contract include:

- Proper use of campsites;
- Proper storage of food and solid waste in the backcountry;
- Procedures for handling human waste and graywater;
- Fire restrictions; and
- Other operational issues.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide a framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

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NATIONAL PARK SERVICE Commercial Services Program EnviroCheck Sheet

Guide and Outfitter Services 2011 Update

Prior to auditing a concessioner offering guide and outfitting visitor services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a guide and outfitter operation includes any food services the Commercial Services Program *Food Service* EnviroCheck Sheet should be reviewed. Other Commercial Services Program EnviroCheck Sheets that may apply include: *Retail Operations* and *Environmental Management Systems (EMS)*. If the concessioner provides either horse or water guide and outfitter services, then the Commercial Services Program *Horse, Mule, and Other Animal Operations* and *Water Guide Services* EnviroCheck Sheets should also be referenced.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, Federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner's operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or a service wide policy. However, many may be incorporated into concession contracts or Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with the regulations outlined in the NPS *Air Quality* EnviroCheck Sheet.

CFC and Halon Management

While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with regulations outlined in the NPS *CFC and Halon Management* EnviroCheck Sheet.

Emergency Planning and Reporting

Guide and outfitter operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance

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spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are *no* recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the MSDS and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled during guide and outfitter operations must be considered in park-wide EPCRA reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, guide and outfitter operations should maintain a current inventory of hazardous materials used and stored in the park, and provide this information to the park. Guide and outfitter operations typically do not need to provide hazard information (under EPCRA³) directly to a Local Emergency Planning Committee (LEPC) or a State Emergency Response Commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ) themselves, however, are very unlikely to need to provide hazard information (e.g., MSDSs, TIER II, Form R) under EPCRA directly to a Local Emergency Planning Committee (LEPC) or a State Emergency Planning Committee (SEPC), unless they store over 10,000 pounds (i.e., approximately 1,400 gallons) of hazardous materials onsite. Refer to the *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of guide and outfitter operations, a simple, succinct EMP can be an effective tool. Even if not required, which may be the case for many Category III guide and outfitter concessioners, the institution of a formal EMP is recommended for guide and outfitter services. Refer to the NPS Commercial Services Program *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Guides and outfitters, especially those offering overnight trips, have a great opportunity to educate visitors on ways to conserve and protect the park while still enjoying the surrounding environment. Lessons learned can help customers become more sensitive to and respectful of the environment around them. Ideas include:

- Educating clients on Tread Lightly! and Leave No Trace principles by sending clients pamphlets prior to trips and discussing environmental issues while in campsites. Encourage them to “leave the park the way they found it.”
- Explaining to guests how human activities may impact the park environment (e.g., air pollution from vehicles are causing the demise of certain species of plants, litter thrown in the park does not disappear and ruins the “nature” experience for other visitors) and how they can make better educated

² The threshold between an incidental and non-incident spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

³ Examples of hazard information required by EPCRA are material safety data sheets (MSDSs), Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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environmental choices (e.g., walk or bike instead of driving when possible, pack out and properly dispose of all trash).

- Informing clients of environmental practices that the concessioner has implemented (e.g., using environmentally-preferable products, development of an EMP).

Environmental Purchasing

Guide and outfitter services have an opportunity to manage their operations in a more environmentally-preferable manner. In addition to constructing buildings out of environmentally-preferable materials (e.g., composite lumbers where possible) and using environmentally-preferable products in running administrative offices (e.g., recycled-content paper products), guide and outfitter operators can help conserve the environment in which they work by purchasing and using the following, if appropriate:

- Environmentally safe sporting goods lubricants (e.g., gun cleaner and lubricant for hunting, reel cleaner and lubricant for fishing);
- Environmentally safe alternatives to lead tackle (e.g. tin, bismuth, steel, and tungsten-nickel alloy) are used for fishing;
- Nontoxic shots (e.g., tungsten-nickel-iron (TNI), steel, bismuth-tin, tungsten-iron, tungsten-polymer, or tungsten-matrix shot for hunting);
- Natural fiber ropes (instead of synthetic ropes);
- Reusable towels and rags (for wiping equipment, game);
- Nontoxic, biodegradable soaps (e.g., for personal washing and dishwashing) or no soaps;
- Unbleached, nondyed, unscented, and/or recycled-content toilet paper;
- Organic, locally-produced food and beverages;
- Compostable or reusable service ware and flatware; and
- Organic or recycled-content clothing (for use by guides and for sale to visitors).

Refer to the *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with regulations outlined in the *NPS Fuel Storage Management* EnviroCheck Sheet.

Hazardous Waste Management

While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with regulations outlined in the *NPS Hazardous Waste* EnviroCheck Sheet.

Hazardous Materials Management

Guides and outfitters may handle a variety of hazardous materials in their daily activities and operations. These hazardous materials may include: fuel and oil for stoves, vehicles, outboards, and generators; cleaners, solvents, glues, and adhesives in patch kits; and bleach for potable water disinfection and wastewater treatment. It is important that these hazardous materials are stored properly and securely in containers that will prevent spills and releases. Refer to the *NPS Hazardous Materials Management* EnviroCheck Sheet for specific hazardous material management requirements.

Laboratory Chemical and Waste Management

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While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

All methods to control pests during guide and outfitter operations (e.g., repellants applied to people and horses) must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of fly spray and other insect repellents. Herbicides, algacides, and fungicides used to control unwanted plants, algae, and fungi are also included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually by April 15th. Refer to the NPS *Pesticide Management* EnviroCheck Sheet for more information.

Respiratory Protection Program

While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Respiratory Protection Program* EnviroCheck Sheet.

Solid Waste Management

Being in the wilderness brings about unique solid waste management issues since trash and recycling cans are not readily available. Therefore, guides must be vigilant about keeping the environment litter free. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Kitchen Area Waste

Ask guests to separate recyclables from other trash. Consider separating organic waste from other trash so it can be composted after the trip. Pollution prevention, recycling, and composting programs are also good topics on which to educate guests.

Pack In – Pack Out

Guides should pack out all trash generated from their activities. Outfitters should provide a specified number of trash and recycling bags to customers and ask that they return and account for all bags, whether empty or full, to the outfitter. This will ensure that the environment will remain as pristine as possible for future visitors.

Pollution Prevention

The best way of keeping the environment litter free is through pollution prevention. Guides and outfitters should eliminate excess packaging and repackage food and supplies in reusable containers; they should also minimize the number of and/or eliminate single-serve items (e.g., drink cans, candy bars) brought on trips. These practices will lessen the amount of litter that guests either intentionally or accidentally leave in the park.

Solid Waste & Recycling Storage, Collection, and Disposal

After the trip, properly transport and dispose of solid waste; this includes throwing out regular trash, and recycling and composting where feasible. While the remote location of some parks may prohibit cost-effective recycling programs to take place, NPS policy is to recycle whenever feasible. This demonstrate leadership in solid waste management.

Other

- For hunting guide operations, spent shells could be collected and reused.

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- For fishing guide operations, consider implementing a program to recycle used fishing line.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with regulations outlined in the NPS *SPCC Planning* EnviroCheck Sheet.

Storm Water Management

While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Storm Water Management* EnviroCheck Sheet.

Universal Waste Management

While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Universal Waste Management* EnviroCheck Sheet.

Used Oil Management

While it is unlikely to see findings related to guide and outfitter operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Used Oil* EnviroCheck Sheet.

Wastewater Management

Specific wastewater issues related to guide and outfitter operations are discussed in the following section. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more general information on this topic area.

GUIDE AND OUTFITTER SERVICE-SPECIFIC ISSUES

Greywater Management

Greywater includes soapy and dirty water from bathing, brushing teeth, dishwashing; and unused liquids from foods and beverages. Dishwashing and kitchen wastewater should be strained to remove food particles. To reduce greywater generation and water quality issues, minimize water use and use only biodegradable soap. Greywater should be scattered on the land over a large area and away from surface waters and campsites. However, in arid regions with rivers that have high flows and silty waters, greywater can be thrown into the main part of the river.

Human Waste Management

Whenever possible, permanent facilities provided by the park at designated locations should be used. In remote locations where permanent facilities are not available, it is recommended that guides pack out all human waste and toilet paper since they decompose slowly. Kitty litter can be added to minimize odors. Guides can dispose of human waste at a pump-out station, wastewater treatment plant, or transfer it to an authorized park toilet. Reusable human waste containers should be sealable and able to be easily emptied and cleaned. Single use bag containers (e.g., the WAG Bag ®) that are approved for disposal in a landfill may also be used although using reusable human waste containers is still preferred⁴.

If allowed by the park, human waste can be buried in a shallow hole (6"-8" deep) at least 100 feet from surface

⁴ It is prohibited to dispose of untreated human waste in a landfill; using the WAG Bag® or other commercially available bagged waste receptacles is considered treatment of the human waste.

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waters, campsites, and trails. Use toilet paper sparingly, and preferably carry it out of the park instead of burying it in the hole.

Feminine Products

Used feminine-hygiene products should always be packed out since they decompose slowly. Pack them out in doubled plastic bags.

Urine

Urinate on rocky or sandy areas, or pine duff (i.e., partially decomposed pine needles on the forest floor) away from surface waters and campsites. Avoid urinating on or around green plants since animals may be attracted to the urine salts and dig up the plants. If allowed by the park, it may be preferred to urinate directly into rivers that have a high flow of water.

Leave No Trace (LNT) Camping

Guide and outfitter companies should consider adopting LNT principles and teach them to both employees and clients. Activities linked to LNT principles include the following:

- Camp on resistant and/or established sites where impacts already exist, as opposed to restricted areas or non-designated campsites where visible signs of impact are evolving. Generally, it is best to camp on sandy or non-vegetated sites below the high waterline or established sites above the high waterline.
- If non-vegetated or established campsites are not available, camp at least 100 feet from rivers and 200 feet from side streams.
- When breaking camp, “naturalize” campsites by covering them with pine needles and brushing the area with branches to rid of footprints.
- Build fires only when and where allowed. Use camp stoves for cooking instead of open fires whenever possible. Burn fires in fire pans or designated fire rings.
- Use established trails when hiking. Do not disturb any vegetation. In pristine areas, spread out activities to reduce their environmental impact.

Fishing Guide Operations

- The use of barbless hooks by fishing guides and visitors reduces injury to wildlife.
- Develop a policy requiring guides to use proper cleaning techniques of boats (this is especially important in areas where there are problems with exotic species and boats are being used on various bodies of water).

Mountaineering Guide Operations

- Refrain from using bolts and pitons, and use removable protection and natural anchors wherever possible.
- Do not use motorized drills. This will cut down on noise pollution.
- Use discreet anchors at the tops of climbs, and do not allow chains to hang down and blow in the wind when they are not being used or are not needed.
- Use bolt hangers, slings, and chalk that blend into the rock.
- Remove equipment at the end of each day.

Water Guide Operations

- Develop a policy requiring guides to use proper cleaning techniques of boats. This is especially important in areas where there are problems with exotic species and boats are being used on various bodies of water.

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FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS and Regional Concession Chiefs and Specialists
- Tread Lightly! A nonprofit organization that addresses concerns linked to increased use of recreational areas. Booklets and brochures on camping, hiking, fishing, and hunting, among other topics, are available: 800-966-9900 and <http://www.treadlightly.org>.
- Leave No Trace. A nonprofit organization that promotes and inspires responsible outdoor recreation through education, research, and partnerships. Booklets and brochures on camping in different regions of the United States, among other topics, are available: 800-332-4100 and <http://www.lnt.org>
- Spinoff, a NASA publication featuring successfully commercialized NASA technology. Information on environmentally-preferable sporting goods lubricants is included: <http://www.sti.nasa.gov/tto/spinoff1997/ch7.html>
- Website that provides resources on lead-free fishing (i.e., sinker, lines):
 - <http://www.pca.state.mn.us/index.php/living-green/living-green-citizen/household-hazardous-waste/nontoxic-tackle-let-s-get-the-lead-out.html>
 - <http://www.bosstin.com/>

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁵. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are noncompliance with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources. Concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions complies with the audit criteria and demonstrates that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, or tribal policies or regulations apply, then the

⁵ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--|---|-----------------|
| Emergency Response, Planning, and Reporting | | |
| 1. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or non-incidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 2. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Sec. 6(b)] | 3 or BMP |
| 3. | Does the concessioner train customers on Leave No Trace principles? [Leave No Trace] | BMP |
| 4. | Does the concessioner incorporate talking points into tours and stops to encourage customers to minimize their environmental impact in the park? [NPS Commercial Services Program] | BMP |
| 5. | Does the concessioner inform customers of efforts the concessioner has taken to lessen its environmental impact? [NPS Commercial Services Program] | BMP |
| 6. | Does the concessioner remove equipment at the end of each day? [NPS Commercial Services Program] | BMP |
| Environmental Purchasing | | |
| 7. | Does the concessioner use environmentally safe sporting goods lubricants (e.g., gun or fishing reel cleaner and lubricants)? [NPS Commercial Services Program] | BMP |
| 8. | Does the concessioner use environmentally safe alternatives to lead tackle (e.g., tin, bismuth, steel, and tungsten-nickel alloy) for fishing? [Minnesota Office of Environmental Assistance] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|--|-----------------|
| 9. | Does the concessioner use unbleached, non-dyed, unscented, recycled-content paper products (e.g., toilet paper, paper towels)? [NPS Commercial Services Program] | BMP |
| 10. | Does the concessioner use biodegradable soaps for personal washing and dishwashing? [Leave No Trace] | BMP |
| 11. | Does the concessioner use reusable towels and rags for wiping equipment and gear? [NPS Commercial Services Program] | BMP |
| 12. | Does the concessioner use nontoxic shots (e.g., tungsten-nickel-iron (TNI), steel, bismuth-tin, tungsten-iron, tungsten-polymer, or tungsten-matrix)? [NPS Commercial Services Program] | BMP |
| 13. | Does the concessioner use natural fiber ropes instead of synthetic ropes? [NPS Commercial Services Program] | BMP |
| 14. | Does the concessioner use nontoxic, biodegradable products to repel pests? [NPS Commercial Services Program] | BMP |
| 15. | Does the concessioner provide reusable containers and utensils for sack meals? If not, are disposable bowls, plates, and cups made of unbleached paper or easily biodegradable? [NPS Commercial Services Program] | BMP |
| Hazardous Materials Management | | |
| 17. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Solid Waste Management | | |
| 18. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 19. | Does the concessioner's recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 20. | Does the concessioner pack out all trash that is packed in, even if it is not theirs? [Contract or BMP, Leave No Trace; Tread Lightly!] | 3 or BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------|--|-----------------|
| 21. | As a pollution prevention measure, does the concessioner repackage food and supplies to eliminate excess packaging prior to embarking on a trip? [Leave No Trace] | BMP |
| 22. | Does the concessioner collect and reuse spent shells, if applicable? [NPS Commercial Services Program] | BMP |
| 23. | Is fishing line recycled, if applicable? [NPS Commercial Services Program] | BMP |

CONCESSIONER SPECIFIC

| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|---|-----------------|
| Guide & Outfitter Services | | |
| Greywater Management | | |
| 24. | Does the concessioner minimize the use of water and soap? If soap is needed, does the concessioner use only biodegradable soap? [Leave No Trace] | BMP |
| 25. | Does the concessioner dispose of grey water at least 200 feet from water sources by scattering it across the ground? [Leave No Trace] | BMP |
| 26. | Does the concessioner strain food particles from dishwater and kitchen waste before being disposed of? [Leave No Trace] | BMP |
| Human Waste Management | | |
| 27. | Does the concessioner ensure that solid human waste from portable toilets is disposed of at an authorized pump-out station or wastewater treatment plant and is not disposed of in landfills? (Note: Using the WAG Bag® or other commercially available bagged waste receptacles is considered treatment of the human waste.) [40 CFR 122.1(b)(3)] | 2 |

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| | | |
|-----|--|----------|
| 28. | Does the concessioner use designated and authorized privies to manage human waste, when available? If privies are not available, does the concessioner bury human waste and toilet paper in catholes 6"-8" deep and at least 100' away from surface waters, campsites, and trails, or are these materials packed out? [Backcountry Use Permit or BMP, Leave No Trace] | 3 or BMP |
| 29. | Does the concessioner pack out used feminine hygiene products? [Leave No Trace] | BMP |
| 30. | Do guides and clients urinate in rocky or sandy areas, instead of near green plants, camps or water? [Leave No Trace] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------|---|----------|
| Camping | | |
| 31. | Does the concessioner follow park camping policies and procedures? [Park Policy] | 3 |
| 32. | Does the concessioner locate campsites on resistant or established sites where impacts already exist? If these campsites are not available, does the concessioner use non-vegetated (already impacted) campsites? [Leave No Trace] | BMP |
| 33. | Does the concessioner naturalize campsites and rest stops after use? [Leave No Trace] | BMP |
| 34. | Does the concessioner follow rules for building fires and use fire pans if and when fires are allowed? [Leave No Trace; Tread Lightly!] | BMP |
| 35. | Does the concessioner use camp stoves instead of open fires? [Leave No Trace; Tread Lightly!] | BMP |
| 36. | Does the concessioner use established trails for hiking? If activities occur in pristine areas with no trails, are activities are spread out to reduce their environmental impact? [Leave No Trace] | BMP |
| Mountaineering | | |
| 37. | Do the concessioner's mountaineers refrain from using bolts and pitons? [NPS Commercial Services Program] | BMP |
| 38. | Does the concessioner refrain from using motorized drills? [NPS Commercial Services Program] | BMP |
| 39. | Does the concessioner use discreet anchors at the tops of climbs, and prohibit guides from allowing chains to hang down and blow in the wind? [NPS Commercial Services Program] | BMP |
| 40. | Does the concessioner use only bolt hangers, slings, and chalk that blend into the rock colors? [NPS Commercial Services Program] | BMP |

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INTRODUCTION

Golf courses located within the National Park Service (NPS) range from 18-hole courses with country clubs, golf instruction and golf shops to mini-golf areas with snack food offerings. While there are not many golf courses in the national parks, individually they do have the potential to adversely affect the environment.

Environmental concerns stemming from golf course management include:

- Pesticide storage, handling, and application;
- Fertilizer storage, handling, and application;
- Water consumption;
- Storm water management;
- Wastewater management; and
- Hazardous chemical management (e.g., cleaning chemicals).

A typical golf course can transform 100 acres of “natural” environment into 100 acres of tees, fairways, greens, sand traps, and water hazards. Golf course maintenance includes healthy and strong turf grass. The addition of turf grass may mean drastic changes to the natural environment. Many turf grass managers invest a great deal of time in applying pesticides and herbicides to decrease the likelihood of pests and diseases. Fertilizers are used to enhance plant growth. Water is used to strengthen grass roots and promote a healthy lawn. In some cases, the combination of these activities may result in storm water and wastewater runoff that is contaminated with hazardous chemicals.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner golf course operations located within park boundaries¹. Operations related to mini-golf are not emphasized. The activities and operations within the park undergo environmental audits through NPS regional environmental audit programs. These are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Golf Course Specific Issues” sections below for more information on laws and regulations applicable to golf course operations.

Federal, Tribal, State and Local Regulations

Golf course operators are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health,

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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safety, and transportation regulations and codes also apply. Note that such requirements may be more stringent and therefore take precedence over the less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

Clean Water Act (CWA)

The CWA regulates discharges of pollutants to waters of the United States (i.e., surface waters). Golf course operations must prevent pollutants generated in its operations from entering waterways or minimize the generation of water pollutants as prescribed in a National Pollutant Discharge Elimination System (NPDES) permit.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those which require environmental audits of concessioners. Park specific policies found in Director's Orders (DOs) and associated Reference Manuals also apply, such as those related to concession management and integrated pest management. Parks may also have park specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to golf course operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials;
- Constructing or renovating of buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; siting; and indoor environmental quality;
- Increasing the purchase of alternative fuel, hybrid, and plug-in hybrid electric vehicles when commercially available;
- Reducing water consumption intensity; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts may vary. Requirements that may be identified in the concessioner contract include:

- Purchase of alternative fuel vehicles if technically and economically feasible;
- Implementation of a comprehensive recycling program;
- Installation of water and energy saving fixtures as replacements are needed;
- Implementation of specific best management practices (BMPs);
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Documentation and record of management of all environmental reports and data; and
- Implementation and annual reporting of an integrated pest management program per approval of the park.

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APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide a framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as “BMP – Potentially Low” or “BMP – Potentially High” in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering golf course visitor services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a golf course operation includes any food services the NPS Commercial Services Program *Food Service* EnviroCheck Sheet should be reviewed. Other NPS Commercial Services Program EnviroCheck Sheets that may apply include: *Retail Operations* and *Environmental Management Systems (EMS)*.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner’s operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

NPDES: National Pollutant Discharge Elimination System. A national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

Waters of the United States: All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide. Waters of the United States include all interstate waters and intrastate lakes, rivers, streams (including intermittent streams),

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mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. [See 40 CFR 122.2 for the complete definition.]

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or a service-wide policy. However, many may be incorporated into concession contracts or Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

While it is unlikely to see findings related to golf courses within this topic area, you should review and be familiar with regulations outlined in the NPS *Air Quality* EnviroCheck Sheet.

CFC and Halon Management

While it is unlikely to see findings related to golf courses within this topic area, you should review and be familiar with regulations outlined in the NPS *CFC and Halon Management* EnviroCheck Sheet.

Emergency Planning and Reporting

Golf course operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to non-incident hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled at golf course operations must be considered in park-wide Emergency Planning and Community Right-to-Know Act (EPCRA) reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, golf course operators should maintain a current inventory of hazardous substances at the facility and provide this information to the park. Note that golf course operations typically do not need to provide hazard information under EPCRA³ directly to a local emergency planning committee (LEPC) or a state emergency response commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

² The threshold between an incidental and non-incident spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the golf course operation, a simple EMS can be an effective tool. Even if not required the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System* EnviroCheck Sheet for more information.

Environmental Education

Golf course concessioners have an opportunity to educate visitors on ways to protect the park while still enjoying the park environment. Lessons learned can help visitors become more sensitive to and respectful of the environment around them. Ideas include:

- Becoming certified by Audubon International as part of the Audubon Cooperative Sanctuary Program for Golf Courses;
- Posting signs and making brochures available on programs the golf course has in place to protect the environment (e.g., leaving grass clippings in place);
- Posting signs about recycling in the park and providing recycling containers; and
- Selling environmentally-preferable products in gift shops (e.g., biodegradable tees).

Environmental Purchasing

Golf course concessioners have an opportunity to manage their operations in a more environmentally-preferable manner. In addition to constructing buildings out of environmentally-preferable materials (e.g., composite lumbers where possible) and using environmentally-preferable products in running administrative offices (e.g., recycled-content paper products), golf courses can improve the environment in which they work. For instance, they can purchase the following:

- Electric golf carts or other alternative fuel vehicles (AFVs);
- Compost bins for grass clippings;
- Biodegradable golf tees; and
- Clothing made from organic cotton.

Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

While it is unlikely to see findings related to golf courses within this topic area, you should review and be familiar with regulations outlined in the NPS *Fuel Storage Management* EnviroCheck Sheet.

Hazardous Material Management

Golf course operators handle a variety of hazardous materials in their daily activities and operations. Hazardous materials include cleaning supplies, pesticides, and products such as oil, fuel, and solvents used in maintaining and repairing golf carts, lawn mowing equipment, and other machinery and vehicles. Hazardous materials must be managed and disposed of per regulatory requirements. Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for specific requirements.

Hazardous Waste Management

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Cleaning chemicals, paints, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for use may also be considered hazardous waste and therefore must be managed accordingly. Refer to the NPS *Hazardous Waste EnviroCheck Sheet* for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to golf courses within this topic area, you should review and be familiar with regulations outlined in the NPS *Laboratory Chemical and Waste Management EnviroCheck Sheet*.

Pesticide Management

All methods to control pests within a golf course operation must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algacides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management EnviroCheck Sheet* for more information.

Pesticides (including insecticides, herbicides, fungicides, vermicides [i.e., worm killing agent]) and fertilizers are used in golf course management. However, over-application or misapplication can result in runoff that pollutes both groundwater and surface waters. Worker safety can also be of concern in applying these chemicals to golf courses. Some practices to limit pesticide and fertilizer application include manual weeding and use of time-released chemicals.

To minimize pesticide and fertilizer use, golf courses should design and implement a park-approved IPM program. The IPM program may include:

- Choosing a disease-resistant turf species;
- Applying pesticides and fertilizers only when needed (e.g., if the turf shows initial stages of disease) and only at specific locations (e.g., tees and greens); and
- Allowing fairways and roughs to be less green and manicured.

Respiratory Protection

In conducting building maintenance or grounds keeping activities such as pesticide and fertilizer application, some golf course operators may require or allow their employees to wear air-purifying respirators – including filtering facepieces (i.e., dust masks). In doing so, a golf course operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in Appendix D for voluntary use of filtering facepieces. A qualified respiratory protection program administrator is required if a job hazard analysis reveals that an RPP is needed. Refer to the NPS *Respiratory Protection Program EnviroCheck Sheet* for more information.

Solid Waste Management

Golf course operators are required to handle solid waste in accordance with federal (40 CFR 243), state, and local requirements. The concessioner should explore opportunities to partner with the park in addressing solid waste management issues (e.g., a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one. Refer to the NPS *Solid Waste Management EnviroCheck Sheet* for more information.

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Container Management

Outdoor trash containers must be in good condition, covered and closed, weather proofed, and vermin and animal proofed. Receptacles must be conveniently located and adequate to meet customer demand. Trash must be collected using appropriately designed and operated vehicles, and must be disposed of at a licensed landfill.

Recycling

Lodging operators should recycle, at a minimum, the same materials as the park in which it operates. This may include beverage containers (aluminum and plastic) sold to park visitors via vending machines, cardboard, and paper used in administrative offices. In fact, up to 40 percent of a hotel's solid waste stream can be identified as paper. Lodging operators should offer in-room recycling receptacles to make it easy for guests to participate in recycling efforts.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

While it is unlikely to see findings related to golf courses within this topic area, you should review and be familiar with regulations outlined in the NPS *SPCC Planning* EnviroCheck Sheet.

Storm Water Management

If used improperly (too frequently, in excess quantity, or at the wrong time) pesticides and fertilizers have the potential to significantly pollute surface waters. Golf courses may need an NPDES permit. Ways to prevent storm water pollution include:

- Avoiding applying pesticides and fertilizers within 12 hours of an expected rain event;
- Choosing pesticides and fertilizers with low active ingredient application rates;
- Keeping application equipment properly calibrated to avoid over-application; and
- Establishing buffer strips that are not treated with pesticides or fertilizers.

Refer to the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Universal Waste Management

The Universal Waste Rule streamlines hazardous waste regulations that govern the collection and management of certain widely generated wastes. To date, the EPA has as identified batteries, fluorescent lamps, certain pesticides, and mercury-containing equipment as regulated universal wastes, which may be present at some golf course operations. Refer to the NPS *Universal Waste Management* EnviroCheck Sheet for more information.

Used Oil Management

While it is unlikely to see findings related to golf courses within this topic area, you should review and be familiar with regulations outlined in the NPS *Used Oil Management* EnviroCheck Sheet.

Wastewater Management

Golf courses should ensure that wastewater generated on-site is meeting all requirements set by the local POTW facility, especially if a common practice is to rinse pesticide and fertilizer containers and dispose of the rinse in a drain leading to a POTW. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more information.

GOLF COURSE OPERATIONS-SPECIFIC ISSUES

Energy and Water Conservation

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Water Conservation

With a great deal of land to manage, watering plants can be crucial for golf course managers. However, water usage can be greatly downsized (with a bonus of economic savings) if golf course operations adopt the following BMPs:

- Selecting and growing turf species that do not require high volumes of water;
- Planting native vegetation, or other vegetation that does not require high volumes of water (i.e., xeriscaping) to cut down on watering costs;
- Watering when necessary – not relying upon timers to water plants;
- Watering plants in the early, cooler hours of the morning. Less evaporation takes place at this time and the water has time to soak into the ground. In addition, any excess moisture evaporates during the day, preventing potential fungal problems;
- Using graywater (i.e., water from laundering and dishwashing) to water plants;
- Installing wireless sensors to monitor turf moisture, temperature, and salinity levels; and
- Installing aerators on water faucets and showerheads in the clubhouse.

Golf Course Design and Siting

In the past, many golf courses were designed such that a high-maintenance landscape replaced much of the original natural vegetation. However, activities at a golf course concentrate around two areas – the tees and the greens. It is not necessary to maintain extremely green, manicured fairways and roughs since these are the areas that players should be avoiding. In designing and siting a golf course, managers should consider the following:

- Siting golf courses to avoid encroaching upon or destroying wetlands, perennial and intermittent streams, floodplains, slopes, and forest stands;
- Planting native vegetation;
- Creating narrower fairways so that more land area can be devoted to planting and caring for native vegetation. Native vegetation requires less care and provides habitat for animals, without detracting from the golfing experience;
- Designing fairways perpendicular to adjacent streams so that there are no more than two crossings (over the stream) per 1,000 feet (or better yet, not designing golf courses near water ways);
- Maintaining at least a 100-foot vegetated buffer zone along streams (more for wetlands);
- Installing under drain systems at greens and tees (where most chemical treatment takes place). Leachate should be adequately filtered (e.g., biofilter of an organic layer on top, sand layer in the middle, and stone layer at the bottom) before it reaches groundwater; and
- Using grass swales, constructed pocket wetlands, irrigation ponds, forest buffer strips, or other similar measures to treat storm water runoff before it reaches surface waters.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS Environmental Compliance and Response (ECR) Branch : 202-513-7033
- NPS and Regional Concession Chiefs and Specialists
- EPA Storm Water assistance: http://cfpub.epa.gov/npdes/home.cfm?program_id=6 and <http://cfpub.epa.gov/npdes/stormwatermonth.cfm> and <http://www.epa.gov/npdes/pubs/owm017.pdf> (for construction activities)

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- Audubon International. Several publications, including Golf Course Design, Managing Wildlife Habitat on Golf Courses, A Guide to Environmental Stewardship On Your Golf Game. Also administers the Audubon Cooperative Sanctuary Program (ACSP) for Golf: 518-767-9051 or <http://acspgolf.auduboninternational.org/>
- The United States Golf Association's Environmental Programs: <http://www.usga.org/Content.aspx?id=26125>
- Golf Course Superintendents Association of America: <http://www.gcsaa.org>
- Royal Canadian Golf Association (RCGA), Turf Management and Environment: <http://www.rcga.org/innerpage.aspx?x=XrdhG%2ftmCc93KaNBSQXQ1xSoA8KFEoFTRkETNx2UWD3FGXW1EMuxExVvbF1PUkaqaDY4YN0Tt3E%3d>
- Golf Environment Organization, Sustainability Through Golf: <http://www.golfenvironment.org/>
- Environmental Institute for Golf, Using Recycled Water on Golf Courses: <http://www.eifg.org/water/RecycledWater.pdf>

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁴. Use the checklist as a decision making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are noncompliance with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws; they come from industry or other sources. Concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions complies with the audit criteria, and demonstrates that the audit entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the Priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, tribal policies, or regulations apply, then the appropriate Priority number should be used.

| CHECKLIST ITEM | PRIORITY |
|--|----------|
| Emergency Response, Planning, and Reporting | |

⁴ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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| | | |
|---|---|-----------------|
| 1. | Has the Concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 2. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or non-incidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| CHECKLIST ITEM | | PRIORITY |
| Environmental Management Systems | | |
| 3. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Sec. 6 (b)] | 3 or BMP |
| 4. | Are customers educated on recycling by signs conspicuously posted about recycling, and are an adequate number of clearly marked recycling containers provided? [NPS Solid Waste Management Handbook] | BMP |
| 5. | Are customers informed of efforts the concessioner has taken to lessen its environmental impact? [Audubon Cooperative Sanctuary Program for Golf Courses] | BMP |
| Environmental Purchasing | | |
| 6. | Are biodegradable golf tees sold or given out? [Earth Saving Tips from Earth Share – Golf and the Environment] | BMP |
| 7. | Are electric-powered golf carts, or other alternative fuel vehicles purchased and used? [EO 13423] | BMP |
| 8. | Are nontoxic, low toxic, or biodegradable cleaning products purchased? [Choose Green Report: General Purpose Cleaners, Green Seal] | BMP |
| 9. | Is clothing sold or worn by employees made from organic cotton? [NPS Commercial Services Program] | BMP |
| Hazardous Materials Management | | |
| 10. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |

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| Pesticide Management | | |
|-------------------------------|--|-----------------|
| 11. | Are time-released fertilizers and pesticides used? [Green Industries of Colorado – Best Management Practices for Fertilizer Application] | BMP |
| 12. | Is manual weeding practiced? [NPS Commercial Services Program] | BMP |
| 13. | Is the wash water from pesticide application equipment and rinsing of containers reused as pesticide? [Best Management Practices for Golf Course Maintenance Departments, FL Department of Environmental Protection] | BMP |
| CHECKLIST ITEM | | PRIORITY |
| Solid Waste Management | | |
| 14. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 15. | Does the concessioners' recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 16. | If grass clippings are collected, are they composted? [Golf Course Superintendents Association of America] | BMP |
| Storm Water Management | | |
| 17. | Are grass swales, constructed pocket wetlands, irrigation ponds, forest buffer strips, or other similar measures used in concert to treat storm water runoff before it reaches surface waters? [Technical Note 20 - Minimizing the Impact of Golf Courses on Streams - EPA Office of Water] | BMP |
| 18. | Are under-drain systems installed at greens and tees where potentially contaminated water could reach groundwater? If yes, is the leachate filtered before it reaches the groundwater? [Technical Note 20 - Minimizing the Impact of Golf Courses on Streams - EPA Office of Water] | BMP |
| 19. | Is the application of any pesticide, herbicide, or fertilizer avoided immediately prior to forecast heavy rainfall or irrigation that would result in runoff of chemicals? [Green Industries of Colorado – Pesticide, Fertilizer, and Other Chemical Storage, Handling, and Disposal, p 1] | BMP |

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| Wastewater Management | | |
|------------------------------|---|-----|
| 20. | Has the concessioner assessed the potential for graywater recycling and/or reuse? [Greening Your Property, Green Seal] | BMP |

CONCESSIONER SPECIFIC

| GOLF COURSE OPERATIONS | | |
|--------------------------------------|--|-----------------|
| Energy and Water Conservation | | |
| 21. | Are drought-tolerant turf species chosen and grown in arid areas? [Environmental Principles for Golf Courses in the United States – Golf and the Environment, Center for Resource Management] | BMP |
| CHECKLIST ITEM | | PRIORITY |
| 22. | Are plants adapted to the climate/environment or native vegetation planted around the golf course? [Environmental Principles for Golf Courses in the United States, Center for Resource Management] | BMP |
| 23. | Are plants only watered when necessary? [Water: Conserving This Precious Resource – Environmental Building News] | BMP |
| 24. | Has certification or participation in environmental programs for golf courses, such as the Audubon Cooperative Sanctuary Program for Golf Courses, been pursued? [NPS Commercial Services Program] | BMP |

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| | | |
|-----------------------|--|-----------------|
| 25. | <p>Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). <p>[EO 13423]</p> | BMP |
| 26. | <p>Has the concessioner installed motion sensors on its lights and vending machines?</p> <p>[NPS Commercial Services Program]</p> | BMP |
| CHECKLIST ITEM | | PRIORITY |

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| | | |
|--------------------------------------|--|-----|
| 27. | <p>Have efforts to reduce water consumption been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc. • Conducting a water audit; • Posting signage regarding water conservation; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. <p>[EO 13423]</p> | BMP |
| 28. | <p>If plants must be watered, does watering takes place in the early morning rather than during the day?</p> <p>[EPA – How to Conserve Water and Use It Effectively]</p> | BMP |
| 29. | <p>Is graywater used to water plants?</p> <p>[Environmental Principles for Golf Courses in the United States, Center for Resource Management]</p> | BMP |
| Golf Course Siting and Design | | |
| 30. | <p>In designing and siting a golf course, has the concessioner considered the following:</p> <ul style="list-style-type: none"> • Narrower fairways so that more land area can be devoted to planting and caring for native vegetation; • Designing fairways perpendicular to adjacent streams so that there are no more than two crossings (over the stream) per 1,000 feet (or better yet, not designing golf courses near water ways); • Maintaining at least a 100-foot vegetated buffer zone along streams (more for wetlands); and • Siting golf courses to avoid encroaching upon or destroying wetlands, perennial and intermittent streams, floodplains, slopes, and forest stands? <p>[NPS Commercial Services Program]</p> | BMP |

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NATIONAL PARK SERVICE Commercial Services Program EnviroCheck Sheet

Horse, Mule, and Other Animal Operations 2011 Update

INTRODUCTION

Horse and mule operations (and others, such as llama operations) take place throughout the National Park Service (NPS). This EnviroCheck Sheet specifically refers to horse and mule operations because the majority of these operations involve concessioners providing guided rides and/or running stables within the parks.

Horse and mule operations within the NPS include, but are not limited to, the following:

- Stabling/boarding and rental of riding horses and mules;
- Stabling/boarding and rental of horse-pulled carriages;
- Guided rides and tours using horses, mules, and other animals; and,
- Temporary stabling/boarding of horses for visitors.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner horse, mule, and other animal operations located within park boundaries. In many concessioner run horse and mule operations, permanent horse stabling or boarding occurs outside of the park; the animals are transported into the park at the beginning of the day and transported back out at the end of the day¹. The activities and operations within the park undergo environmental audits through NPS regional environmental audit programs. These are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Horse and Mule Operation Specific Issues” sections below for more information on laws and regulations applicable to horse and mule operation services.

Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply; note that such requirements may be more stringent and therefore take precedence over the less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of concessioners. Park-specific policies found in Director’s Orders (DOs) and associated Reference Manuals also apply, such as those related to concession management, integrated pest management, and backcountry operations.

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to horse, mule, and animal operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials;
- Constructing or renovating of buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; siting; and indoor environmental quality;
- Reducing water consumption intensity; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Manure storage and disposal requirements;
- Certified weed-free feed use;
- Best management practices (BMPs) implementation;
- Inventory of hazardous chemicals and waste streams maintenance and submission;
- Environmental reports and data recording and documentation; and
- Park approved integrated pest management program annual reporting and implementation.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering horse, mule, or other animal visitor services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a horse and mule operation includes any food services the Commercial Services Program *Food Service* EnviroCheck Sheet should be reviewed. Other Commercial Services Program EnviroCheck Sheets that may apply include: *Guide and Outfitter Services*, *Retail Operations*, and *Environmental Management Systems (EMS)*.

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**NATIONAL PARK SERVICE
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*Horse, Mule, and
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DEFINITIONS

Animal Feeding Operation (AFO): A lot or facility where:

- Animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and
- Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility (40 CFR 122.23).

Note that there are three classifications for concentrated AFOs: Large, Medium, and Small. See the “General Environmental Issues” section under Storm Water Management for additional information and clarification.

Animal Unit (AU): A factor used to standardize different types of animals in order to determine and compare farm size. One horse is equal to two AUs.

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under the concession contract. BMPs are expected to change as technology evolves, with a goal of sustainability integrated into the concessioner’s operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

Manure: Fecal and urinary defecations of livestock and poultry. Manure, bedding, compost, and raw materials or other materials commingled with manure or set aside for disposal (40 CFR 122.23).

NPDES: National Pollutant Discharge Elimination System. A national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

Nonpoint Source Discharge: A discharge that is not traceable to a single originating point. An example of nonpoint source discharges would be pesticide/fertilizer runoff from agricultural fields.

Point Source Discharge: A direct wastewater discharge into a national water source, such as rivers, lakes, and streams. Common discharge sources of point source pollutants are pipes, ditches, channels, and sewer deposits.

POTW: Publicly Owned Treatment Works. A treatment works, as defined by Section 212 of the Clean Water Act, that is owned by the state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant [40

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CFR 403.3]. Privately-owned treatment works, federally-owned treatment works, and other treatment plants not owned by municipalities are not considered POTWs.

Recommended Stocking Rate: The number of animals (animal unit), per acre that can be effectively grazed (without causing excess environmental degradation) on a given area of land, depending on the type of livestock, fertility of the land and climatic conditions, over a specified period of time. This is often presented as acres per animal unit month (AUM).

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts or Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

Air quality management issues for horse and mule operations may apply to facilities located within the park boundary. Dust control, especially at stables, paddocks, and trails located within the park boundary and use of pesticides may be subject to air quality regulations. Park, local, county, or state policies, regulations, or laws may be applicable. Additionally, more stringent state and county requirements may apply. Refer to the NPS *Air Quality* EnviroCheck Sheet for additional information.

CFC and Halon Management

While it is unlikely to see findings related to horse and mule operations within this topic area, you should review and be familiar with regulations outlined in the NPS *CFC and Halon Management* EnviroCheck Sheet.

Emergency Planning and Reporting

Horse and mule operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled at horse, mule, and other animal operations must be considered in park-wide Emergency Planning and Community Right-to-Know Act (EPCRA) reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, horse, mule, and other animal operators should maintain a current inventory of hazardous substances at the facility and provide this information to the park. Note that horse, mule, and other animal operations typically do not need to provide

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

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hazard information under (EPCRA³) directly to a local emergency planning committee (LEPC) or a state emergency response commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

In addition to SOPs, guides should be properly trained on cleanup procedures of hazardous materials because they may work in locations not easily accessible to park staff. Guides should have small spill kits available for horse and mule activities involving use of hazardous materials. Kits should include absorbent rags and a container to collect used spill cleanup materials. However, the best option is to limit or eliminate any hazardous materials brought into the backcountry, thereby limiting or eliminating the threat of a hazardous material spill or release.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the horse and mule operation, a simple EMS can be an effective tool. Even if not required, which is the case for most Category III horse and mule operations, the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Horse and mule concessioners offering trail rides, especially those offering overnight rides, have an opportunity to educate visitors on park resources and applicable environmental issues and programs. Lessons learned can help customers become more sensitive to and respectful of the environment around them. Ideas for providing environmental education and outreach to public visitors include:

- Distributing environmental educational information (e.g., the “Leave No Trace” ethic) in brochures, newsletters, and reservation packets made from recycled content paper, or on websites as a paperless alternative.
- Educating guests on activities undertaken by the concessioner or the park to minimize the impact of the horse and mule operation on the environment (e.g., using “Skin So Soft” with insect repellent on animals instead of spraying pesticides to rid of flies, or minimizing animal travel off-trail or through streams).
- Explaining to guests how human activities may impact the park environment (e.g., air pollution from vehicles is impacting certain species of plants, directing horses or mules off designated trails impacts the flora, soil, and fauna of the local area), and how they can make better educated environmental choices (e.g., walk or bike instead of driving when possible, pack out and properly dispose of all trash).

Environmental Purchasing

Horse and mule operators have an opportunity to manage their operations in an environmentally-preferable manner. In addition to constructing, renovating, or maintaining buildings using environmentally-preferable methods (e.g., following Leadership in Energy and Environmental Design [LEED] guidelines), and using environmentally-preferable products in running administrative offices (e.g., recycled-content paper products),

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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horse and mule operators have an opportunity to improve the environment in which they operate. For example, they may implement:

- Use of nonhazardous lime substitutes for soaking up urine and ammonia;
- Use of fans and insect repellents to rid of and avoid biting flies (instead of spraying pesticides into the air);
- Use of certified “weed-free” feed, which can eliminate invasive species from entering the park through animal manure⁴; and
- Development and implementation of a written environmental purchasing program; this is typically not an audit finding unless specified by the concessioner contract but it can be encouraged as a BMP.

Refer also to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

While it is unlikely to see findings related to horse, mule, and animal operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Fuel Storage Management* EnviroCheck Sheet.

Hazardous Materials Management

Horse and mule operators may come into contact with a variety of hazardous materials during their daily operation in caring for their animals and in operating and maintaining their facilities. Hazardous materials include veterinary medicines, cleaning chemicals, repellants and pesticides, lime, detergents, fuels, and flammable materials. Hazardous materials must be managed and disposed of per regulatory requirements. Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for specific hazardous material management requirements.

Hazardous Waste Management

Items such as some paints, and used florescent lights are considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for use may also be considered hazardous waste and therefore must be managed and disposed of accordingly. Refer to the NPS *Hazardous Waste* EnviroCheck Sheet for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to horse, mule, and animal operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

All methods to control pests within a horse and mule operation (e.g., inside barns, stables, pastures, and including repellants applied to horses) must be approved annually by the park’s integrated pest management (IPM) coordinator. This includes approval for use of fly spray, conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algaecides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management* EnviroCheck Sheet for more information.

⁴ It is recommended that horses be fed weed-free feed, and no other food, 12 hours before traveling in the park; yet it can be controversial for some operators as weed-free feed typically means that pesticides were used in the fields to control invasive species.

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Respiratory Protection

In conducting activities such as painting and pesticide application, some horse and mule operations may require or allow their employees to wear air-purifying respirators – including filtering facepieces (i.e., dust masks). In doing so, a horse and mule operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in Appendix D for voluntary use of filtering facepieces. A qualified respiratory protection program administrator is required if a job hazard analysis reveals that an RPP is needed. Refer to the NPS *Respiratory Protection Program* EnviroCheck Sheet for more information.

Solid Waste Management

Being in the wilderness brings about unique solid waste management issues since trash and recycling cans are not readily available. Therefore, horse guides must be vigilant about keeping the environment litter-free. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Kitchen Area Waste

Ask guests to separate recyclables from other trash. Consider separating organic waste from other trash so it can be composted after the trip. Pollution prevention, recycling, and composting programs are also good topics on which to educate guests.

Pack In – Pack Out

Horse guides should pack out all trash generated from their activities. Outfitters should provide a specified number of trash and recycling bags to customers and ask that they return and account for all bags, whether empty or full, to the outfitter. This will ensure that the environment will remain as pristine as possible for future visitors.

Pollution Prevention

The best way of keeping the environment litter free is through pollution prevention. Horse outfitters and guides should eliminate excess packaging and repackage food and supplies in reusable containers. They should also minimize the number of and/or eliminate single-serve items (e.g., drink cans, candy bars) brought on trips. These practices will lessen the amount of litter that guests either intentionally or accidentally leave in the park.

Solid Waste & Recycling Storage, Collection, and Disposal

After a guided horse trip, properly transport and dispose of solid waste. This includes throwing out regular trash, recycling, and composting where feasible. While the remote location of some parks may prohibit cost-effective recycling programs to take place, NPS policy is to recycle whenever feasible to demonstrate leadership in solid waste management.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

While it is unlikely to see findings related to horse, mule, and animal operations within this topic area, you should review and be familiar with regulations outlined in the NPS *SPCC Planning* EnviroCheck Sheet.

Storm Water Management

Storm water management is a primary area of concern for horse and mule operations. Manure can contaminate water and concessioner operations can accelerate storm water erosion. For more information refer to the NPS *Storm Water* EnviroCheck Sheet.

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Facility Location

If and when possible, barns, stables, corrals, and manure storage facilities should be located in areas that drain away from the nearest surface water.

- Diversion ditches/swales and other structures should be built up slope to collect and direct water away from the facility and into a vegetated area. To prevent erosion, diversion ditches should be vegetated or otherwise stabilized. Diversion ditches should also be constructed down slope of the facility to direct manure-laden runoff away from surface waters or drainage areas that may lead to surface waters.
- Vegetative 'filter' strips or infiltration areas should be planted to aid in filtering solids and nutrients from runoff before the runoff enters surface waters.
- To protect surface water quality, animals should be fenced off and not allowed to enter sensitive environmental areas, such as streams, lakes, ponds, and/or wetlands. This will prevent animals from eroding away stream banks and/or shorelines, and from directly depositing manure into surface waters.

Erosion Control

Heavy traffic and foraging in pastures, corrals, barnyards, and/or trailheads may result in a loss of vegetation, increased erosion, and sediment buildup in nearby waterways. To protect plants, soils, and water quality, horse and mule operations should:

- Ensure that recommended stocking rates are not exceeded in pasture areas;
- Establish erosion controls such as wood chips in barnyards, stables, trailheads, or other heavy use areas;
- Construct and maintain vegetated berms, or diversion swales/dikes to control up-gradient run-on and down-gradient runoff in areas that have heavy traffic and are poorly vegetated; and
- Use and maintain vegetative filter strips, infiltration areas, temporary settling basins, or other erosion controls.

Animal and Facility Wash Water

Wastewater from washing down animals and animal facilities often contains nutrients and bacteria that could impact waterways if discharged. This untreated wash water should be managed to prevent it from discharging directly to a surface water or water body. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more information.

- If the wash-down operation is small, it may be sufficient to locate it in an area away from drainage areas. Grasses and other materials may filter out solids and nutrients before the wash water enters the groundwater and/or surface waters.
- If the wash-down operation is intensive, natural filtration from grass and other materials may not be adequate and additional treatment facilities may be required (e.g., temporary settling or infiltration basins).
- If the facility discharges directly to a water body, a NPDES permit will be required.
- The preferred method for managing the wash water is to discharge it to a sanitary sewer. In some cases this may require that appropriate permitting/permissions be obtained from the local sanitation district or municipal authority.

Concentrated Animal Feeding Operations (CAFO)

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A horse and mule operator may require an NPDES permit if it is defined as a Large, Medium, or Small CAFO by 40 CFR 122.23.

- A Large CAFO is an AFO that stables or confines 500 or more horses
- A Medium CAFO is an AFO that stables or confines 150-499 horses and is designated a CAFO by the permitting authority on a case-by-case basis; or
- If either one of the following conditions are met:
 - a) Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or
 - b) Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.
- A Small CAFO is an AFO that is not a Medium CAFO as designated by the permitting authority on a case-by-case basis.

Storm Water Discharge Permitting

If runoff from manure collection/storage activities or wash water from wash-down operations is discharged from a point source (including a culvert, ditch, channel, or drainage swale) into a surface water (including a lake, river, or even an intermittent stream), the facility is subject to the Clean Water Act's NPDES permit program and subsequent requirements. The NPDES program is administered either by an authorized state environmental agency or the corresponding EPA Region (40 CFR 122.1)⁵.

Universal Waste Management

While it is unlikely to see findings related to horse, mule, and animal operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Universal Waste Management* EnviroCheck Sheet.

Used Oil Management

While it is unlikely to see findings related to horse, mule, and animal operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Used Oil* EnviroCheck Sheet.

Wastewater Management

If runoff from the horse and mule operation is collected and discharged to a POTW, state and/or local permitting and performance requirements and criteria may apply. In addition, some states have instituted non-point source programs applicable to stable operations, such as permitting, facility design, and operational practice requirements. These requirements may be issued by either the state environmental or agricultural regulatory agency, or a city or county environmental or public works department. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more information.

HORSE, MULE, AND ANIMAL OPERATION-SPECIFIC ISSUES

Backcountry Human Waste Management

Whenever possible, permanent facilities provided by the park at designated locations should be used. In remote locations where permanent facilities are not available, it is recommended that guides pack out all human waste and toilet paper since they decompose slowly. Kitty litter can be added to minimize odors. Guides can dispose of

⁵ The only states currently without an authorized NPDES program include the District of Columbia, Idaho, Massachusetts, New Hampshire, and New Mexico.

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human waste at a pump-out station, wastewater treatment plant, or transfer it to an authorized park toilet. Reusable human waste containers should be sealable and able to be easily emptied and cleaned. Single use bag containers (e.g., the WAG Bag ®) that are approved for disposal in a landfill may also be used although using reusable human waste containers is still preferred⁶.

If allowed by the park, human waste can be buried in a shallow hole (6"-8" deep) at least 100 feet from surface waters, campsites, and trails. Use toilet paper sparingly, and preferably carry it out of the park instead of burying it in the hole.

Feminine Products

Used feminine-hygiene products should always be packed out since they decompose slowly. Pack them out in doubled plastic bags.

Urine

Urinate on rocky or sandy areas, or pine duff (i.e., partially decomposed pine needles on the forest floor) away from surface waters and campsites. Avoid urinating on or around green plants since animals may be attracted to the urine salts and dig up the plants. If allowed by the park, it may be preferred to urinate directly into rivers that have a high flow of water.

Carriage/Motorized Equipment Operation and Maintenance

Some horse and mule operations may conduct maintenance on carriages and other associated equipment onsite. Boarding and farm operations may also use tractors and other farm equipment. If fueling, vehicle maintenance, or vehicle washing is part of the concession operations, the auditor should refer to the appropriate NPS EnviroCheck Sheets, which may include *Fuel Storage Management*, *Hazardous Materials Management*, *Hazardous Waste Management*, *Used Oil Management*, *Storm Water Management*, and *Wastewater Management*.

Energy and Water Conservation

Horse, mule, and other animal operations offer many areas in which energy and water efficient equipment and practices can be implemented. For example in restrooms, animal washing areas, and stables. By reducing energy and water consumption, horse, mule, and animal operations will increase cost savings and decrease the quantity of harmful emissions released from power plants. Energy conservation should be considered in facility and equipment design, work plans, and operating plans. Energy and water conservation BMPs have been incorporated into each of the concession-specific EnviroCheck Sheets.

Greywater Management

Greywater includes soapy and dirty water from bathing, brushing teeth, dishwashing, and unused liquids from foods and beverages. Dishwashing and kitchen wastewater should be strained to remove food particles. To reduce greywater generation and water quality issues, minimize water use and use only biodegradable soap. Greywater should be scattered on the land over a large area and away from surface waters and campsites. However, in arid regions with rivers that have high flows and silty waters, greywater can be thrown into the main part of the river.

⁶ It is prohibited to dispose of untreated human waste in a landfill; using the WAG Bag® or other commercially available bagged waste receptacles is considered treatment of the human waste.

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Leave No Trace (LNT) Camping

Horse, mule, and animal operations should consider adopting LNT principles and teach them to both employees and clients. Activities linked to LNT principles include the following:

- Camp on resistant and/or established sites where impacts already exist, as opposed to restricted areas or nondesignated campsites where visible signs of impact are evolving. Generally, it is best to camp on sandy or nonvegetated sites below the high waterline or established sites above the high waterline.
- If nonvegetated or established campsites are not available, camp at least 100 feet from rivers and 200 feet from side streams.
- When breaking camp, “naturalize” campsites by covering them with pine needles and brushing the area with branches to rid of footprints.
- Build fires only when and where allowed. Use camp stoves for cooking instead of open fires whenever possible. Burn fires in fire pans or designated fire rings.
- Use established trails when hiking. Do not disturb any vegetation. In pristine areas, spread out activities to reduce their environmental impact.

Manure Management

Three horses can generate over one cubic yard of manure and waste bedding per week, which is the equivalent of four 55-gallon drums. Manure can be a public health and aesthetic concern due to possible pathogens in the manure, odor, and insects attracted to the manure (e.g., flies). Therefore, it is important to properly plan and design areas where animals are kept and manure is collected, stored, and disposed. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for general information about managing the solid waste and solid waste generation.

Manure Collection and Storage

- Manure and soiled bedding should be collected from stalls and corrals every two to three days (or as necessary), or as required by the Concession Contract.
- Storage areas/units must be large enough to handle the volume of manure generated and to ensure all manure is properly covered (e.g., by a shed, roof, plastic). Effective storage units include garbage cans with lids, fly-tight storage sheds, and composters.
- Outdoor storage of manure should include measures to prevent storm water contact such as diversion swales, plastic sheeting on the ground, and covering manure piles.

Manure Disposal

- Direct disposal of manure to a landfill is prohibited under federal regulation 40 CFR 280. Specific disposal requirements for manure are often regulated under state environmental or agricultural regulations.
- Raw manure should be treated or removed on a regular basis for proper vector and odor control. This will depend on factors such as the quantity generated, the quality of the storage system design, climatic temperature, and weather (e.g., rain, snow).
- Composted manure can be a valuable resource. For instance, horse and mule operators may have the option to:
 - Fertilize pastures, croplands, and gardens in or outside the park with the manure, where permitted. For public health reasons, restrictions apply to using manure on commercially sold crops.
 - Donate the manure to mushroom farmers or local community gardens.
 - Sell the manure to nurseries and greenhouses.

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- Raw manure can be composted to reduce its volume, odor, and bacterial content, and thereby increase its marketability to outside businesses and/or consumers. However, as with all stable facilities, compost facilities should be located, designed, and managed to reduce storm water run-on and runoff. In addition, factors such as quantity of carbon and nitrogen materials, temperature, moisture, and compost pile maintenance need to be factored to ensure proper and efficient composting.

For more information about composting, refer to the NPS Solid Waste Management Handbook or contact the local health department. Also keep in mind that manure composting can act as feedstock in composting other organic materials, such as food waste and green waste. This type of project may require a joint park-concessioner effort in order to be technically and economically successful.

Trail Operations

In some cases, horse and mule concessioners are responsible for daily maintenance of trails on which horses and/or carriages regularly travel. Strategies for these horse and mule concessioners to minimize the impact on park resources include:

- Collecting manure regularly from the trails, particularly near water bodies where runoff could enter and impact water quality;
- Establishing stopping points where certain activities in those areas will have the least impact. Because horses can be damaging to an ecosystem, riders should be instructed to stay on trails and in approved overlook areas and should not to create their own trails (i.e., enter areas that are not yet impacted);
- Not allowing horses to eat in the park or be hitched directly to trees. This prevents damage to trees (from eating and rubbing) and to tree root systems (from trampling). To tie up horses, use supplied hitch racks or highlines if allowed (i.e., a rope between two trees);
- Repackaging food and other picnic supplies in reusable containers prior to starting a trail ride. Excess packaging should be removed and the number of individual containers such as cans and bottles carried on trips should be minimized. This practice reduces and can eliminate the amount of litter thrown to the side of the trail. (Even the best operator can miss a client tossing an empty container off the carriage); and
- Packing out all trash even if trash containers are provided on the trail.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS and Regional Concession Chiefs and Specialists
- Tread Lightly! A nonprofit organization that addresses concerns linked to increased use of recreational areas. Booklets and brochures on camping, hiking, fishing, and hunting, among other topics, are available: 800-966-9900 and <http://www.treadlightly.org>
- Leave No Trace. A nonprofit organization that promotes and inspires responsible outdoor recreation through education, research, and partnerships. Booklets and brochures on camping in different regions of the United States, among other topics, are available: 800-332-4100 and <http://www.lnt.org>
- National Agriculture Compliance Assistance Center. An EPA clearinghouse for information on environmental management for agricultural facilities: 888-663-2155 and <http://www.epa.gov/compliance/assistance/sectors/agriculture.html>
- Pollution Control for Horse Stables and Backyard Livestock. Fact sheet prepared by the EPA Region 6 Water Management Division, Water Quality Management Branch: 214-655-7140.
- Weed-Free Feed website, maintained by the Bay Area Equestrian Network. <http://www.extendinc.com/weedfreefeed/index.htm>

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- Local Natural Resources Conservation Service (NRCS) Office. Local offices can provide technical support and information on State and local requirements. Offices may even be willing to provide onsite assistance. Contact the State NRCS offices for contact information for the locals NRCS office:
<http://www.nrcs.usda.gov/about/organization/regions.html>
- Local/Agricultural Extension Universities. Many universities with Agricultural Engineering or Animal Husbandry programs can provide technical support and cooperative education opportunities as they are state land grant universities that typically work in coordination with the state department of natural resources.
- The U. S. Public Health Service (PHS), Centers for Disease Control and Prevention has published guidelines titled “Environmental Health Practice in Recreation Areas”. Chapter 17, Stable Sanitation, provides standards on stable and corral siting, area drainage, insect and rodent control, and manure disposal. Call the *GreenLine* Assistance Number to request a copy: 303-987-6820.

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁷. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources. Concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. Meaning the majority of other operations, locations, or divisions complies with the audit criteria, and demonstrates that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, or tribal policies or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | PRIORITY |
|----------------|----------|
| Air Quality | |

⁷ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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| CHECKLIST ITEM | | PRIORITY |
|--|---|-----------------|
| 1. | Are dust and particulates being well controlled on trails and at stables per park, local and/or state requirements? [California Environmental Protection Agency - Air Resources Board] | BMP |
| Emergency Response, Planning, and Reporting | | |
| 1. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or non-incidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 2. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Sec. 6(b)] | 3 or BMP |
| 3. | Are guests educated on the "Leave No Trace" ethic? [Leave No Trace Backcountry Horse Use] | BMP |
| 4. | Are customers informed of efforts the concessioner has taken to lessen its environmental impact? [NPS Commercial Services Program] | BMP |
| 5. | Are procedures in place to incorporate talking points into tours and stops to encourage riders to minimize their environmental impact in the park? [NPS Commercial Services Program] | BMP |
| Environmental Purchasing | | |
| 6. | Are purchasing personnel buying equipment that is energy efficient? [EO 13423] | BMP |
| 7. | Are nontoxic, low toxic, or biodegradable cleaning products purchased and used? [Choose Green Report: General Purpose Cleaners, Green Seal] | BMP |
| 8. | Is certified "weed free" feed, which will eliminate invasive species from entering the park through animal manure, used? ⁸ [Bay Area Equestrian Network: www.weedfreefeed.com] | BMP |
| 9. | Are nonhazardous lime substitutes used for soaking up urine and getting rid of ammonia in stables? [NPS Commercial Services Program] | BMP |
| Hazard Materials Management | | |

⁸ It is recommended that horses be fed weed-free feed, and ingest no other food, 12 hours before traveling through the park.

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| CHECKLIST ITEM | | PRIORITY |
|-------------------------------|--|-----------------|
| 11. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Pesticide Management | | |
| 12. | Are fans and insect repellents (e.g., topical repellents) used to get rid of and avoid biting insects, rather than spraying pesticides in the air? [NPS Commercial Services Program] | BMP |
| Solid Waste Management | | |
| 13. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 14. | Does the concessioners' recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 15. | Does the concessioner pack out all trash that is packed in, even if it is not theirs? [Contract or BMP, Leave No Trace; Tread Lightly!] | 3 or BMP |
| 16. | As a pollution prevention measure, does the concessioner repackage food and supplies to eliminate excess packaging prior to embarking on a trip? [Leave No Trace] | 3 or BMP |
| Storm Water Management | | |
| 17. | Has the concessioner obtained an NPDES permit if water from wash down activities is directly discharged (via a point source) to a water body? [40 CFR 122.2] | 2 |
| 18. | Are proper storm water controls in place for composting operations? For instance: <ul style="list-style-type: none"> • Is the compost pile covered (e.g., by a shed, roof, plastic) when it rains? • Are berms or swales located up-gradient of the compost area to prevent run-on? • Is the compost area sited so runoff drains away from the nearest water body, and/or there is adequate vegetation to filter the runoff before it enters the water body? [State requirement or BMP, NPS Commercial Services Program] | 2 or BMP |

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| CHECKLIST ITEM | | PRIORITY |
|------------------------------|--|-----------------|
| 19. | <p>If water from wash down activities is discharged to the ground, is the area situated such that:</p> <ul style="list-style-type: none"> • Wash waters drain away from the nearest surface water (e.g., creek, stream, lake)? • There is adequate vegetation to filter the wash waters? <p>[State requirements or BMP, PHS Environmental Health Practice in Recreational Areas]</p> | 2 or BMP |
| 20. | <p>Are horse and mule facilities managed so as to minimize erosion? For instance:</p> <ul style="list-style-type: none"> • Has the concessioner ensured that recommended stocking rates are not exceeded in pasture areas? • Are erosion controls provided for heavy traffic areas (e.g., wood chips)? • Are berms or swales located up-gradient of the compost/manure areas to prevent run-on, redirecting runoff into vegetated areas or other treatment areas (e.g., settling basin)? <p>[Contract or BMP, PHS Environmental Health Practice in Recreational Areas]</p> | 3 or BMP |
| 21. | <p>Is manure stored on an impervious surface (e.g., a concrete pad or plastic tarp) to prevent leaching or runoff of pollutants?</p> <p>[A Cooperative Effort, Orange County, CA – San Diego Regional Water Quality Control Board]</p> | BMP |
| 22. | <p>Are horse and mule facilities located and constructed to minimize impacts to surface waters? For example:</p> <ul style="list-style-type: none"> • Are barns, stables, corrals, and other high use facilities located in areas that drain away from the nearest surface water, creek, stream, and/or lake? • Are berms, terraces, and vegetation strips or other treatment methods built both upslope and down slope of high use areas to control storm water run-on and runoff? • Are animals prevented from entering sensitive environmental areas, such as streams and lakes, by means of fencing or other controls? <p>[Pollution Control for Horse Stables and Backyard Livestock – EPA Region 6]</p> | BMP |
| 23. | <p>Are roofs constructed to ensure that storm water runoff is directed away from high-use, bare, unvegetated, and manure storage areas?</p> <p>[A Cooperative Effort, Orange County, CA – San Diego Regional Water Quality Control Board]</p> | BMP |
| Wastewater Management | | |
| 24. | <p>Do animal wash waters drain away from drinking water wells?</p> <p>[State requirement]</p> | 2 |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------|--|-----------------|
| 25. | If water from animal wash areas is discharged to a sanitary sewer, is the concessioner in compliance with state requirements and/or local sewer/sanitation district ordinances? [State requirement] | 2 |
| 26. | Are water outlets at drinking water troughs and on hoses for cleaning stables fitted with anti-siphon backflow prevention devices or separated by an air gap? [PHS Environmental Health Practice in Recreational Areas] | BMP |

CONCESSIONER SPECIFIC

| HORSE & MULE SPECIFIC | | |
|---|--|----------|
| Backcountry Human Waste Management | | |
| 27. | Does the concessioner ensure that solid human waste from portable toilets is disposed of at an authorized pump-out station or wastewater treatment plant and is not disposed of in landfills? (Note: Using the WAG Bag® or other commercially available bagged waste receptacles is considered treatment of the human waste.) [40 CFR 122.1(b)(3)] | 2 |
| 28. | Does the concessioner use designated and authorized privies to manage human waste, when available? If privies are not available, does the concessioner bury human waste and toilet paper in catholes 6"-8" deep and at least 100' away from surface waters, campsites, and trails, or are these materials packed out? [Backcountry Use Permit or BMP, Leave No Trace] | 3 or BMP |
| 29. | Does the concessioner pack out used feminine hygiene products? [Leave No Trace] | BMP |
| 30. | Do guides and clients urinate in rocky or sandy areas, instead of near green plants, camps or water? [Leave No Trace] | BMP |
| Camping | | |
| 31. | Does the concessioner follow park camping policies and procedures? [Park Policy] | 3 |
| 32. | Does the concessioner locate campsites on resistant or established sites where impacts already exist? If these campsites are not available, does the concessioner use non-vegetated (already impacted) campsites? [Leave No Trace] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|--------------------------------------|---|-----------------|
| 33. | Does the concessioner naturalize campsites and rest stops after use? [Leave No Trace] | BMP |
| 34. | Does the concessioner follow rules for building fires and use fire pans if and when fires are allowed? [Leave No Trace; Tread Lightly!] | BMP |
| 35. | Does the concessioner use camp stoves instead of open fires? [Leave No Trace; Tread Lightly!] | BMP |
| 36. | Does the concessioner use established trails for hiking? If activities occur in pristine areas with no trails, are activities spread out to reduce their environmental impact? [Leave No Trace] | BMP |
| Energy and Water Conservation | | |
| 37. | Have efforts to increase the use of renewable energy been implemented? [EO 13423] | BMP |
| 38. | Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include: <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work plans and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). [EO 13423] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------------|--|-----------------|
| 39. | <p>Have efforts to reduce water consumption been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc. • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; • Developing regular maintenance and tune-up programs for water-consuming equipment; <p>[EO 13423]</p> | BMP |
| Greywater Management | | |
| 40. | <p>Does the concessioner minimize the use of water and soap? If soap is needed, does the concessioner use only biodegradable soap?</p> <p>[Leave No Trace]</p> | BMP |
| 41. | <p>Does the concessioner dispose of grey water at least 200 feet from water sources by scattering it across the ground?</p> <p>[Leave No Trace]</p> | BMP |
| 42. | <p>Does the concessioner strain food particles from dishwater and kitchen waste before being disposed of?</p> <p>[Leave No Trace]</p> | BMP |
| Manure Management | | |
| 43. | <p>Is manure composted in accordance with industry standards and applicable state requirements? For instance:</p> <ul style="list-style-type: none"> • Are compost ingredients and controls (e.g., temperature and moisture) monitored and controlled? • Is manure allowed to compost completely and mature (i.e., “cool down”) before use? <p>[State requirement or BMP, NPS Commercial Services Program]</p> | 2 or BMP |
| 44. | <p>Is composted manure used in a beneficial manner? For example, is manure:</p> <ul style="list-style-type: none"> • Used to fertilize pastures, croplands, or gardens, where permitted? • Donated to mushroom farmers or local gardens? • Sold to nurseries and greenhouses? <p>[NPS Commercial Services Program]</p> | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-------------------------|---|-----------------|
| 45. | <p>Is manure collected and stored to control vectors and prevent contaminated run-off from entering water bodies? For example:</p> <ul style="list-style-type: none"> • Are manure and soiled bedding collected from stables and corrals every two to three days, or as necessary or required by the Concession Contract? • Is manure placed in adequately sized closed containers or under a tarp to control vectors (e.g., flies) and protect it from storm water (i.e., direct precipitation and run-on)? <p>[State requirement or BMP, Pollution Control for Horse Stables and Backyard Livestock – EPA Region 6]</p> | 2 or BMP |
| 46. | <p>Has the concessioner investigated the feasibility of manure composting, including partnerships with other concessioners and/or the park? If feasible, has a manure composting program been implemented?</p> <p>[Pollution Control for Horse Stables and Backyard Livestock – EPA Region 6]</p> | BMP |
| 47. | <p>Has the moist surface area of manure been minimized, i.e., manure is kept dry, to decrease the productive area for pest (e.g., flies) reproduction?</p> <p>[Horse Stable Management – Penn State University - College of Agricultural Sciences]</p> | BMP |
| Trail Operations | | |
| 48. | <p>If trail maintenance is the horse and mule operator’s responsibility, are activities carried out in such a manner to minimize the impact to the environment? For instance:</p> <ul style="list-style-type: none"> • Is manure collected from the trails on a regular basis, particularly near water bodies? • Are stopping points located/designated to areas where environmental impact has already occurred, thereby minimizing the creation additional impacts? • Does the operator ensure that riders follow instructions to stay on established trails? <p>[Contract or BMP, Leave No Trace Backcountry Horse Use]</p> | 3 or BMP |
| 49. | <p>Is trash from trail rides packed out and/or disposed of in designated containers provided on the trail?</p> <p>[Contract or BMP, Leave No Trace Backcountry Horse Use]</p> | 3 or BMP |
| 50. | <p>Are horses prohibited from eating in the park?</p> <p>[Contract or BMP, NPS Commercial Services Program]</p> | 3 or BMP |
| 51. | <p>Are horses hitched only at established hitched racks or authorized highlines (i.e., a rope between two trees) and not directly to trees?</p> <p>[Contract or BMP, Leave No Trace Backcountry Horse Use]</p> | 3 or BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------|---|-----------------|
| 52. | Is food repackaged and/or bundled prior to a trail ride to remove outer packaging and reduce and/or eliminate the amount of waste generated on the trail? [Leave No Trace Backcountry Horse Use] | BMP |

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NATIONAL PARK SERVICE Commercial Services Program EnviroCheck Sheet

Laundry, Swimming Pool, Shower, and Bathhouse Operations 2011 Update

INTRODUCTION

Laundry operations within the National Park Service (NPS) range from washers and dryers serving visitors at campgrounds, to washing linens for concessioner-run lodges, to laundry rooms serving park staff. Swimming pools and hot tubs may be owned and operated by hotels, or managed separately. Shower and bathhouse operations may be state-of-the-art facilities where all wastewater is treated by a Publicly Owned Treatment Work (POTW) or a simple outdoor shower at the beach. These operations do not necessarily operate in conjunction with one another (i.e., a concessioner that operates one of these operations does not necessarily operate the others). However, they all have one thing in common: water use. For this reason, these operations are grouped together in this EnviroCheck Sheet.

The most pressing environmental issues of concern for these operations include storm water management, wastewater management, issues related to hazardous material management (e.g., chlorine used for treating water), hazardous waste disposal, green procurement, and energy and water conservation.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to laundry, swimming pool, shower, and bathhouse operations located within park boundaries¹. Individual showers found in lodging facilities are not covered by this EnviroCheck Sheet (refer to the *Lodging Management* EnviroCheck Sheet), but information contained herein can still be applicable in these situations. The activities and operations within the park undergo environmental audits through NPS regional environmental audit programs. These are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Laundry, Swimming Pool, Shower and Bathhouse Services Specific Issues” sections below for more information on laws and regulations applicable to laundry, swimming pool, shower, and bathhouse operation services.

Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply. Note that such requirements may be more stringent and therefore take precedence over the less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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Clean Water Act (CWA)

The CWA regulates discharges of pollutants to waters of the United States (i.e., surface waters). Laundry, swimming pool, shower, and bathhouse operations must prevent pollutants from its operations from entering waterways, or minimize the generation of water pollutants as prescribed in an NPDES permit.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those which require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals apply, such as those related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to laundry, swimming pool, shower, and bathhouse operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials from top priority list;
- Constructing or renovating of buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; siting; and indoor environmental quality;
- Purchasing of electronic products that meet Electronic Product Environmental Assessment Tool standards (where applicable); enabling Energy Star® features on of computers and monitors; and reusing, donating, selling, or recycling electronic products;
- Reducing water consumption intensity ; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Implementation of energy and water conservation measures;
- Development of environmental purchasing guidelines;
- Implementation of specific best management practices (BMPs);
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Documentation and record of management of all environmental reports and data; and
- Implementation and annual reporting of an integrated pest management program per approval of the park.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP

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EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as “BMP – Potentially Low” or “BMP – Potentially High” in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering laundry, swimming pool, shower, or bathhouse services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a laundry, swimming pool, shower, or bathhouse operation includes food service or retail operations, the *Food Service Operations* EnviroCheck Sheet and the *Retail Operations* EnviroCheck Sheet should be reviewed. Other Commercial Services Program EnviroCheck Sheets that may apply include: *Lodging Management, Campgrounds and Trailer Villages*, and *Environmental Management Systems (EMS)*.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner’s operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

CAA: Clean Air Act.

CAAA: Clean Air Act Amendments of 1990.

Class I Area: Pristine regions designated by EPA that impose development parameters implemented to prevent the degradation of air quality from increased air pollution. CAA defines mandatory Class I federal areas as certain national parks (over 6,000 acres), wilderness areas (over 5,000 acres), national memorial parks (over 5,000 acres), and international parks that were in existence as of August 1977.

Direct Discharge: Discharge to the land or water without any treatment.

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FOTW: Federally Owned Treatment Works. A facility that is owned and operated by a department, agency, or instrumentality of the Federal Government treating wastewater, a majority of which is domestic sewage, prior to discharge in accordance with a permit issued under 33 United States Code 1342 (NPDES, see below).

NPDES: National Pollution Discharge Elimination System Permit. A national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

Nonpoint Source Discharge: A discharge that is not traceable to a single originating point. An example of nonpoint source discharges would be pesticide/fertilizer runoff from agricultural fields.

Point Source Discharge: A direct wastewater discharge into a national water source, such as rivers, lakes, and streams. Common discharge sources of point source pollutants are pipes, ditches, channels, and sewer deposits.

Pretreatment: The reduction, elimination, or alteration of pollutants in wastewater prior to or in lieu of discharging into a POTW (e.g., use of an oil/water separation).

POTW: Publicly Owned Treatment Works. A treatment works, as defined by Section 212 of the Clean Water Act, that is owned by the state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant [40 CFR 403.3]. Privately-owned treatment works, federally-owned treatment works, and other treatment plants not owned by municipalities are not considered POTWs.

Waters of the United States: All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide. Waters of the United States include all interstate waters and intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. [See 40 CFR 122.2 for the complete definition.]

GENERAL ENVIRONMENTAL ISSUES

Laundry, swimming pool, shower, and bathhouse operations all involve water use and wastewater disposal. However, there are also other environmental issues of concern associated with these operations, including energy usage (from heating large volumes of water), hazardous material management, and hazardous waste issues (associated with chlorine and cleaning supplies). Even if not specified in concession contracts or Operating and Maintenance (O&M) Plans, the suggestions listed below are recommended as BMPs.

Air Quality

The Clean Air Act regulates activities generating air pollution including releases from boilers and generators and accidental releases of hazardous chemicals (e.g., chlorine gas). States also regulate air emissions from boilers and generators and may require permits for installing, monitoring, or operating pollution control devices depending on boiler or generator size. The concessioner should determine if it operates in a Class I area. Refer to the NPS *Air Quality* EnviroCheck Sheet for additional information.

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CFC and Halon Management

While it is unlikely to see findings related to laundry, swimming pool, shower, or bathhouse services within this topic area, you should review and be familiar with regulations outlined the NPS *CFC and Halon Management* EnviroCheck Sheet.

Emergency Planning and Reporting

Laundry, swimming pool, shower, and bathhouse operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled at laundry, swimming pool, shower, and bathhouse operations must be considered in park-wide Emergency Planning and Community Right-to-Know Act (EPCRA) reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, laundry, swimming pool, shower, and bathhouse operators should maintain a current inventory of hazardous substances at the facility and provide this information to the park. Note that laundry, swimming pool, shower, and bathhouse operations typically do not need to provide hazard information under (EPCRA³) directly to a local emergency planning committee (LEPC) or a state emergency response commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Chlorine gas is defined as an EHS under EPCRA. The TPQ for chlorine is 100 pounds and the reportable quantity (RQ) is 10 pounds. Bromine is also an EHS under EPCRA. The TPQ and RQ for bromine is 500 pounds. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the laundry, swimming pool, shower, or bathhouse operation, a simple EMS can be an effective tool. Even if not required, which is the case for most Category III operations, the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System* EnviroCheck Sheet for more information.

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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Environmental Education

Laundry, swimming pool, shower, and bathhouse operators have a great opportunity to educate customers on ways to conserve and protect area resources while still enjoying the park environment. Lessons learned can help customers become more sensitive to and respectful of the environment around them. Ideas for providing environmental education and outreach to public visitors include:

- Posting signs on measures taken to conserve energy and water, and otherwise protect the environment (e.g., purchasing and using nontoxic cleaning products); and
- Posting signs about recycling in the park, and providing recycling containers to the public.

Environmental Purchasing

Laundry, swimming pool, shower, and bathhouse operators have an opportunity to manage their operations in a more environmentally-preferable manner. In addition to constructing, renovating, or maintaining buildings using environmentally-preferable materials (e.g., composite lumbers where possible), and using environmentally-preferable products in running administrative offices (e.g., recycled-content paper products), laundry, swimming pool, shower, and bathhouse operators have many opportunities to purchase environmentally-preferable materials. For example:

- Playground materials, picnic benches, and outdoor shower stalls made from recycled-content materials;
- Recycled content toilet paper, paper towels, and facial tissue;
- Low phosphate, nontoxic, biodegradable laundry detergents and cleaners;
- Motion sensor-activated hand dryers, if allowed by the Public Health Service;
- Timers for lights and showers; and
- Low mercury content fluorescent light bulbs.

Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

Bulk heating fuel (for buildings and water), underground and aboveground storage tanks (USTs and ASTs), and systems for supplying electricity to the laundry, swimming pool, shower, and bathhouse operations should be designed and operated in accordance with regulatory requirements. Refer to the NPS *Fuel Storage Management* EnviroCheck Sheet for more information on UST and AST regulations.

Hazardous Materials Management

Laundry, swimming pool, shower, and bathhouses may handle a variety of hazardous materials in their daily activities and operations. These hazardous materials may include chemicals for maintaining water quality in swimming pools and drinking water systems (e.g., chlorine, bromine, detergents, and water softeners), and chemicals used in general cleaning of bathhouses and other facilities. Refer to the *Hazardous Materials Management* EnviroCheck Sheet for specific hazardous material management requirements.

Hazardous Waste Management

Water quality and cleaning chemicals, paints, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for use may also be considered hazardous waste and must be managed accordingly. Refer to the *Hazardous Waste* EnviroCheck Sheet for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to laundry, pool, shower, or bathhouse services within this topic area, you should review and be familiar with regulations outlined the NPS *Laboratory Chemical and Waste*

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Management EnviroCheck Sheet.

Pesticide Management

All methods to control pests within a laundry, swimming pool, shower, and bathhouse operations (on the interior or exterior of buildings) must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algacides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management EnviroCheck Sheet* for more information.

Respiratory Protection

In conducting activities such as pool maintenance and pesticide application, some laundry, swimming pool, shower, or bathhouse operations may require or allow their employees to wear air-purifying respirators – including filtering facepieces (i.e., dust masks). In doing so, a laundry, swimming pool, shower, or bathhouse operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in Appendix D for voluntary use of filtering facepieces. A qualified RPP administrator is required if a job hazard analysis reveals that an RPP is needed. Refer to the NPS *Respiratory Protection Program EnviroCheck Sheet* for more information.

Solid Waste Management

Laundry, swimming pool, shower, and bathhouse operators are required to handle solid waste in accordance with federal (40 CFR 243), state, and local requirements. The concessioner should explore opportunities to partner with the park in addressing solid waste management issues (e.g., a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one. Refer to the NPS *Solid Waste Management EnviroCheck Sheet* for more information.

Container Management

Outdoor trash containers must be in good condition, covered and closed, weather proofed, and vermin and animal proofed. Receptacles must be conveniently located and adequately meet customer demand. Trash must be collected using appropriately designed and operated vehicles, and must be disposed of at a licensed landfill.

Recycling

Laundry, swimming pool, shower, and bathhouse operators should recycle, at a minimum, the same materials as the park in which they operate. This may include beverage containers (aluminum and plastic) sold to park visitors via vending machines, cardboard, and paper used in administrative offices.

Waste Reduction

To minimize solid waste generation, laundry, swimming pool, shower, and bathhouse facilities should consider using bulk dispensers for soap, shampoo, conditioner, lotions, and other amenities. In addition, sale of disposable water bottles should be minimized. If disposable products must be used, concessioners should try to purchase recycled-content, recyclable (and can be recycled in the area), or biodegradable products.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

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Storm Water Management

Laundry, swimming pool, shower, and bathhouse establishments can have an impact on storm water. Storm water discharges are generated by runoff from land and impervious areas such as parking lots, outdoor pools, and building rooftops during rainfall and snow events. They often contain pollutants in quantities that could adversely affect water quality. Several ways to prevent storm water pollution are:

- Properly store pool and spa chemicals to prevent leaks and spills;
- Prohibit backwashing of filters into the street or stormdrain;
- Prohibit draining of pools and spas when there are detectable chemical levels present; and
- Ensure pool and spa waters are drained into the sanitary sewer system.

Refer to the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Universal Waste Management

The Universal Waste Rule streamlines hazardous waste regulations that govern the collection and management of certain widely generated wastes. To date, the EPA has identified batteries, fluorescent lamps, certain pesticides, and mercury-containing equipment as regulated universal wastes, which may be present at some laundry, swimming pool, shower, and bathhouse operations. Refer to the NPS *Universal Waste Management* EnviroCheck Sheet for more information.

Used Oil Management

While it is unlikely to see findings related to laundry, swimming pool, shower, or bathhouse services within this topic area, you should review and be familiar with regulations outlined the NPS *Used Oil Management* EnviroCheck Sheet.

Wastewater Management

Preventing point source and nonpoint source pollutant discharges may be the most significant environmental challenges for laundry, swimming pool, shower, and bathhouse operations. Refer to the *Wastewater Management* EnviroCheck Sheet for more information.

Discharges to Waters of the United States

Operations that discharge wastewater (e.g., from bathhouses, laundry facilities, swimming pools, showers, restrooms) directly to waters of the U.S. must obtain and comply with conditions contained in a NPDES permit. These permits can be obtained from the EPA or state permitting authority. NPDES permit conditions usually include the following:

- Ways in which the permittee should physically, biologically, or chemically treat the wastewater;
- Requirements for wastewater sampling and monitoring for pH, suspended solids, biological or chemical oxygen demand (BOD or COD), fecal coliform, and other pollutants; and
- Requirements for filing monthly reports to the EPA or state permitting authority.

Discharges to POTWs

Laundry, swimming pool, shower, and bathhouse operations should contact their POTWs to determine compliance requirements. (In general, most POTWs do not have discharge requirements for wastewaters from

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these operations.)

Discharges to Septic Systems

On-site septic systems (unless very large in size) are typically regulated by the local municipality or county health agency; laundry, swimming pool, shower, and bathhouse operations may need to obtain an operating permit from these agencies.

Discharges to Leaching Fields

Laundry, swimming pool, shower, and bathhouse operations discharging wastewaters to leaching fields should ensure that their discharge does not run off and contaminate surface waters. These operations should contact their state water pollution control authority or health departments to determine if they must obtain and comply with any wastewater discharge permits to leaching fields.

Pollution Prevention Opportunities

- Minimize chemicals stored on-site and purchase only the chemicals necessary and appropriate for the location.
- Use screens to prevent solids and oils from entering the wastewater stream.
- Inspect and clean screens to assure that they are functioning properly.
- Prevent accidental discharges of hazardous chemicals, solids, and other materials by storing them far from floor drains, surface water, and groundwater, or by curbing or covering floor drains located near these potential contaminants (e.g., water treatment chemicals).
- Minimize water use near materials that could potentially be subject to water damage (e.g., solid cleaners, solid pesticides).

LAUNDRY, POOL, SHOWER, BATHHOUSE OPERATION-SPECIFIC ISSUES

Energy and Water Conservation

Laundry, swimming pool, shower, and bathhouse operations offer many areas in which energy- and water-efficient equipment and practices can be implemented. By reducing energy and water consumption, these operations can increase cost savings and decrease the quantity of harmful pollutants released to the atmosphere.

Some energy and water conservation ideas include:

- Replacing old faucets and showerheads with newer, water-conserving models (e.g., aerators);
- Installing low-flow toilets and low-flow or waterless urinals;
- Installing motion sensors for sink faucets and vending machines;
- Purchasing front-loading ENERGY STAR labeled washers;
- Covering swimming pools when not in use;
- Replacing pool and hot tub water only when necessary, while meeting public health service requirements;
- Installing motion/occupancy sensors or timers for interior lights; using motion or light sensors for exterior lights;
- Using alternative energy sources, especially in remote areas (e.g., solar panels);
- Insulating pipes carrying hot water;
- Using compact fluorescent light bulbs instead of incandescent light bulbs; and
- Designing new facilities with energy and water conservation issues in mind.

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FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS Environmental Compliance and Response (ECR) Branch : 202-513-7033
- NPS Sustainable Operations and Climate Change (SOCC) Branch: 202-354-1835
- EPA Resource Conservation and Recovery Act (RCRA) assistance: <http://www.epa.gov/epawaste/index.htm>
- Reduce Swimming Pool Energy Costs! (RSPEC) Fact Sheets: <http://www.rlmartin.com/rspec/>
- Green Seal Environmentally Preferable Products Lists: <http://www.greenseal.org/findaproduct/index.cfm>

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁴. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources. Concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions complies with the audit criteria and demonstrates that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, or tribal policies or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--|---|----------|
| Emergency Response, Planning, and Reporting | | |
| 1. | Has the concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |

⁴ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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| | | |
|---|---|-----------------|
| 2. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or nonincidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 3. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Section 6(b)] | 3 or BMP |
| CHECKLIST ITEM | | PRIORITY |
| 4. | Are customers informed of efforts the concessioner has taken to lessen its environmental impact? [NPS Commercial Services Program] | BMP |
| 5. | Does the concessioner educate visitors on recycling by posting signs conspicuously and providing an adequate number of clearly marked recycling containers? [NPS Solid Waste Management Handbook] | BMP |
| Environmental Purchasing | | |
| 6. | Has the concessioner purchased and used playground materials and picnic benches made from recycled-content materials? [NPS Commercial Services Program] | BMP |
| 7. | Does the concessioner purchase toilet paper, paper towels, facial tissue, and other paper products with recycled content? [NPS Commercial Services Program] | BMP |
| 8. | Are low phosphate, nontoxic, and/or biodegradable laundry detergents used and/or available for customers to purchase and use? [NPS Commercial Services Program] | BMP |
| 9. | If provided or sold to customers, are laundry detergents, soaps, and shampoos provided in bulk? [Recycling Guidebook for the Hospitality and Restaurant Industry, Metropolitan Washington Council of Governments and City of San Francisco, Department of the Environment] | BMP |
| 10. | Are hand dryers used in place of paper towels? [Environmental Building News, Vol 11, No. 1, January 2002] | BMP |

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| | | |
|-----|---|-----|
| 11. | Are low mercury content fluorescent light bulbs used? [Department of the Navy - Environmental Program] | BMP |
| 12. | Are nontoxic, low toxic, or biodegradable cleaning products purchased? [Green Seal] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|------------------------------------|---|-----------------|
| Hazard Materials Management | | |
| 13. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Solid Waste Management | | |
| 14. | Has the concessioner developed an inventory of all waste streams generated within the park at transportation facilities? Has the concessioner submitted an updated copy of the inventory to the park on at least an annual basis? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 15. | Does the concessioners' recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 16. | Are refillable dispensers used for amenities such as soap, shampoo, conditioner, and lotion? [Greening Your Property, Green Seal] | BMP |
| Wastewater Management | | |
| 17. | Has the concessioner assessed the potential for graywater recycling and/or reuse? [Greening Your Property, Green Seal] | BMP |
| 18. | Has the concessioner implemented a procedure (including education, training, or awareness) to prevent the discharge of unauthorized pollutants to surface waters, the POTW, septic system, or leaching field from laundry, swimming pool, shower, or bathhouse operations? [NPS Commercial Services Program] | BMP |
| 19. | Has the concessioner installed, used, and regularly inspected screens to ensure that they effectively prevent solids from the laundry, swimming pool, shower, or bathhouse operation from entering the wastewater stream? [NPS Commercial Services Program] | BMP |
| 20. | Has the concessioner ensured that floor drains in chemical storage areas are covered or curbed to prevent accidental discharges of hazardous chemicals from contaminating wastewater? [NPS Commercial Services Program] | BMP |
| 21. | Has the concessioner ensured that water use around materials that are susceptible to water damage is minimized? [NPS Commercial Services Program] | BMP |

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CONCESSIONER-SPECIFIC

| LAUNDRY, SWIMMING POOL, SHOWER, AND BATHHOUSE OPERATIONS | | |
|---|---|-----|
| Energy and Water Conservation | | |
| 22. | Are swimming pools covered when not in use? [Reduce Swimming Pool Energy Costs! (RSPEC!) DOE] | BMP |
| 23. | Are alternative energy sources used (e.g., solar power)? [Reduce Swimming Pool Energy Costs! (RSPEC!), DOE] | BMP |
| 24. | Are front-loading washers or top-loading washers with sensor technology and high pressure rinses used? [ENERGY STAR, EPA] | BMP |
| 25. | Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include: <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). [EO 13423] | BMP |
| 26. | Are pipes that carry hot water insulated? [Water: Conserving This Precious Resource – Environmental Building News] | BMP |
| 27. | Has the construction and renovation of laundry, swimming pool, shower, and bathhouse operations taken into account energy and water conservation issues? [Putting Energy Into Profits – ENERGY STAR Small Business Guide] | BMP |

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|-----|--|-----|
| 28. | Has the concessioner installed motion sensors or timers on its lights, showers, and vending machines? [NPS Commercial Services Program] | BMP |
|-----|--|-----|

| | CHECKLIST ITEM | PRIORITY |
|-----|--|-----------------|
| 29. | <p>Have efforts to reduce water consumption been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc. • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. <p>[EO 13423]</p> | BMP |

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NATIONAL PARK SERVICE Commercial Services Program EnviroCheck Sheet

*Lodging Management
2011 Update*

INTRODUCTION

The National Park Service (NPS) has over 70 lodging concessioners ranging from rustic cabins to motels and hotels. In addition to visitor lodging, concessioners maintain and operate employee residences that include private residences and dormitories.

A strong environmental performance of concession-operated lodging operations is critical for a park-wide environmental management system. In fact, lodging activities often have some of the most substantial environmental impacts of any operation in some parks. Lodging operators purchase numerous goods and services, store and handle hazardous materials, and consume a significant amount of energy and water resources. In addition, some lodging operators may manage heating fuel tanks, operate air emission sources (e.g., laundry operations, boilers, and air conditioning systems), operate food establishments, and create and dispose of solid and hazardous wastes.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner lodging operations located within park boundaries¹. This includes the provision of lodging for employees (e.g., employee dormitories). The activities and operations within the park undergo environmental audits through NPS regional environmental audit programs. These are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the General Environmental Issues and Lodging Management Specific Issues sections below for more information on laws and regulations applicable to lodging services.

Federal, Tribal, State and Local Regulations

Lodging operators are subject to all applicable federal laws and regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply. Note that such requirements may be more stringent and therefore take precedence over less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals apply, such as those related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services Program recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to lodging operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials;
- Constructing or renovating of buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; siting; and indoor environmental quality;
- Purchasing electronic products to meet Electronic Product Environmental Assessment Tool standards (where applicable); enabling Energy Star® features on computers and monitors; and reusing, donating, selling, or recycling electronic products;
- Reducing water consumption intensity; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Installation of water and energy saving fixtures as replacements are needed;
- Provision of bulk dispensers for shampoo, conditioner, and soap;
- Installation of motion sensors or timers for controlling guest room temperatures;
- Implementation of specific best management practices (BMPs);
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Documentation and record of management of all environmental reports and data; and
- Implementation and annual reporting of an integrated pest management program per approval of the park.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

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Prior to auditing a concessioner offering lodging services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a lodging operation includes any retail services the NPS Commercial Services Program *Retail Operations* EnviroCheck Sheet should be reviewed. Other NPS Commercial Services Program EnviroCheck Sheets that may apply include: *Guide and Outfitter Services*, *Marina and Watercraft Rental Operations*, *Environmental Purchasing*, and *Environmental Management Systems (EMS)*.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner's operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

Environmental Purchasing: Purchase of products and services that are environmentally preferable, which is also referred to as "green procurement" or "environmentally preferable purchasing."

Environmentally Preferable: Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

NPDES: National Pollutant Discharge Elimination System. A national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

Pollution Prevention: "Source reduction" as defined in the Pollution Prevention Act of 1990 (42 United States Code 13102) and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

POTW: Publicly Owned Treatment Works. A treatment works, as defined by Section 212 of the Clean Water Act, that is owned by the state or municipality. This definition includes any devices and systems used in the

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storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant [40 CFR 403.3]. Privately-owned treatment works, federally-owned treatment works, and other treatment plants not owned by municipalities are not considered POTWs.

Source Reduction: Any practice which (1) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and (2) reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

Standard Operating Procedure (SOP): Procedures used to carry out a specific activity or operation. SOPs are usually documented and filed or posted in a readily accessible location for employee review.

Waste Reduction: Preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

Waste Prevention: Any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts or Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

Air quality management issues for lodging operations may apply to facilities located within the park boundary. Additionally, more stringent state and county requirements may apply. Refer to the NPS *Air Quality* EnviroCheck Sheet for additional information.

CFC and Halon Management

Many lodging establishments operate and maintain air conditioning units for individual rooms and for lodging facility common areas (e.g., conference rooms, hallways). Refrigerators may also be provided in individual rooms and fire suppression systems (i.e., fire extinguishers) may be halon-based. Because air conditioners, refrigerators, and some fire extinguishers contain ozone-depleting substances (e.g., refrigerants including CFCs), these lodging establishments must ensure that their units are being serviced properly and ensure records are maintained. Regulations are more restrictive for those units that contain 50 pounds, or more, of refrigerant. Refer to the NPS *CFC and Halon Management* EnviroCheck Sheet for more information.

Emergency Planning and Reporting

Lodging operations with facilities within the park should document and implement either an Emergency Action

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Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled at lodging operations must be considered in park-wide Emergency Planning and Community Right-to-Know Act (EPCRA) reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, lodging operators should maintain a current inventory of hazardous substances at the facility and provide this information to the park. Note that lodging operations typically do not need to provide hazard information under (EPCRA³) directly to a local emergency planning committee (LEPC) or a state emergency response commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the lodging operation, a simple EMS can be an effective tool. Even if not required the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Lodging operators have an opportunity to educate visitors on ways to protect the park while still enjoying the park environment. Lessons learned can help visitors become more sensitive to and respectful of the environment around them. Ideas for providing environmental education and outreach to public visitors include:

- Signs encouraging recycling of materials that can be recycled in the park such as plastic, glass and aluminum drink containers;
- Signs encouraging guests to turn off lights and use less water to conserve energy and water resources;
- Programs for reuse of brochures and materials;

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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- Signs and informational materials on environmental programs established at the facility (e.g., towel and linen reuse program, room service options, water- and energy-saving fixtures, graywater systems, and environmentally-preferable cleaning chemicals used); and
- Joining the Green Hotels Association, becoming certified by Green Seal, or participating in other similar organizations.

Environmental Purchasing

Lodging operations may purchase more products in one week than 100 families typically purchase in a year. As a major consumer in the park and local economy, lodging properties may have the ability to have a measurable environmental impact and drive market forces by implementing “environmental purchasing” policies. Refer to the *Environmental Purchasing* EnviroCheck Sheet for more information.

In addition to constructing, renovating, or maintaining buildings using environmentally-preferable methods (e.g., following Leadership in Energy and Environmental Design [LEED] guidelines), and using environmentally-preferable products in running administrative offices (e.g., recycled-content paper products), lodging establishments have many opportunities to purchase in an environmentally-preferable manner, or purchase environmentally-preferable materials. For example:

- Purchase products with less packaging (i.e., in bulk);
- Buy locally to reduce transportation related environmental impacts;
- Purchase products that are recyclable, produced with post-consumer recycled content (e.g., office paper, cash register receipts, toilet paper), or are biodegradable (e.g., starch-based disposable cups);
- Purchase products that are nontoxic (e.g., detergents and cleaning chemicals, non-toxic markers); and
- Use recycled content paper flip charts.

Refer also to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Federal Affirmative Procurement Requirements

RCRA section 6002, 40 CFR 247, EO 13423 and other laws, regulations, and policies mandate affirmative purchasing by the federal government for certain products (e.g., paper with recycled content and ENERGY STAR certified equipment). In addition, EO 13423 calls for a 50 percent reduction in hazardous substances at federal facilities. Lodging concessioners can adopt the same affirmative purchasing requirements demanded of the federal government, and help reduce the amount of toxic chemicals used within the park by reducing the amount used for cleaning and maintenance activities.

Fuel Storage Management

While it is unlikely to see findings related to lodging operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Fuel Storage Management* EnviroCheck Sheet.

Hazardous Materials Management

Lodging operators use a variety of hazardous materials during the course of maintaining and operating their facilities. Hazardous materials include cleaning chemicals, repellents and pesticides, fuels, and maintenance products (e.g., oil-based paint and drain cleaner). Hazardous materials must be managed and disposed of per regulatory requirements. Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for specific requirements.

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Hazardous Waste Management

Items such as cleaning chemicals, paints, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for use may also be considered hazardous waste and therefore must be managed and disposed of accordingly. Removal and disposal of asbestos-containing materials and lead-based paint also fall under the purview of hazardous waste management. Refer to the NPS *Hazardous Waste* EnviroCheck Sheet for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to lodging operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

All methods to control pests within a lodging establishment must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algacides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management* EnviroCheck Sheet for more information.

Respiratory Protection

In conducting building maintenance or groundskeeping activities such as painting and pesticide application, some lodging operations may require or allow their employees to wear air-purifying respirators – including filtering facepieces (i.e., dust masks). In doing so, a lodging operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in Appendix D for voluntary use of filtering facepieces. A qualified respiratory protection program administrator is required if a job hazard analysis reveals that an RPP is needed. Refer to the NPS *Respiratory Protection Program* EnviroCheck Sheet for more information.

Solid Waste Management

Lodging operators are required to handle solid waste in accordance with federal (40 CFR 243), state, and local requirements. The concessioner should explore opportunities to partner with the park in addressing solid waste management issues (e.g., a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Container Management

Outdoor trash containers must be in good condition, covered and closed, weather proofed, and vermin and animal proofed. Receptacles must be conveniently located and adequately meet customer demand. Trash must be collected using appropriately designed and operated vehicles, and must be disposed of at a licensed landfill.

Recycling

Lodging operators should recycle, at a minimum, the same materials as the park in which it operates. This may include beverage containers (aluminum and plastic) sold to park visitors via vending machines, cardboard, and paper used in administrative offices. In fact, up to 40 percent of a hotel's solid waste stream can be identified as

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paper. Lodging operators should offer in-room recycling receptacles to make it easy for guests to participate in recycling efforts.

Reusable Materials

Lodging operators should explore methods of reusing linens and furniture that is no longer needed or of good quality. This may include donating unwanted linens and furniture to local organizations, reusing old linens as cleaning rags and dishtowels, or developing an excess item program for employees.

Solid Waste Prohibitions

Liquids (e.g., used oil and fat, containers with residual beverages, liquid soap) and potentially hazardous waste (e.g., paints, cleaners) cannot go in the regular trash. As a BMP, the concessioner could place liquid disposal buckets beside trash cans for customers to dispose of liquids, before throwing cups into the trash. This will lessen solid waste disposal costs, and unwanted drink liquids can be discarded down the sink.

Waste Reduction

To minimize solid waste generation, lodging facilities should consider using bulk dispensers for soap, shampoo, conditioner, lotions, and other amenities. Lodging operators should also consider providing reusable glasses to guests instead of plastic disposable cups. If disposable products must be used, concessioners should try to purchase recycled-content, recyclable (and can be recycled in the area), or biodegradable products.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

While it is unlikely to see findings related to lodging operations within this topic area, you should review and be familiar with regulations outlined in the NPS *SPCC Planning* EnviroCheck Sheet.

Storm Water Management

Lodging establishments can have an impact on storm water. Storm water discharges are generated by runoff from land and impervious areas such as paved streets, parking lots, and building rooftops during rainfall and snow events. They often contain pollutants in quantities that could adversely affect water quality. Several ways to prevent storm water pollution are:

- Control litter in parking lots; perform routine trash collection and removal;
- Prohibit storm drain disposal of mop water;
- Prohibit outdoor cleaning of mats and rugs, garbage cans, etc. where water leads to storm drains; and
- Ensure dumpsters are provided with properly fitting lids/covers that are kept closed.

Refer to the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Universal Waste Management

The Universal Waste Rule streamlines hazardous waste regulations that govern the collection and management of certain widely generated wastes. To date, the EPA has identified batteries, fluorescent lamps, certain pesticides, and mercury-containing equipment as regulated universal wastes, which may be present at some lodging operations. Refer to the NPS *Universal Waste Management* EnviroCheck Sheet for more information.

Used Oil Management

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While it is unlikely to see findings related to lodging operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Used Oil* EnviroCheck Sheet.

Wastewater Management

Nearly 200 gallons of water are used per day per occupied room at an average lodging facility. These wastewater streams can impact a park or community wastewater treatment plant's performance, or impact groundwater quality if discharged to a septic system. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more information.

Graywater Recycling Systems

Lodging operations have one of the best opportunities to employ graywater reuse systems. Graywater sources include laundries and/or dishwashers. Graywater reuse systems conserve water by reusing graywater (e.g., for landscaping irrigation) while reducing the volume of wastewater that must be treated.

Wastewater Pollution Prevention

Federal regulations prohibit the discharge of materials that would cause pass through (i.e., a discharge that would violate the specifications of a POTW NPDES permit) or interference with the operation of a POTW (40 CFR 403). Low and high pH materials (e.g., descalers), oils, grease, and solvents, cannot go down the drain without pretreatment. Lodging managers must ensure that employees and visitors do not discharge inappropriate materials down the drain. Therefore, employers should train employees and post signs at janitorial sinks listing materials that should not be poured down the drain. Lodging operators should consider using environmentally-preferable products such as nonphosphate, nontoxic, biodegradable detergents and cleaners to lighten the wastewater treatment load.

Wastewater Treatment and Permitting

Lodging operations that discharge their wastewater (treated or untreated) directly to waterways are required to obtain a NPDES permit from the state or EPA region in which they reside and must comply with permit conditions.

LODGING OPERATIONS-SPECIFIC ISSUES

Energy and Water Conservation

Lodging operations can be significant users of energy and water resources. Electricity accounts for up to 70 percent of utility costs at lodging operations. Water and energy conservation measures at average lodging facilities typically result in up to 50 percent reductions in utility bills. Implementing water and energy conserving measures can be a huge incentive for concessioners paying their own utility bills.

Conservation Opportunities

Many energy and water conservation opportunities exist for lodging operators through appliance and building system upgrades. Examples include:

- Motion sensors for lights and vending machines;
- ENERGY STAR-labeled appliances for rooms (e.g., televisions and cordless phones);

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- ENERGY STAR-labeled heating and cooling equipment;
- ENERGY-STAR kitchen appliances for food service areas (e.g. refrigerators, freezers and dishwashers);
- Low-flow toilets, urinals, showerheads;
- Low-water use front-loading washers and moisture sensor dryers; and
- Waterless urinals.

In addition to improved appliance and building system upgrades, the concessioner can develop and implement energy and water conservation programs and training. For example:

- Lights-off programs;
- Energy-saving keycard programs that require guests to insert their room key into a device to turn on lights and control the HVAC system;
- Heating/cooling efficiency programs;
- Towel and linen reuse programs;
- Landscaping programs (e.g., xeriscaping practices that use drought resistant plants); and
- Lawn watering programs (e.g., watering during dark hours and only as needed).

Energy efficiency and water conservation are maximized when equipment is properly operated and maintained. Lodging operators should have formalized operation and maintenance programs in place for water and energy consuming equipment and building systems.

For further listing of water and energy conservation practices that may apply to the lodging operations, the Federal Environmental Management Program (FEMP) operated by the U.S. Department of Energy (DOE) provides resources that can assist businesses in achieving the goals outlined in EO 13423. The program's website is <http://www1.eere.energy.gov/femp/index.html> and the water conservation BMPs are listed on http://www.eere.energy.gov/femp/program/waterefficiency_bmp.html.

ENERGY STAR

Lodging establishments should participate in the EPA/ DOE ENERGY STAR Program (www.energystar.gov), which can assist them in becoming more energy efficient. Lodging concessioners should also consider applying for the ENERGY STAR label for hotels, which could be a valuable demonstration to the park and guests of environmental leadership.

Financing

Lodging operators should be made aware of Energy Savings Performance Contracts (ESPCs) and NPS/DOE partnership audits that can help operators save energy and money. Concessioners may not qualify for this type of assistance; however, auditors should inform concessioners of private Energy Service Companies (ESCOs) who will conduct concessioner energy audits and incur the cost of upgrades in exchange for a portion of the concessioner's energy savings.

WaterSense

Incorporating water-efficiency programs is an effective way for businesses to reduce operating costs by saving on electric power, gas, chemical, and wastewater disposal expenses. WaterSense is a partnership program sponsored by the EPA that intends to make it easy for businesses to save water and protect the environment. Lodging

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concessioners should consider purchasing products with the WaterSense label, which indicates water-efficient products. Participation can convey an image of stewardship to employees, customers, and the general public by helping to conserve water resources for future generations.

Light Pollution Prevention

Lodging operators must work with the park to prevent the loss of dark conditions and of natural night skies due to light pollution from buildings and parking areas. Considerations should include: restricting the use of artificial lighting to areas where safety and security needs must be met, utilizing minimal impact lighting techniques, and installing shielded lights.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS Environmental Compliance and Response (ECR) Branch : 202-513-7033
- NPS Sustainable Operations and Climate Change (SOCC) Branch: 202-354-1835
- Green Seal Environmentally Preferable Products Lists: <http://www.greenseal.org/findaproduct/index.cfm>
- Green Globe and EcoNet, World Travel and Tourism Council: <http://www.wttc.org>
- Greening of the National Park Service: <http://www.nps.gov/climatefriendlyparks/>
- EPA's ENERGY STAR Program (for information on products and joining as an organization): <http://www.energystar.gov>.
- USDA BiopreferredSM program: <http://www.biopreferred.gov/?SMSESSION=NO>

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁴. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources. Concessioners are encouraged, but not required, to implement them.

⁴ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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- An Isolated Finding may be assigned to either a P2 or P3 audit finding. An isolated finding is an audit finding where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions complies with the audit criteria and demonstrates that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, or tribal policies or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--|--|-----------------|
| Emergency Response, Planning, and Reporting | | |
| 1. | Has the Concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 2. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or nonincidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 3. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Sec. 6 (b)] | 3 or BMP |
| 4. | Do in-room materials include information on how visitors can minimize environmental impact and steps the concessioner is taking to minimize its environmental impact? [NPS Commercial Services Program] | BMP |
| 5. | Are guests informed at check-in of recycling container locations throughout the premises and reminded of other steps to minimize environmental impact, such as turning off lights when not in the room? [Greening Your Property, Green Seal] | BMP |
| Environmental Purchasing | | |
| 6. | Does the concessioner purchase products in bulk or with less packaging? [NPS Commercial Services Program] | BMP |
| 7. | Does the concessioner use biodegradable takeout or disposable containers? [Storm Water Best Management Practices for the Food Service Industry, City of Los Angeles Department of Public Works] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------|---|-----------------|
| 8. | Does the concessioner purchase nontoxic, low toxic, or biodegradable cleaning products? [Green Restaurant Association] | BMP |
| 9. | Does the concessioner meet federal affirmative procurement requirements? [EO 13423] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|--|-----------------|
| Hazardous Materials Management | | |
| 10. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Hazardous Waste Management | | |
| 11. | If the lodging facilities contain lead-based paint, has the concessioner ensured that lead-based paint wastes are properly managed? [State Requirement, otherwise BMP, NPS Commercial Services Program] | 2 or BMP |
| Solid Waste Management | | |
| 13. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 14. | Does the concessioners' recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 15. | Are refillable dispensers used for amenities such as soap, shampoo, conditioner, and lotion? [Greening Your Property, Green Seal] | BMP |
| 16. | Are reusable glasses provided in guest room rather than disposable plastic ones? [NPS Commercial Services Program] | BMP |
| 17. | Does the concessioner provide in-room recycling receptacles? [Greening Your Property, Green Seal] | BMP |
| 18. | Are reservations/requests made through electronic media with hard copies provided upon request, so long as customer and accounting needs are met? [NPS Commercial Services Program] | BMP |
| 19. | Does the concessioner donate or reuse unwanted items (e.g., furniture, TVs, linens) when possible? [NPS Commercial Services Program] | BMP |
| Wastewater Treatment | | |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------|---|-----------------|
| 20. | Has the concessioner ensured that there has been no pass-through or interference with the operation of the Publicly Owned Treatment Works (POTW)? [40 CFR 403] | 2 |
| 21. | Has the concessioner implemented a program to prevent unacceptable discharges to the sewer (e.g., oil and grease) including but not limited to employee training and warning signs over janitorial sinks and other appropriate locations? [40 CFR 403] | 2 |
| 22. | Has the concessioner assessed the potential for graywater recycling and/or reuse? [Greening Your Property, Green Seal] | BMP |

CONCESSIONER SPECIFIC

| LODGING OPERATIONS | | |
|--------------------------------------|---|-----|
| Energy and Water Conservation | | |
| 23. | Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include: <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). [EO 13423] | BMP |
| 24. | Has the concessioner installed motion sensors on its lights and vending machines? [NPS Commercial Services Program] | BMP |

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| | | |
|-----|---|-----|
| 25. | Has the concessioner explored opportunities to participate in environmental programs for hotels, such as Green Seal, WaterSense, or other environmental programs, such as the EPA/DOE ENERGY STAR Program? [NPS Commercial Services Program] | BMP |
| 26. | Does a program exist whereby guests can request that their room not be cleaned (for multi-night stays)? [Greening Your Property, Green Seal] | BMP |
| 27. | Does a program exist whereby guests can request that their linens and towels not be changed (for multi-night stays)? [Greening Your Property, Green Seal] | BMP |

| CHECKLIST ITEM | | PRIORITY |
|-----------------------------------|---|-----------------|
| 28. | Have efforts to reduce water consumption been made? Such efforts could include: <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc. • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. [EO 13423] | BMP |
| Light Pollution Prevention | | |
| 29. | Have efforts to prevent the loss of dark conditions and of natural night skies due to light pollution from buildings and parking areas been made? Such efforts include: <ul style="list-style-type: none"> • Restricting the use of artificial lighting to areas where safety and security needs must be met; • Utilizing minimal impact lighting techniques; and • Installing shielded lights for outdoor fixtures. [NPS Night Skies Program] | BMP |

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NATIONAL PARK SERVICE Commercial Services Program EnviroCheck Sheet

Marina and Watercraft Rental Operations 2011 Update

INTRODUCTION

The National Park Service (NPS) has approximately 45 marinas in operation, ranging from small boathouses used for dry storage to full service marinas offering maintenance and repair services, wet slip rentals, fueling, and sewage pump-out stations. At certain parks, visitors may use personal watercrafts (PWC) or rent boats to enjoy the park's water resources. In addition, some marinas operate gift shops or food services (e.g., snack stands, full service restaurants). Other marinas are resort-type operations with associated lodging facilities.

Marinas and watercraft rental operation activities can be large and complex. Due to this, they have the potential to adversely affect the aquatic environment. Depending on the size and scope of the operation (limited, basic, intermediate, or full service), a marina or watercraft operator may be involved in numerous activities that have environmental considerations, including storm water management, hull and engine maintenance, fueling, hazardous waste disposal, and visitor education.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner marina or watercraft rental operations located within park boundaries. While the NPS Commercial Services Program *Gas and Service Stations* EnviroCheck Sheet covers fueling for land vehicles, this EnviroCheck Sheet covers fueling for boats and other watercraft and a number of other activities and operations commonly carried out by marinas¹. The activities and operations within the park undergo environmental audits through NPS regional environmental audit programs.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws, regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the "General Environmental Issues" and "Marina and Watercraft Specific Issues" sections below for more information on laws and regulations applicable to marina and watercraft operation services.

Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) (including the US Coast Guard) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply. Note that such requirements may be more stringent and therefore take precedence over less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

Clean Water Act (CWA) (including Section 404)

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are assigned under a Concession Contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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This Act prohibits the discharge of oil, oily waste, or hazardous substances into navigable waters of the United States and prohibits the use of chemical agents (such as soaps, detergent, surfactants, or emulsifying agents) to disperse oil, fuel, or other chemicals without permission of the U.S. Coast Guard.

Storm water is regulated at marinas with maintenance and/or fueling operations. Any vessel with an installed toilet must have a certified marine sanitation device (MSD). Section 404 specifically regulates dredging and filling in waters of the United States. If any of these operations take place, a permit must first be obtained from the Army Corps of Engineers.

Coastal Zone Act Reauthorization Amendments (CZARA) of 1990

Section 6217 of CZARA (the Coastal Nonpoint Source Pollution Control Program) addresses nonpoint pollution problems in coastal waters. Under this section, the 29 states and territories with approved Coastal Zone Management Programs are required to develop Coastal Nonpoint Pollution Control Programs. States and territories are scheduled to implement the first phase of their approved program by 2004 and, if necessary, the second phase by 2009. This program is administered jointly by EPA and National Oceanic and Atmospheric Administration (NOAA).

Oil Pollution Act of 1990

While written primarily for commercial oil shipping boats, this Act makes the individual responsible for a vessel or facility liable for removal costs and damages to natural resources if oil is discharged. There are also penalties for failing to report an oil spill, remove oil, comply with regulations, and/or gross negligence.

Refuse Act of 1899

Refuse (e.g., trash, garbage, oil, and other liquid pollutants) is prohibited from being thrown, discharged, or deposited into waters of the United States.

Marine Plastics Pollution Research and Control Act

This Act restricts the type and size of garbage that can be disposed of overboard. As its name suggests, it concentrates primarily on limiting discharge of plastic trash overboard.

Organotin Antifoulant Paint Control Act of 1988

This Act restricts the use of tributyl tin-based (TBT) paints to only those boats that are aluminum hulled, greater than 82 feet (i.e., 25 meters) in length, or have outboard motors or lower drive units.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals apply, such as those related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*). With regard to marinas and watercraft

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Marina and Watercraft Rental Operations 2011 Update

rental operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials from top priority list;
- Reducing water consumption intensity; and
- Reducing energy use intensity.

National Fire Protection Association (NFPA)

The NPS has adopted NFPA guidelines, which include a number of requirements for managing aboveground and underground fuel storage tanks and dispensing systems. Of particular note for marine fueling operations is NFPA 30A.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Participating in the local Clean Marina Program;
- Keeping the fuel pier area clean and free of excessive spillage and debris.
- Installing and maintaining of a sewage pumpout area.
- Implementing specific best management practices (BMPs);
- Maintaining and submitting an inventory of hazardous chemicals and waste streams;
- Recording and documenting management of all environmental reports and data; and
- Reporting and implementing an integrated pest management program per approval of the park.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering marina and watercraft visitor services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a marina and watercraft operation includes any food services the Commercial Services Program *Food Service* EnviroCheck Sheet should be reviewed. Other NPS Commercial Services Program EnviroCheck Sheets that may apply include: *Lodging Management*, *Water Guide Services*, *Retail Operations*, and *Environmental Management Systems (EMS)*.

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**NATIONAL PARK SERVICE
Commercial Services Program
EnviroCheck Sheet**

*Marina and Watercraft
Rental Operations
2011 Update*

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner's operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

Dredge: Material excavated from the waters of the United States.

Fill: Material used to elevate the bottom of a water body.

FOTW: Federally Owned Treatment Works. A facility that is owned and operated by a department, agency, or instrumentality of the Federal Government treating wastewater, a majority of which is domestic sewage, prior to discharge in accordance with a permit issued under section 1342 or title 33 (NPDES, see below).

MSD: Marine Sanitation Device.

NPDES: National Pollution Discharge Elimination System Permit. A national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

Nonpoint Source Discharge: A discharge that is not traceable to a single originating point. An example of nonpoint source discharges would be pesticide/fertilizer runoff from agricultural fields.

Point Source Discharge: A direct wastewater discharge into a national water source, such as rivers, lakes, and streams. Common discharge sources of point source pollutants are pipes, ditches, channels, and sewer deposits.

POTW: Publicly Owned Treatment Works. A treatment works, as defined by Section 212 of the Clean Water Act, that is owned by the state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant [40 CFR 403.3]. Privately-owned treatment works, federally-owned treatment works, and other treatment plants not owned by municipalities are not considered POTWs.

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Pretreatment: The reduction, elimination, or alteration of pollutants in wastewater prior to or in lieu of discharging into a POTW (e.g., oil water separation).

TBT: Tributyl tin-based paint used for hull painting.

Waters of the United States: All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide. Waters of the United States include all interstate waters and intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. [See 40 CFR 122.2 for the complete definition.]

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or NPS policy. However, many may be incorporated into concession contracts or Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

Marina operators that conduct onsite maintenance may offer services, such as spray painting, that can have a negative effect on air quality and may require the concessioner to obtain a permit. Refer to the NPS *Air Quality* EnviroCheck Sheet for more information regarding permits associated with releases of contaminants to the air.

CFC and Halon Management

Many marina operators maintain refrigerators and freezers (i.e., standalone or walk-in) for packing and storing fish and bait, and own or rent refrigerated vending machines (e.g., soda machines). Because these units contain ozone-depleting substances (e.g., CFCs), concessioners operating these establishments must ensure that their units are being serviced properly and maintain specific records (for units containing greater than 50 pounds of refrigerant). Refer to the NPS *CFC and Halon Management* EnviroCheck Sheet for more information.

Emergency Planning and Reporting

Marinas and watercraft rental operations within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

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procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled during marina and watercraft rental operations must be considered in park-wide EPCRA reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, marina and watercraft rental operations should maintain a current inventory of hazardous materials used and stored in the park, and provide this information to the park. Marina and watercraft rental operations typically do not need to provide hazard information under (EPCRA³) directly to a local emergency planning committee (LEPC) or a state emergency response commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the marina and watercraft rental operation, a simple EMS can be an effective tool. Even if not required, the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System* EnviroCheck Sheet for more information.

Environmental Education

Marinas typically specify terms and conditions for customers renting wet slips or dry storage areas; as well as, outlining the requirements for rental boat customers. The provision of sound environmental requirements in these documents and the enforcement of these requirements will help concessioners manage one of their largest environmental risks: uneducated customers. Ubiquitous signage and other environmental awareness materials, such as brochures and newsletters, can help minimize potential impacts from this group of marina users.

Clean Marina Programs

The NPS is developing a "Clean Marina" Program. The program is modeled after existing state programs and is designed to encourage NPS marina operators to achieve environmental compliance and implement best management practices. Marina operators may achieve Clean Marina certification if certain criteria established under these programs are met. Concessioners are encouraged to pursue Clean Marina certification in their state and to achieve NPS Clean Marina certification when the program is fully implemented.

Clean Marina programs support, but are not a replacement for, the contract mandated EMP. Clean Marina philosophies may be adopted as part of the concessioner environmental policy and the achievement of Clean Marina designation itself may be adopted as an EMP goal. Training, communication, and monitoring

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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programs to meet the Clean Marina program specifications can be documented in the applicable sections of the EMP.

The documentation of a stand-alone Clean Marina Program is discouraged because it may duplicate parts of the EMP. Instead, it is suggested that Clean Marina concepts be integrated into the concessioner's EMP. In the event that a Clean Marina Program is specified as a condition of certification, this may be achieved by providing a cross-reference between the required Clean Marina and EMP elements.

Environmental Purchasing

Marina and watercraft rental operators have an opportunity to manage their operations in an environmentally-preferable manner. In addition to constructing, renovating, or maintaining buildings using environmentally-preferable methods (e.g., following Leadership in Energy and Environmental Design [LEED] guidelines), and using environmentally-preferable products in running administrative offices (e.g., recycled-content paper products), marina and watercraft rental operators have an opportunity to improve the environment in which they operate. For example, they may consider purchasing:

- Docks made out of recycled plastic lumber;
- Four-cycle outboard or other pollution preventing motors for boats, which operate much more efficiently than traditional two-cycle engines;
- Natural bioremediation materials for spill cleanup; and
- Biofuels, such as biodiesel.

Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

Many marina operations offer marine fuel services to park visitors. Regulated USTs include tanks and their associated piping that have at least 10% of their volume located underground and that contain regulated substances, including petroleum products, that are liquids at standard pressure (e.g., diesel fuel, gasoline). Propane tanks are not covered by federal UST regulations. ASTs and USTs holding waste gasoline are regulated as a hazardous waste. Refer to the NPS *Fuel Storage Management* EnviroCheck Sheet for more information about USTs and ASTs.

Hazardous Materials Management

Marina or watercraft rental operations may handle a variety of hazardous materials in their daily activities and operations. Oils and grease are used to maintain engines and keep equipment in good working order. Batteries must be replaced over time. Depending on the size and type of boat equipment and vehicle engines, antifreeze may also be used. Boat and marina facilities and grounds maintenance may also involve the use of paints, solvents, fuels, and janitorial cleaning chemicals. Propane storage, dispensing, and other compressed gas management may occur.

Several key considerations in managing hazardous materials at marinas include:

- Ensure flammable materials are stored in accordance with NFPA requirements;
- Minimize the storage and handling of hazardous materials in over-water locations;
- Provide secondary containment for bulk and in-use materials other than retail products when in over-water locations; and

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- Provide secondary containment as necessary to prevent spills and leaks from reaching floor and storm drains or outside where they could wash to the water when in other marina areas.

Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for more information.

Hazardous Waste Management

Waste and/or contaminated gasoline, contaminated shop rags and sorbents, parts cleaners, painting or fiberglass solvents, paint chips, used antifreeze, and fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for use, such as old cleaning chemicals or paints, may also be considered hazardous waste and must be managed accordingly.

States may manage contaminated rags as hazardous waste or nonhazardous waste. It is best to check with the state environmental regulatory agency to determine how waste classifications vary based on end-of-life management (e.g., if they are laundered by a commercial laundry service versus disposal on-site). Oil and/or fuel contaminated water may also be considered a hazardous waste by a state environmental regulatory agency. Care should be taken to purchase hazardous chemicals as is needed for a particular job.

Other BMPs for managing hazardous waste include storing hazardous wastes away from the water and providing secondary containment in areas where a spill could potentially reach the water or floor drains. If an area for collecting customer hazardous waste is provided, ensure that the area is well labeled. If situating such a collection area away from the water is unreasonable, and it must be located on or near the water, providing secondary containment is essential.

Refer to the NPS *Hazardous Waste* EnviroCheck Sheet for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to marina and watercraft rental operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

All methods to control pests within a marina and watercraft rental operation must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of fly spray, conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algaecides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management* EnviroCheck Sheet for more information.

Respiratory Protection

In conducting activities such as sanding, sand blasting, fiberglass repair, construction (may create particulates and release volatile organic compounds), and painting (especially if spray painting equipment is utilized), some marina operators may require or allow their employees to wear air-purifying respirators – including filtering facepieces (i.e., dust masks). In doing so, a marina operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in

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Appendix D for voluntary use of filtering facepieces. Respiratory risks can be reduced by incorporating engineering controls or implementing practices such as using dustless sanders or by not using spray equipment for painting. A qualified RPP administrator is required if a job hazard analysis reveals that an RPP is needed. Refer to the NPS *Respiratory Protection Program* EnviroCheck Sheet for more information.

Solid Waste Management

Marina and watercraft rental operations should provide an adequate number of trash and recycling containers for customers, since many customers want to dispose of their trash dockside. If vending machines are present, recycling containers for cans and bottles should be available. In addition to these traditionally recyclable materials, reel lines can also be recycled through reel line recycling programs. To encourage proper waste handling and disposal by rental boat and other marina customers, “Blue Bag” programs (i.e., providing a bag to customers for their waste) can be implemented.

Regardless of the types of materials recycled, care must be taken to ensure that the potential for “flyaways” is eliminated or substantially reduced, as these will not only cause problems on land but are also likely to reach the water. Flyaways can be prevented by providing and using lids on all trash cans and dumpsters, ensuring that an adequate number of trash cans and dumpsters are provided to contain the wastes generated at the marina, and ensuring overfilling does not occur. Also, containers on docks or near the water should be secured so as to prevent them from being blown into the water. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

A marina is subject to SPCC regulations if one of the following conditions is met AND there is a reasonable expectation of a discharge of oil into or upon navigable waters:

- The facility has aggregate aboveground storage capacity greater than 1320 gallons (this includes any storage container with the potential of holding at least 55 gallons of oil); or
- The facility has aggregate underground storage capacity (not including USTs regulated under 40 CFR 280) greater than 42,000 gallons in completely buried containers.

SPCC Planning requirements include

- Conducting a review and incorporating amendments, if necessary, at least every five years
- Having specific equipment on-hand
- Training; and
- Recordkeeping.

Refer to the NPS *SPCC Planning* EnviroCheck Sheet for more information. Please note, even if the concessioner does not need an SPCC Plan, plans may be required by the concession contract or may be a recommended BMP to protect the sensitive marina environment.

Storm Water Management

Paint chips which may contain pesticides and toxic metals. Wood chips, oil, grease, fuel, antifreeze, chemical cleaners, and other potentially toxic substances may be picked up by freely running storm water from marina facilities, especially those conducting vessel maintenance. Marinas or boat yards conducting boat maintenance, including washing, or those discharging other types of wastewater must obtain and follow the requirements of a NPDES permit.

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Rinsing boats, without using chemicals or scrubbing boats, may also be considered washing. Therefore, any wastewater discharged require an NPDES permit. Marinas conducting maintenance and/or fueling operations may also be required to be covered by an NPDES storm water permit. Key considerations to control these pollution sources include:

- Use dustless sanders and tarps to collect paint chips;
- Do not conduct boat bottom washing in the water; use permeable tarps or filtration systems to collect boat wash debris; and,
- Ensure that materials and equipment that may be oily or otherwise cause storm water pollution are kept indoors or are covered and out of the weather.

Refer to the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Universal Waste Management

While it is unlikely to see findings related to marina and watercraft rental operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Universal Waste Management* EnviroCheck Sheet.

Used Oil Management

Marina operations that provide boat repair and maintenance services will probably generate used oil and other lubricants which must be managed properly to ensure compliance with state and federal regulatory requirements. Rather than recycle the used oil, some marinas may opt to reuse the oil by burning it on-site in an energy recovery unit called a used oil furnace. Used oil furnaces are required to have an EPA identification number and may require registration and reporting through the state agency or local air quality district. If the used oil is transported off-site for disposal, the generator should ensure the transporter is certified to be performing such duties and is disposing of the material properly.

If an area for collecting customer used oil is provided, ensure that the area is well labeled and that there is a system in place to minimize cross-contamination of waste. For example, providing an oil drum for customers' used oil in an open, unsecured area could allow for a customer to mix other substances with the used oil, thus contaminating the entire drum and preventing it from being recycled or properly disposed of. However, if customers left their used oil in their own containers or in a smaller container that was transferred, by concessioner staff, to the oil drum, this would allow staff to ensure only used oil is put into the drum. For more information, refer to the regulations outlined in the NPS *Used Oil* EnviroCheck Sheet.

Wastewater Management

Some marinas conduct vessel maintenance activities. Depending on where wastewater from these maintenance areas end up, marinas may be required to obtain and follow the requirements of different permit types. If drains are covered so that no wastewater enters the sewers, no permit is needed. However, NPDES permits are required for wastewaters discharged from point sources directly to surface waters; POTW permits may be required for wastewaters discharged to the POTW. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more information.

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MARINA AND WATERCRAFT RENTAL OPERATION-SPECIFIC ISSUES

Design and Construction of Marina and Watercraft Rental Facilities

Marina and watercraft rental facilities are subject to a great deal of weathering. Water (sometimes seawater), wind, and sun combine together to damage and weaken vessels and building structures. As a result, vessels and building structures (including docks) must be redesigned, rebuilt, and repainted.

When designing and constructing a new marina, or renovating an existing marina, special attention should be taken to ensure that natural plant and animal communities are disturbed as little as possible. This means limiting erosion, taking care not to destroy aquatic habitat (either through direct impacts, changes in water flow, and/or shading), using long-lasting and/or renewable materials in construction, and disturbing as little land area as possible. If any dredging or filling occurs in waters of the United States, including wetlands, then the activity must first be authorized by the U.S. Army Corps of Engineers by obtaining and following the conditions of a Section 404 Clean Water Act permit.

Some ideas to keep in mind when designing and constructing a marina include the following:

- Minimize the need for dredging by locating expanded marinas in deep water.
- Do not dredge during critical migration or spawning periods of fish species.
- Select an open design to promote water exchange. Use wave attenuators if the pier/dock system must be protected (since they allow water exchange to take place), and install bubbler systems to aerate areas with poor circulation.
- Locate buildings, workshops, waste storage facilities, parking, vessel storage areas, and maintenance areas away from the water.
- Limit the number of shaded slips since these minimize habitat of some shallow water bottom-dwelling species.
- Use reinforced concrete, coated steel, recycled plastic, or another type of piling that will last a long period of time (e.g., over ten years) and will not leach toxic chemicals into the water (e.g., wood treated with creosote, chromated copper arsenate (CCA)-treated wood) when installing new pilings.
- Use nonstructural shore erosion control measures (e.g., constructed wetlands) instead of structural erosion control measures.
- Conserve water by equipping all freshwater hoses with automatic shutoff nozzles and installing low-flow toilets and faucets.
- Use floatable foams that have been coated in plastic or wood so that as the foams degrade, they are contained by the covering.

Marina Maintenance

Maintenance activities at a marina may include vessel maintenance and repair, and facility management. Vessel maintenance and repair involves primarily engine and hull maintenance. These activities may be conducted at land based or dock based shops. Minor maintenance may also occur directly in vessel slips. In rare instances, concessioners may be involved in vessel parts and equipment fabrication.

Marina facility management includes many of the standard activities from ground maintenance such as lawn cutting and landscaping to building repair and heating and ventilation system maintenance. A number of hazardous substances are used in these activities, including oil, grease, batteries, antifreeze, building and boat

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antifouling paints, and chemical cleaning products. Hazardous and nonhazardous wastes, as well as, trash are generated. Sanitary wastewater, as well as, contaminated storm water, wash water and fish wastes may be produced.

When cleaning and preparing the hull for painting, the hull may be scraped, sanded, sandblasted, or pressure washed to remove paint chips or fouling organisms (e.g., barnacles, algae). Conventional paints, solvents, and thinners used to paint boat hulls contain toxic metals and pesticides in order to inhibit fouling organism growth, or are ablative (i.e., the paint sloughs off in the water over time) in order to rid of fouling organism growth.

Some practices to adopt when painting boats include the following:

- Use TBT paints only on boats that are aluminum hulled, greater than 82 feet (i.e., 25 meters) in length, or have outboard motors or lower drive units. Avoid using soft, ablative paints.
- Consider using more innovative antifouling products (e.g., Teflon, silicone, polyurethane, and wax) with fewer adverse environmental impacts associated with application. These products inhibit fouling growth by providing a surface that is too slick for organisms to grasp.
- Use brushes and rollers instead of spray equipment. This will limit the amount of paint overspray that affects both environmental and occupational health.
- Use spray equipment only on land, in a spray booth, or under a tarp. Use only spray equipment that transfers a high proportion of the paint to the intended target rather than volatilizing into the air. This includes, but is not limited to, high-volume, low-pressure (HVLP) spray guns, air-atomizer spray guns, and gravity-feed guns.
- Do not paint over the water. If in-water painting is needed, bring only a very small container of paint. If the paint spills, there is less paint to clean up.

Marine Vessel Fueling

There are two main environmental concerns involved in vessel fueling – the fueling operation itself and storing fuel.

Fueling

Dockside fueling stations may be present for boats of all sizes, from small boats and personal watercrafts to larger houseboats and ferries. Each time these vessels are fueled, there is the potential for petroleum spills, both large and small. While a few drops of gasoline dripping from a nozzle may seem insignificant, the actual quantity of petroleum spilled at marinas across the United States in one year exceeds the amount spilled by the Exxon Valdez.

Marinas and watercraft rental operations should have their employees practice and educate visitors on the following fueling procedures:

- Inspect transfer equipment regularly and fix any leaks found immediately.
- Hang nozzles vertically when not in use so that fuel remaining in hoses does not drain out.
- Do not use holding clips to keep fuel nozzles open. Individuals must therefore stay with and watch the fueling operation.
- Install break-away devices and automatic back pressure shut-off nozzles on fuel pumps.
- Keep oil and gasoline absorbent pads at the fuel dock.

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- Use an absorbent pad when fueling to catch any drips and spills, such as from backsplash or vent line overflow. Use secondary containment (e.g. tubs) when filling portable gas cans to collect drips and spills.
- Listen for when the fuel tank is near capacity, and slow down fueling at this time.
- Do not fill the tank more than 90% full if the watercraft will not be used immediately. This will reduce the possibility of fuel spills from thermal expansion in the fuel tank.
- Post clear instructions on proper fueling procedures at the fueling station.
- Install a protected, raised area that personal watercraft can drive up onto for fueling. This will stabilize the personal watercraft and reduce the risk of accidental spills while fueling.
- Provide secondary containment (e.g., tubs) for gas cans that are located on docks or close near water.

Storage and Delivery Systems

Marinas and watercraft rental operations may have large underground or aboveground storage tanks storing diesel fuel and gasoline. They may also have long underground, aboveground and over-water fuel delivery piping systems. A fuel storage tank or piping leak or spill could release enormous amounts of petroleum that would be catastrophic to the immediate area's water quality, flora, and fauna.

To prevent accidental releases of fuel, marina and watercraft rental operations should observe the following practices:

- Fuel storage tanks and associated piping should be sited and installed properly;
- Tanks and piping should have adequate leak detection, corrosion protection, and spill/overflow protection equipment;
- Procedures for management of tanks and fueling operations should be in place and be based on appropriate state or federal regulations; and
- Operators should ensure fuel pumps and hoses are free of leaks and spills that can enter the water.

Refer to the NPS *Fuel Storage Management* EnviroCheck Sheet for more information.

Marina Sanitary Waste Management

If a marina is located in a No Discharge Area (NDA) (e.g., freshwater lake, reservoir, or river in which interstate vessel traffic is not possible), absolutely no discharge of sewage, even treated sewage, is allowed. Marinas can help boaters comply with regulations by installing a pump-out station (mobile or stationary). The sewage must be disposed of properly and the best option would be to connect to a sanitary sewage system. It is also best to have staff, rather than guests, operate the pump-out station to reduce the possibility of sewage spills. The pump-out station should be maintained on a regular basis to ensure it is operable at all times and does not contribute to pollution spills and leaks.

If sewage discharges are tolerated, then any vessel with an installed toilet must have a certified Type I, II, or III MSD. (The higher the number of the MSD, the more protective it is of the environment.) Depending on state and park policies and regulations, more stringent rules may apply. The Clean Water Act, however, stipulates that the following be adopted at a minimum:

- **Type I MSD:** Must display a certification label from the manufacturer. Can be used on vessels 65 feet and under in length. This system mechanically cuts solids, disinfects waste, and discharges the treated sewage overboard. Fecal coliform bacteria count of the effluent cannot be more than 1,000 per 100mL.

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- Type II MSD: Must display a certification label from the manufacturer. Can be used on all vessels. This system is similar to a Type I MSD, but requires more space and uses more energy since fecal coliform bacteria count of the effluent cannot be more than 200 per 100mL.
- Type III MSD: No certification label is needed. Sewage is not discharged. Type III MSDs may be holding tanks, re-circulating systems, and incinerating systems.

Even if sewage discharges are allowed, marina and watercraft rental operations should discourage this practice by posting signs, having onshore restrooms available, and having a pump-out station available.

Other recommended BMPs for managing sanitary waste include:

- Use dye testing to detect leaks;
- Provide secondary containment for dock pump stations; and,
- Provide port-a-potty dump stations.

Fish Cleaning

Fish waste can result in water quality problems at marinas with large numbers of fish landings or at marinas that have limited fish landings and poor flushing. The amount of fish waste disposed of into a small area such as a marina can exceed that existing naturally in the water at any one time.

Recommended BMPs for managing fish waste include:

- ***Establishing fish-cleaning areas.*** Particular areas can be set aside or designated for the cleaning of fish, and receptacles can be provided for the waste. Boaters and fishermen should be advised to use only these areas for fish cleaning, and the waste collected in the receptacles should be disposed of properly.
- ***Issuing rules outlining the conduct and location of fish-cleaning operations.*** Marinas not equipped to handle fish wastes may prohibit the cleaning of fish at the marina. Those that allow fish cleaning should establish fish-cleaning areas with specific rules for their use and should establish penalties for violation of the rules.
- ***Educating boaters regarding the importance of proper fish-cleaning practices.*** Boaters should be educated about the problems created by discarding their fish waste into marina waters, proper disposal practices, and the ecological advantages of cleaning their fish at sea and discarding the wastes into the water where the fish were caught. Signs posted on the docks (especially where fish cleaning has typically been done) and talks with boaters during the course of other marina operations can help to educate boaters about marina rules governing fish waste and its proper disposal.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS Environmental Compliance and Response (ECR) Branch : 202-513-7033
- NPS Sustainable Operations and Climate Change (SOCC) Branch: 202-354-1835
- NPS and Regional Concession Chiefs and Specialists
- Coastal Zone Act Reauthorization Amendments (CZARA) of 1990:
<http://www.epa.gov/owow/nps/czmact.html>
- National Oceanic and Atmospheric Administration (NOAA) Clean Marina Program:
<http://cleanmarinas.noaa.gov/>

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- Tennessee Valley Authority (TVA) Clean Marina Program: For TVA, go to <http://www.tva.gov/environment/water/boating.htm>
- NPS Fuel Management Technical Guidance – Part I
- State and regional clean marina programs; many have guidebooks to help marinas become “Clean Marinas.” Programs currently exist in the following regions:
 - National Capital Region, go to <http://cleanmarinadc.org/> or contact Julia Hewitt: 202-619-7083
 - Northeast Region: CT, DE, MD, ME, NJ, RI, VA
 - Southeast Region: AL, FL, GA, LA, MS, NC, SC, TN
 - Midwest Region: IN, MI, OH
 - Intermountain Region: TX
 - Pacific West Region: CA, OR, WA

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁴. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources. Concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions complies with the audit criteria and demonstrates that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, or tribal policies or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--------------------|--|----------|
| Air Quality | | |
| 1. | Are brushes and rollers used instead of spray equipment? | BMP |

⁴ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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| | | |
|---|---|----------|
| | [Green Marina Guidebook, NPS and District of Columbia] | |
| 2. | Is spray equipment that transfers a high proportion of paint to the intended target (e.g., high-volume low-pressure spray guns, air-atomizer spray guns, gravity-feed guns) used? [Green Marina Guidebook, NPS and District of Columbia] | BMP |
| Emergency Response, Planning and Reporting | | |
| 3. | Has the concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---|---|-----------------|
| 4. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or nonincidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 5. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Section 6 (b)] | 3 or BMP |
| 6. | Are customers and employees educated (through avenues such as posters or signs) about how to properly fuel watercrafts, how to maintain their watercraft in an environmentally-preferable manner, and how to properly manage waste? Are customers also informed of the concessioner's environmental efforts (e.g., participation in a Clean Marina or similar program, recycling oil, paper)? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| 7. | Are marina environmental requirements and BMPs described in slip holder lease agreement terms and conditions, described during houseboat vessel rental check-out briefings, and documented in customer sign-off sheets and vessel operations manuals? [NPS Commercial Services Program] | BMP |
| 8. | Does the concessioner participate with an organization that promotes clean boating practices, such as a state clean marina program? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| Environmental Purchasing | | |
| 9. | Have opportunities been maximized for purchasing environmentally-preferable docks, such as docks made out of recycled plastic lumber, coated steel, or encapsulated foam? [Green Marina Guidebook, NPS and District of Columbia] | BMP |
| 10. | Are four-cycle outboard engines or other low-emission, more fuel-efficient engines used instead of two-cycle outboard engines? [EPA Region 1, "Do Motorboat Engines Cause Water Pollution?" and New England Clean Marina Engine Initiative] | BMP |
| 11. | Does the concessioner ensure that Styrofoam products are not used or sold? [NPS Commercial Services Program] | BMP |
| 12. | Are purchasing personnel buying equipment that is energy efficient? [EO 13423] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|--|-----------------|
| 13. | Are nontoxic, low toxic, or biodegradable cleaning products purchased and used? [Green Seal] | BMP |
| 14. | Does the concessioner make available alternative fuels? (Examples of such products include various grades of biodiesel.) [DOE Alternative Fuels Data Center] | BMP |
| 15. | Have opportunities been maximized for purchasing environmentally-preferable products? Examples include: <ul style="list-style-type: none"> • Bio-based lubricants and fuels; • Propylene glycol antifreeze as an alternative to ethylene glycol antifreeze for engine coolant and winterization; • Oil/water separators or alternative equipment to prevent oil discharges from bilges; • Air/fuel separators for fuel vent lines; and • Equipment to control carbon monoxide and other emissions from concessioner vessels. [NPS Commercial Services Program] | BMP |
| Hazardous Materials Management | | |
| 16. | Do concessioner vessels greater than 26 feet in length display signage required by the Coast Guard prohibiting the discharge of oil into navigable waters of the US? [NPS DO 58; 33 CFR 155.450] | 3 |
| 17. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [Contract or BMP, EO 13423] | 3 or BMP |
| 18. | Has the concessioner minimized the storage and handling of hazardous materials in over-water locations? [NPS Commercial Services Program] | BMP |
| 19. | Is secondary containment provided where there is the potential for hazardous materials to reach water, such as in over-water locations or near floor drains? This is not necessary for retail display of hazardous materials. [NPS Commercial Services Program] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-------------------------------|--|-----------------|
| Solid Waste Management | | |
| 20. | Do concessioner vessels greater than 26 feet in length display signage required by the Coast Guard prohibiting the discharge of garbage into navigable waters of the US? [NPS DO 58; 33 CFR 151.59] | 3 |
| 21. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 22. | Does the concessioner's recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 23. | Has the concessioner implemented a "Blue bag" waste and/or recyclables program for guests to take a bag and deposit their trash/recyclables? Are bags available for slip rental customers, transients, and customers using the marina boat ramp? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| 24. | Are recycling and trash containers provided on docks, or if not technically feasible due to dock size and configuration, near the dock on-shore? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| Storm Water Management | | |
| 25. | Has the concessioner ensured that boat engines, equipment in dry storage areas, and other items that could pollute storm water during rain are kept covered when not in use? [NPS Commercial Services Program] | BMP |
| Used Oil | | |
| 26. | Where practical, do facilities for collecting customers' used oil exist on-shore, within a reasonable walking distance from the dock? <ul style="list-style-type: none"> • If this is not practical and over-water collection areas are provided, are the collection areas well-designed, provided with secondary containment, and regularly emptied so that over-water storage of such materials is minimized? [NPS Commercial Services Program] | BMP |
| 27. | Are collecting facilities for customers' used oil well labeled? Does the concessioner have a system in place to minimize the occurrence of cross-contamination? [NPS Commercial Services Program] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|------------------------------|---|-----------------|
| Wastewater Management | | |
| 28. | <p>Does the concessioner disallow or discourage dockside boat bottom washing?</p> <ul style="list-style-type: none"> Regardless of where washing takes place, are wastewater treatment systems in place to collect debris and contain rinse waters from pressure washing boat bottoms? Examples include using permeable tarps, allowing debris to settle, or treating the water. <p>[National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA]</p> | BMP |

CONCESSIONER SPECIFIC

| MARINA AND WATERCRAFT OPERATIONS | | |
|---|---|-----|
| Design and Construction of Marina and Watercraft Rental Facilities | | |
| 29. | <p>Are dredging needs minimized so that they do not occur during critical migrations or spawning of aquatic species?</p> <p>[NPS Commercial Services Program]</p> | BMP |
| 30. | <p>If piers, docks, and other water-based structures are being rebuilt or designed, is an open water design chosen? Are fuel docks protected from wake (by equipment such as wave attenuators), and are bubblers installed in areas that have decreased water exchange due to the chosen marina design?</p> <p>[Green Marina Guidebook, NPS and District of Columbia]</p> | BMP |
| 31. | <p>If a marina is to be expanded, are green construction concepts considered? (e.g., redevelopment of existing sites, taking habitats into consideration, following natural channels, minimizing paved surfaces)</p> <p>[Green Marina Guidebook, NPS and District of Columbia]</p> | BMP |
| 32. | <p>Are buildings, workshops, waste storage facilities, parking, vessel storage areas, and maintenance areas located back from the water?</p> <p>Green Marina Guidebook, NPS and District of Columbia]</p> | BMP |
| 33. | <p>Are nonstructural shore erosion control measures (e.g., constructed wetlands) used?</p> <p>[Green Marina Guidebook, NPS and District of Columbia]</p> | BMP |
| 34. | <p>Is the number of shaded slips minimized to lessen the impact on the habitat of some shallow water bottom-dwelling species?</p> <p>[NPS Commercial Services Program]</p> | BMP |
| Energy and Water Conservation | | |
| 35. | <p>Are concessioner vessels equipped with graywater collection systems?</p> | BMP |

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| [Concession Environmental Management System] | | |
|--|---|----------|
| CHECKLIST ITEM | | PRIORITY |
| 36. | Are freshwater hoses equipped with automatic shutoff nozzles? Are low-flow toilets and faucets installed? [Green Marina Guidebook, NPS and District of Columbia] | BMP |
| 37. | Have efforts to reduce water consumption been made? Such efforts could include: <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc. • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. [EO 13423] | BMP |
| 38. | Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include: <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). | BMP |

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| | |
|------------|--|
| [EO 13423] | |
|------------|--|

| CHECKLIST ITEM | | PRIORITY |
|---------------------------|--|-----------------|
| 39. | Has the concessioner installed motion sensors on its lights and vending machines? [NPS Commercial Services Program] | BMP |
| Fish Cleaning | | |
| 40. | Are fish cleaning stations available for visitors to use? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| 41. | Is fish waste composted, if technically feasible and appropriate? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| Marina Maintenance | | |
| 42. | Does the concessioner ensure that TBT paints are not used on boats less than 82 feet in length? [Organotin Antifoulant Paint Control Act of 1988] | 2 |
| 43. | Is vessel repair conducted in accordance with NFPA 303, the Fire Protection Standard for Marinas and Boatyards? [NPS DO 58; NFPA 303] | 3 |
| 44. | Do vessel repair facilities (particularly shops located over water) have equipment or controls to minimize releases of pollution to the environment, such as oil/water separators, absorbent pads or secondary containment? [NPS Commercial Services Program] | BMP |
| 45. | Does the concessioner ensure that soft, ablative paints are not used, where technically and economically feasible and appropriate? If paints with toxic chemicals are used, is only the minimum amount of toxin used in the paint? [Green Marina Guidebook, NPS and District of Columbia] | BMP |
| 46. | Are water-based paints used? [Green Marina Guidebook, NPS and District of Columbia] | BMP |
| 47. | Are antifouling products such as teflon, silicone, polyurethane, and wax used instead of antifouling paints, where technically and economically feasible and appropriate? [NPS Commercial Services Program] | BMP |
| 48. | Does the concessioner ensure that watercraft are not painted on the water? If this does occur, are only very small containers of paint (i.e., less than one gallon) used? | BMP |

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| | | |
|--|--|--|
| | [Green Marina Guidebook, NPS and District of Columbia] | |
|--|--|--|

| | CHECKLIST ITEM | PRIORITY |
|------------------------------|--|-----------------|
| 49. | <p>Does the concessioner discourage dockside sanding? If it is allowed, are dustless sanders, or other means to reduce particulate releases to the air (e.g., vacuums, plastic medium blast systems, hydroblasting, mechanical peeling) used?</p> <p>[National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA]</p> | BMP |
| 50. | <p>Is soap use minimized for boat washing?</p> <ul style="list-style-type: none"> • If soap is used, is it non-toxic and phosphate-free? • If biodegradable soap is used, is it also non-toxic? <p>[National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA]</p> | BMP |
| Marine Vessel Fueling | | |
| 51. | <p>Are marine fuel dispensing nozzles of the automatic-closing type without a latch-open device (i.e., no holding clips, no automatic back-pressure shut-off devices)?</p> <p>[NPS DO 58; NFPA 30A, 6.6.4]</p> | 3 |
| 52. | <p>Do dock attendants communicate with the person in charge of the vessel receiving fuel to determine the vessel's fuel capacity, the amount of fuel on board, and the amount of fuel to be taken on board?</p> <p>[NPS DO 58; NFPA 30A 11.10.7(3)]</p> | 3 |
| 53. | <p>Is signage posted with 2 inch red block letters on a white background that states the following information?</p> <p>BEFORE FUELING:</p> <ol style="list-style-type: none"> (1) Stop all engines and auxiliaries. (2) Shut off all electricity, open flames, and heat sources. (3) Check all bilges for fuel vapors. (4) Extinguish all smoking materials. (5) Close access fittings and openings that could allow fuel vapors to enter enclosed spaces of the vessel. <p>DURING FUELING:</p> <ol style="list-style-type: none"> (6) Maintain nozzle contact with fill pipe. (7) Wipe up spills immediately. (8) Avoid overfilling. (9) Fuel filling nozzle must be attended at all times. <p>AFTER FUELING:</p> | 3 |

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| | (10) Inspect bilges for leakage and fuel odors. (11) Ventilate until odors are removed. [NPS DO 58; NFPA 30A, 11.10.8] | |
|---|---|-----------------|
| CHECKLIST ITEM | | PRIORITY |
| 54. | Is fuel transfer equipment inspected and repaired regularly? [National Management Measures Guidance] | BMP |
| 55. | Are fuel nozzles hung vertically when not in use? [NPS Commercial Services Program] | BMP |
| 56. | Are fuel and gasoline absorbent pads readily available at the dock and used for every fueling operation to catch drips and spills? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| 57. | Are clear instructions documented for proper fueling procedures? <ul style="list-style-type: none"> Are key procedures above and beyond what is required to be posted by 30A, 302 and 303 also displayed to help ensure customer awareness? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| 58. | Are stable platforms provided for personal watercraft fueling? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| 59. | Is secondary containment provided when filling portable fuel containers? [NPS Commercial Services Program] | BMP |
| Marina Sanitary Waste Management | | |
| 60. | If the marina or watercraft rental operation is in a No Discharge Area (NDA), does the concessioner ensure that no discharge of sewage occurs? [State] | 2 |
| 61. | To minimize pollution from MSDs: <ul style="list-style-type: none"> In areas where overboard sewage discharge is prohibited, has a program been implemented to ensure slip holder vessels do not utilize Marine Type I or II or other equipment that provides for overboard discharge? If provided and if technically and economically feasible and appropriate, are all concessioner vessels with sanitary facilities equipped with certified Type III marine sanitation devices that do not have an overboard discharge of sewage? [NPS Commercial Services Program] | BMP |

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| | | |
|-----|---|-----|
| 62. | Are clean, sanitary on-shore restrooms available for visitor use? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
|-----|---|-----|

| | CHECKLIST ITEM | PRIORITY |
|-----|---|-----------------|
| 63. | Does the marina or watercraft rental operation have a sewage pumpout available for use? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| 64. | Is the pumpout station regularly inspected, maintained in good working order, and operated by concessioner staff rather than park visitors? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| 65. | Are disposal facilities, aside from marina restrooms, provided for emptying portable boat toilets? [National Management Measures to Control Nonpoint Source Pollution from Marinas and Recreational Boating, EPA] | BMP |
| 66. | Are dock and aboveground sewage lines dye tested and visually inspected (or inspected with a similar alternative method) on a regular, periodic basis? [NPS Commercial Services Program] | BMP |
| 67. | Are double-walled holding tanks or lift stations used for containing sewage before it is pumped out for disposal? [NPS Commercial Services Program] | BMP |

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Medical Clinics and Hospitals 2011 Update

INTRODUCTION

There are approximately five concessioner operated medical clinics in the National Park Service (NPS), and undoubtedly many more “clinics” staffed and/or used by national park staff in cases of minor medical ailments (i.e., scrapes and bruises). Medical clinics may operate helicopters and helipads in case of airlift emergencies, other emergency vehicles (such as ambulances), and equipment capable of medical procedures such as Caesarean sections, X-rays, and blood analysis. Although it is very unlikely, a medical clinic may also operate an on-site hospital/medical/infectious waste incinerator (HMIWI) to dispose of medical waste.

Medical clinics have a responsibility to “do no harm,” and restore and protect human health. Yet with the multitude of hazardous substances and wastes that medical clinics generate and manage, many of these hazardous substances and wastes have the potential to adversely affect human health and the environment. There are, however, many opportunities to reduce the number of hazardous substances and hazardous wastes found in the hospital environment without compromising human health or safety.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner medical clinic and hospital operations located within park boundaries. For some concessioners operating medical clinics, some activities may occur outside of the park¹. The activities and operations within the park undergo environmental audits through NPS regional environmental audit programs. Tare conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Medical Clinic and Hospital Operations Specific Issues” sections below for more information on laws and regulations applicable to medical clinic and hospital operations.

Federal, Tribal, State and Local Regulations

Medical clinic and hospital operators are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply. Note that such requirements may be more stringent and therefore take precedence over less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those, which require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals apply, such as those related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to medical clinics and hospitals, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials;
- Constructing or renovating buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; siting; and indoor environmental quality;
- Purchasing electronic products to meet Electronic Product Environmental Assessment Tool standards (where applicable); enabling Energy Star® features on computers and monitors; and reusing, donating, selling, or recycling electronic products;
- Reducing water consumption intensity; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary.

Requirements that may be identified in the concessioner contract include:

- Installation of water and energy saving fixtures as replacements are needed;
- Submission of a Hazardous Medical Waste Report due 30 days after each operating season, with type and amount of waste and how disposed;
- Implementation of specific best management practices (BMPs);
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Record and documentation of management of all environmental reports and data; and
- Annual report and implementation of an integrated pest management program per approval of the park.
- Environmental requirements standards for medical clinics and hospitals, such as water conservation, energy conservation goals, sewage and trash handling practices, and other operational issues.

Park General Management Plans may include similar environmental requirements.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program

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environmental audits as BMPs are either classified as “BMP – Potentially Low” or “BMP – Potentially High” in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering medical clinic and hospital operations, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a medical clinic and hospital operation includes transportation using passenger car, van, SUV, pickup truck, boat, plane, helicopter, snowmobile, or snowcat, the NPS *Transportation Operations* EnviroCheck Sheet will have relevant information. Other NPS Commercial Services Program EnviroCheck Sheets that may apply include: *Food Service; Retail Operations; Photo Laboratories; Laundry, Swimming Pool, Shower, and Bathhouse Operation; and Environmental Management Systems (EMS)*.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner’s operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

Hazardous Waste: A solid waste that is either a characteristic or a listed waste as defined by EPA.

Hospital/Medical/Infectious Waste Incinerator (HMIWI): Any furnace used in the process of burning solid waste for the purpose of reducing the volume of the waste by removing combustible matter. Federal and state regulations apply to the management and reporting of HMIWI.

Infectious Waste: A type of waste that can transmit an infectious disease. Disposal of infectious waste is regulated at the state level. They are disposed of in separate bags (usually red) for identification; however, most of this waste does not need to be incinerated. At the federal level, infectious waste is not necessarily defined as a hazardous waste.

Medical Waste: Waste generated while actually diagnosing or treating a patient, including IV bags, gauze dressings, bedpans, and infectious waste. Disposal of medical waste is regulated at the state level.

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NPDES: National Pollution Discharge Elimination System Permit: a national program under Section 402 of the Clean Water Act that regulates discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

Pathological Waste: Tissues and organs. Disposal of pathological waste is regulated at the state level.

POTW: Publicly Owned Treatment Works. A treatment works, as defined by Section 212 of the Clean Water Act that is owned by the state or municipality. This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant [40 CFR 403.3]. Privately-owned treatment works, federally-owned treatment works, and other treatment plants not owned by municipalities are not considered POTWs.

Radioactive Waste: Any waste which is radioactive in nature.

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or NPS policy. However, many may be incorporated into concession contracts or Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

Medical clinics and/or hospitals operating HMIWI's are required to meet EPA emission standards. See <http://www.epa.gov/ttnatw01/129/hmiwi/rihmiwi.html> for more information.

Due to the high cost of operating HMIWIs (including compliance expenses) facilities are encouraged to switch to other methods of waste disposal such as off-site commercial disposal or onsite disinfection technologies.

Alternatives to incineration of medical waste include:

- Thermal treatment, such as microwave technologies;
- Steam sterilization, such as autoclaving;
- Electropyrolysis; and
- Chemical mechanical systems.

Refer to the NPS *Air Quality* EnviroCheck Sheet for more information.

CFC and Halon Management

While it is unlikely to see findings related to medical clinic and hospital operations within this topic area, you should review and be familiar with regulations outlined the NPS *CFC and Halon Management* EnviroCheck Sheet.

Emergency Planning and Reporting

Medical clinic and hospital operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to non-incident hazardous substance

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spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

For concessioner's operating medical clinics and hospitals, the EAP must include the roles and responsibilities of staff participating in medical duties, as well as how the facility will respond to an influx of people should any kind of emergency occur. If an ERP is required, then it must include exposure monitoring and other evaluations for staff involved in response activities in addition to the medical roles and responsibilities outlined above.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled at medical clinic and hospital operations must be considered in park-wide Emergency Planning and Community Right-to-Know Act (EPCRA) reporting and should be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, medical clinic and hospital operators should maintain a current inventory of hazardous substances at the facility and provide this information to the park. Note that medical clinics and hospitals typically do not need to provide hazard information (under EPCRA³) directly to a local emergency planning committee (LEPC) or a state emergency response commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the medical clinic and/or hospital, a simple EMS can be an effective tool. Even if not required the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Medical clinic and hospital operators have an opportunity to educate visitors on ways to protect the park while still enjoying the park environment. Lessons learned can help visitors become more sensitive to and respectful of the environment around them. Ideas for providing environmental education and outreach to public visitors include:

- Signs and brochures available on programs the medical clinic and/or hospital has in place to protect the environment (e.g., recycling programs, reusable flatware, reusable and sterile hospital instruments);
- Signs encouraging recycling of materials that can be recycled in the park such as plastic, glass and aluminum drink containers; and
- Signs encouraging guests to turn off lights and use less water to conserve energy and water resources.

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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Environmental Purchasing

Medical clinics and hospital operations have an opportunity to manage their operations in a more environmentally preferable manner. While protection of human health is of utmost concern, sterilized reusable items can take the place of some sterile disposable items with no adverse consequences. Environmentally preferable purchasing ideas include:

- Using cloth diapers. Special attention should be paid to infection control and skin care. (Kaiser Permanente in California's Northwest Region found there was no change in cost.);
- Using permanent, waterproof mattresses instead of disposable foam "egg-carton" mattresses;
- Using permanent bedpans instead of disposable ones;
- Using washable linens, pillows, bed pads, underpads, gowns, and emesis basins instead of disposable ones.
- Considering switching from disposable to reusable medical instruments (e.g., stainless steel trays, laparoscopic instruments);
- Purchasing products that are latex-free, chlorine-free, and that contain minimal to no toxins;
- Using washable dishes, flatware, and cups instead of disposable ones; and
- Using nonpolyvinyl chloride (PVC) plastic IV bags (e.g., non-PVC polymer blend from McGaw), gloves (e.g., nitrile), and sharps containers (e.g., polyethylene). (Production of PVC is linked to dioxin generation; burning PVC in incinerators may also generate dioxin.)

Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

Medical clinics and hospital operations may have emergency generators in place such that they can still operate in the event of a power outage. Depending on how the emergency generators are powered and how much fuel is stored on-site, fuel storage and spill prevention requirements may be applicable. Refer to the NPS *Fuel Storage Management* EnviroCheck Sheets for more information.

Hazardous Materials Management

Medical clinics and hospital operations handle a variety of hazardous materials (flammable and combustible liquids and gases) in their daily activities and operations. These hazardous materials may include compressed oxygen, oil, solvents, epinephrine, glycerin, rubbing alcohol, and general cleaning chemicals. Hazardous materials must be managed and disposed of per regulatory requirements. Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for more information.

Hazardous Waste Management

Many chemicals used in medical clinics and hospital operations are considered hazardous waste. For example:

- Formaldehyde (37% or higher) used for dialysis and in pathology labs;
- Ethylene oxide used to sterilize medical supplies;
- Mercury from broken temperature and pressure-reading instruments;
- Lead foil shields for x-ray film; and
- Solvents such as methylene chloride, pyridine, and trichloroethylene.

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There are, however, unique hazardous waste management exclusions and exemptions to take into account for medical waste processors.

“Closed Loop Recycling” Exclusion

Hospital wastes stored onsite and then reclaimed, must be managed as a hazardous waste and must be counted toward determining the facility’s hazardous waste generator status. However, if the waste is immediately reclaimed without being stored, it is not considered a hazardous waste and is not subject to hazardous waste management regulations. In both instances, the reclamation process is exempt from regulation.

Other Hazardous Wastes

In addition, cleaning chemicals, paints, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for future use may also be considered hazardous waste and therefore must be managed accordingly. Refer to the NPS *Hazardous Waste EnviroCheck Sheet* for more information.

Laboratory Chemical and Waste Management

In areas that are considered laboratories, the OSHA Lab Standard (29 CFR 1910.1450) supersedes the OSHA HAZCOM Standard. Medical clinics and/or hospitals that engage in the “laboratory use of hazardous chemicals” have the potential to have some of their operations and activities regulated by the Lab Standard. The “laboratory use of hazardous chemicals” is defined in Lab Standard as “handling or use of such chemicals in which all of the following conditions are met”:

- Chemical manipulations are carried out on a "laboratory scale;"
- Multiple chemical procedures or chemicals are used;
- Procedures are not part of a production process, nor in any way simulate production process; and
- Protective laboratory practices and equipment are available and in common use to minimize the potential for employee exposure to hazardous chemicals.

Refer to the NPS *Laboratory Chemical and Waste Management EnviroCheck Sheet* for more information.

Pesticide Management

The park’s integrated pest management (IPM) coordinator must approve all methods to controls pests within a medical clinic and hospital operations annually. This includes approval for use of conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algaecides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. Amounts and types of pesticides used by the concessioner must also be reported to the IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management EnviroCheck Sheet* for more information.

Respiratory Protection

Protection from contagious diseases (e.g., tuberculosis), application of pesticides, or maintenance activities may require the use of respiratory protection – including filtering face pieces (i.e., dust masks). In doing so, a medical clinic and/or hospital operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in Appendix D for voluntary use of filtering face pieces. A

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qualified respiratory protection program administrator is required if a job hazard analysis reveals that an RPP is needed. Refer to the NPS *Respiratory Protection Program* EnviroCheck Sheet for more information.

Solid Waste Management

Nonhazardous solid waste (e.g., paper, plastics, food waste, and disposable linens) makes up nearly 75 percent of a hospital's waste stream. These wastes are produced during normal business activities and from activities unique to medical clinics and hospital operations (e.g., medical waste). Concessioners are required to handle solid waste in accordance with federal (40 CFR 243), state (many states regulate medical waste under state solid waste requirements), and local requirements. The concessioner should explore opportunities to collaborate with the park in addressing solid waste management issues (e.g., a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Container Management

Outdoor trash containers must be in good condition, covered and closed, weatherproofed, and vermin and animal proofed. Receptacles must be conveniently located and adequately meet customer demand. Trash must be collected using appropriately designed and operated vehicles, and must be disposed of at a licensed landfill.

Recycling

Medical clinic and hospital operators should recycle, at a minimum, the same materials as the park in which it operates. This may include beverage containers (aluminum and plastic) sold to park visitors via vending machines, cardboard, and paper used in administrative offices.

Reusable Materials

Medical clinic and hospital operators should explore methods of reusing linens and furniture that is no longer needed or of good quality. This may include donating unwanted linens and furniture to local organizations, reusing old linens as cleaning rags and dishtowels, and/or developing an excess item program for employees. In addition, the concessioner can encourage staff to bring in magazines from home for waiting room reading material rather than purchasing new materials.

Solid Waste Prohibitions

Liquids (e.g., used oil and fat, containers with residual beverages, liquid soap) and potentially hazardous waste (e.g., paints, cleaners) cannot go in the regular trash.

Waste Reduction

To minimize solid waste generation, medical clinics and hospital operations should consider using bulk dispensers for soap, lotions, and other amenities. Medical clinic and hospital operators should also consider providing reusable dishware, flatware, and glasses to patients instead of disposable options⁴. If disposable products must be used, concessioners should try to purchase recycled content, recyclable (and can be recycled in the area), or biodegradable products.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

⁴ The feasibility of this option depends upon the health care provider's recommendations.

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While it is unlikely to see findings related to medical clinic and hospital operations within this topic area, you should review and be familiar with regulations outlined the NPS *SPCC Planning* EnviroCheck Sheet.

Storm Water Management

Medical clinics and hospital operations can have an impact on storm water. Storm water discharges are generated by runoff from land and impervious areas such as paved streets, parking lots, and building rooftops during rainfall and snow events. They often contain pollutants in quantities that could adversely affect water quality. Several ways to prevent storm water pollution are:

- Control litter in parking lots; perform routine trash collection and removal;
- Prohibit storm drain disposal of mop water;
- Prohibit outdoor cleaning of mats and rugs, garbage cans, etc. where water leads to storm drains; and
- Ensure dumpsters are provided with properly fitting lids/covers that are kept closed.

In addition, some medical clinic and hospital operations may be considered their own municipal separate storm sewer systems (MS4s) under local city, county, or state regulations. Stormwater discharges associated with MS4s are regulated using NPDES permits.

Refer to the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Universal Waste Management

The Universal Waste Rule streamlines hazardous waste regulations that govern the collection and management of certain widely generated wastes. To date, the EPA has identified batteries, fluorescent lamps, certain pesticides, and mercury-containing equipment as regulated universal wastes, which may be present at some medical clinics and hospital operations. Refer to the NPS *Universal Waste Management* EnviroCheck Sheet for more information.

Used Oil Management

While it is unlikely to see findings related to medical clinic and hospital operations within this topic area, you should review and be familiar with regulations outlined the NPS *Used Oil Management* EnviroCheck Sheet.

Wastewater Management

Medical clinics and hospital operations may be discharging their wastewater to a local municipal or county treatment works, operating their own treatment works, and/or discharging directly to the environment. Medical clinics and hospital operators must ensure their wastewater meets all requirements set by local and state authorities, especially if wastewaters from laboratories, pharmacies, or x-ray machines are disposed of in drains. In addition, medical clinics and hospitals must ensure they address any pre-treatment and/or treatment permitting requirements for discharging wastewater. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more information.

MEDICAL CLINIC AND HOSPITAL OPERATION-SPECIFIC ISSUES

Energy and Water Conservation

Medical clinics and hospital operations have many opportunities to assess and reduce energy and water consumption. Energy and water audits of the facility(ies) inform where greatest energy/water use and priorities occur. An energy and water efficiency and conservation program or strategy should be developed and

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implemented. Staff should also be trained and encouraged in efficient practices such as turning off lights, turning off faucets, and closing windows and doors, etc. Regular maintenance and tune-up programs for energy and water consuming equipment should be developed, and purchasing personnel should buy equipment with increased efficiency.

Conservation Opportunities

Many energy and water conservation opportunities exist for lodging operators through appliance and building system upgrades. Examples include:

- Motion sensors for lights and vending machines;
- ENERGY STAR-labeled appliances for rooms (e.g., televisions and cordless phones);
- ENERGY STAR-labeled heating and cooling equipment;
- ENERGY-STAR kitchen appliances for food service areas (e.g. refrigerators, freezers and dishwashers);
- Low-flow toilets, urinals, showerheads;
- Low-water use front-loading washers and moisture sensor dryers; and
- Waterless urinals.

Pollution Prevention

Pollution prevention opportunities include:

- Train staff on the difference between hazardous and nonhazardous waste.
- Properly segregate hazardous waste from nonhazardous waste.
- Replace mercury-containing instruments with non-mercury alternatives (e.g., digital thermometers, blood pressure cuffs with electronic sensors, non-mercury dental amalgams).
- Recycle spoiled or used x-ray film.
- Consider citrus-based substitutes instead of xylene in laboratories. (Note that these substitutes may process samples at a slower rate and may still be considered a hazardous waste.)
- Purchase and use a solvent distillation unit.
- Use steam sterilization as opposed to ethylene oxide.

Medical Waste Management

Medical wastes commonly regulated by states include pathological and anatomical wastes; human blood and blood products; cultures and stocks of infectious agents; sharps; isolation waste; and contaminated animal carcasses, body parts, and bedding. For state-specific regulations for medical waste identification and management, visit <http://cms.h2e-online.org/ee/rmw/rmw-regulations/state-rmw-regulations/>.

Waste Minimization

Medical clinics and hospital operations can reduce solid waste and save money by improving their waste segregation and implementing medical waste reduction programs. Significant opportunities for reducing medical waste come from eliminating the coffee cups, packaging, paper towel waste, clean blue wrap and pizza boxes that are inadvertently tossed in with the medical wastes. If staff is not clear on where to throw the item, then they should err on the conservative side and dispose of it in a red bag (for potentially infectious biohazardous waste). For more information, visit: <http://cms.h2e-online.org/ee/rmw/>.

Opportunities for reducing medical waste include:

- Reusable sharps containers;

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- Liquid medical waste management;
- Single-use device reprocessing; and
- Blue wrap recycling.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS Environmental Compliance and Response (ECR) Branch : 202-513-7033
- NPS and Regional Concession Chiefs and Specialists
- Practice Greenhealth. A membership and networking organization for institutions in the healthcare community that have made a commitment to sustainable, eco-friendly practices:
<http://www.practicegreenhealth.org>
- “Health Care Without Harm,” a coalition of hospitals and healthcare workers whose mission is to ensure the healthcare industry becomes more ecologically sustainable and is no longer a source of harm to public health and the environment: <http://www.noharm.org/>
- Hospital Pollution Prevention, California EPA, Department of Toxic Substances Control, Office of Pollution Prevention and Technology Development: <http://www.epa.gov/region09/waste/p2/hospart.html>.
- California EPA, Waste prevention information on health care waste provided by the Waste Prevention Information Exchange of the California Integrated Waste Management Board:
<http://www.calrecycle.ca.gov/ReduceWaste/InfoExchange/>
- “Greening’ Hospitals – An Analysis of Pollution Prevention in America’s Top Hospitals,” Environmental Working Group and other organizations: <http://www.ewg.org/reports/greening>
- Healthcare EnviroNet - Promoting Pollution Prevention and Sustainability in the Health Care Sector, Canadian Centre for Pollution Prevention: <http://www.c2p2online.com/main/ns/89/doc/174/lang/EN>
- Sustainable Hospitals. Provides technical support to the healthcare industry for selecting products and work practices that reduce occupational and environmental hazards, maintain quality patient care, and contain costs:
http://www.sustainablehospitals.org/cgi-bin/DB_Index.cgi

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁵. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources. Concessioners are

⁵ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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encouraged, but not required, to implement them.

- An Isolated Finding may be assigned to either a P2 or P3 audit finding. An isolated finding is an audit finding where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions complies with the audit criteria, demonstrates that the audited entity has made an effort, and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, or tribal policies or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|---|---|-----------------|
| Air Quality | | |
| 1. | If the concessioner operates an HMIWI, are they in compliance with current EPA emission standards? [40 CFR 60] | 2 |
| Emergency Response, Planning and Reporting | | |
| 2. | Has the concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 3. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or non-incidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 4. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Section 6 (b)] | 3 or BMP |
| 5. | Are visitors informed of efforts the concessioner has taken to lessen its environmental impact? [NPS Commercial Services Program] | BMP |
| 6. | Does the concessioner educate visitors on recycling by posting signs conspicuously and by providing an adequate number of clearly marked recycling containers? [NPS Solid Waste Management Handbook] | BMP |
| Environmental Purchasing | | |
| 7. | Are autoclavable bedpans used instead of disposable bedpans? [Waste Reduction Activities for Hospitals – California Integrated Waste Management Board] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|--|-----------------|
| 8. | Are cloth diapers used instead of disposable diapers? [“Greening” Hospitals – Health Care Without Harm] | BMP |
| 9. | Are non-PVC IV bags and gloves used? [Greening” Hospitals – Health Care Without Harm] | BMP |
| 10. | Are nontoxic, low toxic, or biodegradable cleaning products purchased and used? [Choose Green Report: General Purpose Cleaners, Green Seal] | BMP |
| 11. | Are permanent, waterproof mattresses used instead of foam “egg-carton” mattresses? [Waste Reduction Activities for Hospitals – California Integrated Waste Management Board] | BMP |
| 12. | Are washable dishes, flatware, and cups used instead of disposable items? [Waste Reduction Activities for Hospitals – California Integrated Waste Management Board] | BMP |
| 13. | Are washable linens, pillows, bed pads, underpads, gowns, and emesis basins used instead of disposable items? [Waste Reduction Activities for Hospitals – California Integrated Waste Management Board] | BMP |
| Hazardous Materials Management | | |
| 14. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Solid Waste Management | | |
| 15. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 16. | Does the concessioner’s recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 17. | Are refillable dispensers used for amenities such as soap and lotion? [Greening Your Property, Green Seal] | BMP |
| 18. | Does the concessioner provide in-room recycling receptacles? [Greening Your Property, Green Seal] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|------------------------------|---|-----------------|
| 19. | Does the concessioner donate or reuse unwanted items (e.g., furniture, TVs, linens) when possible? [NPS Commercial Services Program] | BMP |
| 20. | Are hand dryers used instead of paper towels? [Waste Reduction Activities for Hospitals – California Integrated Waste Management Board] | BMP |
| 21. | Are paper printing and copying minimized and double-sided printing and copying used, where possible? [Waste Reduction Activities for Hospitals – California Integrated Waste Management Board] | BMP |
| Wastewater Management | | |
| 22. | Has the concessioner ensured that effluent guidelines for the disposal of wastewater are being met, especially if laboratory wastes are being disposed of down the drain? [40 CFR 122.50, state and local rules and regulations] | 2 |

CONCESSIONER SPECIFIC

| MEDICAL CLINIC AND HOSPITAL OPERATIONS | | |
|---|---|-----|
| Energy and Water Conservation | | |
| 23. | Has the concessioner explored opportunities to participate in environmental programs for hotels, such as Green Seal, WaterSense, or other environmental programs, such as the EPA/DOE ENERGY STAR Program? [NPS Commercial Services Program] | BMP |
| 24. | Has the concessioner installed motion sensors on its lights and vending machines? [NPS Commercial Services Program] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------|--|-----------------|
| 25. | <p>Have efforts to reduce water consumption been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc. • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. <p>[EO 13423]</p> | BMP |
| 26. | <p>Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). <p>[EO 13423]</p> | BMP |
| Medical Waste Management | | |
| 27. | <p>Are reusable medical instruments utilized, where feasible?</p> <p>[Waste Reduction Activities for Hospitals – California Integrated Waste Management Board]</p> | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------------|--|-----------------|
| 28. | Are reusable sharps containers utilized? [Practice GreenHealth] | BMP |
| 29. | If the concessioner is not incinerating medical waste, have they implemented one of the following alternatives in conjunction with state regulatory requirements? <ul style="list-style-type: none"> • Thermal treatment, such as microwave technologies; • Steam sterilization, such as autoclaving; • Electropyrolysis; and • Chemical mechanical systems. [State] | 2 |
| Pollution Prevention | | |
| 30. | Are staff trained on the difference between hazardous and nonhazardous waste and taught to segregate them appropriately? [Medical Facilities: A Primer on Environmental Regulation and Pollution Prevention – Kansas State University] | BMP |
| 31. | Have mercury-containing instruments been replaced with non-mercury alternatives (e.g., thermometers, blood pressure cuffs, dental amalgams)? [“Greening” Hospitals – Health Care Without Harm] | BMP |
| 32. | Are citrus-based substitutes used instead of xylene, where appropriate? [Waste Reduction and Disposal Options for Specific Hospital Wastes, North Carolina Division of Pollution Prevention and Environmental Assistance, North Carolina Division of Waste Management] | BMP |
| 33. | Is a solvent distillation unit used? [Waste Reduction and Disposal Options for Specific Hospital Wastes, North Carolina Division of Pollution Prevention and Environmental Assistance, North Carolina Division of Waste Management] | BMP |
| 34. | Is x-ray film recycled? [Waste Reduction and Disposal Options for Specific Hospital Wastes, North Carolina Division of Pollution Prevention and Environmental Assistance, North Carolina Division of Waste Management] | BMP |

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INTRODUCTION

Over 160 stores operate in nearly 100 parks. These retail operations make up more than one quarter of all concessioner operations in the National Park Service (NPS). Retail operations range from small shops selling gifts and tourist necessities, such as film and sunscreen, to full service grocery stores and backcountry outfitting stores. Many of these retail operations are associated with other concessioner services, such as lodging, marinas, and food services.

Potential environmental impacts from and regulations effecting retail operations include:

- Food and merchandise wrappers; empty cans, bottles, and cups; register receipts; and gift bags generated from each store must be properly disposed of or recycled;
- Soda machines, cold cases, and air conditioning systems in the stores contain ozone depleting substances (ODSs) which must be managed in accordance with EPA regulations; and,
- Leaks and spills from cleaning supply containers must be mopped up by employees who should understand the hazards associated with those chemicals.

The U.S. Environmental Protection Agency (EPA) indicates that retail operations are one of the highest energy users on a per square foot basis of any commercial classification. Additionally, retail operations are second behind food service establishments in the amount of solid waste they generate.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner retail operations that are located within park boundaries¹. In addition, some retail operations located within the parks are bookstores operated by the National Park Historical Association (NPHA). These facilities generally do not operate under a concession contract and are therefore not part of the NPS Commercial Services Environmental Audit Program. The activities and operations within the park undergo environmental audits through NPS regional environmental audit programs, which are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance, such as the Park General Management Plan, Back Country Regulations, and the concession contract. See the “General Environmental Issues” and “Retail Specific Issues” sections below for more information on law and regulations applicable to retail operations and services.

Federal, Tribal, State, and Local Regulations

Most retail operations are not directly regulated activities. However, some activities ancillary to retail operations, such as waste disposal and facility maintenance, have relevant regulatory requirements. Retail operators are subject to all applicable federal and state laws, EPA, Occupational Safety and Health Administration (OSHA),

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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and U.S. Department of Transportation (DOT) regulations. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals also apply, such as those related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

The NPS is encouraging retail operators to develop mission statements or plans outlining how they will provide merchandise that is thematically consistent with the park environment. Several concessioners with retail operations have developed these plans; many of which include elements that may be applicable to environmental management (e.g., policies on purchasing merchandise in bulk to reduce packaging waste).

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to retail, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials;
- Reducing water consumptions intensity; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Developing and submitting a waste minimization plan;
- Identifying environmentally preferable merchandise through tags and signage;
- Incorporating environmental messages into retail bags and reusable products (e.g., travel coffee mugs);
- Implementing specific best management practices (BMPs);
- Maintaining and submitting an inventory of hazardous chemicals and waste streams;
- Recording and documenting management of all environmental reports and data; and
- Reporting and implementing an integrated pest management program per approval of the park annually.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not

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required to be implemented by concessioners, but may be recommended.

APPLICABLE COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner providing retail services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a retail operation includes any food services the Commercial Services Program *Food Service* EnviroCheck Sheet should be reviewed. Other Commercial Services Program EnviroCheck Sheets that may apply include: *Environmental Purchasing* and *Environmental Management Systems (EMS)*.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner's operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

Environmental Purchasing: Purchase of products and services that are environmentally preferable, also referred to as "green procurement" or "environmentally preferable purchasing."

Environmentally Preferable: Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

Recovered Material: Waste materials and by-products that have been recovered or diverted from solid waste.

Pollution Prevention: "Source reduction" as defined in the Pollution Prevention Act of 1990 (42 United States Code 13102) and other practices that reduce or eliminate the creation of pollutants through: (a) increased efficiency in the use of raw materials, energy, water, or other resources; or (b) protection of natural resources by conservation.

Post-consumer Material: Material or finished product that has served its intended use and has been discarded for disposal or recovery, having completed its life as a consumer or production item.

Recycling: Series of activities including collection, separation, and processing, by which products or other

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materials are recovered from the solid waste stream for use as raw materials in the manufacture of new products other than fuel for producing heat or power by combustion.

Source Reduction: Any practice which (i) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and (ii) reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.

Waste Reduction: Preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

Waste Prevention: Any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts or Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Some of the biggest opportunities that exist for retail operations to reduce their environmental impact reside in the areas of environmental purchasing and pollution prevention (e.g., reducing the volume of solid waste generated). These areas, and other areas of environmental concern to retail operations, are discussed in more detail below.

Air Quality

While it is unlikely to see findings related to retail operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Air Quality* EnviroCheck Sheet.

CFC and Halon Management

Many retail establishments operate and maintain air conditioners for their buildings, refrigerated cases for food, and vending machines for drinks. Because air conditioners and refrigerated cases contain ozone-depleting substances (e.g., CFCs), these retail establishments must ensure that their units are being serviced properly and keep certain records, especially if any of their units contain 50 pounds or more of refrigerant. Refer to the NPS *CFC and Halon Management* EnviroCheck Sheet for more information.

Emergency Planning and Reporting

Retail operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

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only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled at retail operations must be considered in park-wide Emergency Planning and Community Right-to-Know Act (EPCRA) reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, retail operators should maintain a current inventory of hazardous substances at the facility and provide this information to the park. Note that retail operations typically do not need to provide hazard information (under EPCRA³) directly to a local emergency planning committee (LEPC) or a state emergency response commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the retail operation, a simple EMS can be an effective tool. Even if not required, the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Retail operators have an opportunity to educate visitors on ways to protect the park while enjoying the park environment. Lessons learned can help visitors become more sensitive to and respectful of the environment around them. Ideas for providing environmental education and outreach to public visitors include:

- Posting signs encouraging recycling of plastic and aluminum drink containers, batteries, and cash register receipts;
- Asking customers if they need a bag or receipt with their purchase;
- Implementing programs where visitors return brochures and other materials for reuse rather than being discarded; and
- Posting signs and providing informational materials on environmental programs and systems at the establishment (e.g., environmentally-preferable items available for sale, energy-saving fixtures, environmentally-preferable cleaning chemicals used).

These messages could be posted and also printed on bags given to customers.

Environmental Purchasing

There are two main ways for retail operations to implement environmental purchasing policies. First, retail operations can concentrate on the way they purchase and manage their products to ensure it is in the most environmentally preferable manner possible (e.g., less packaging, inventory control). Second, retail operations

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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can concentrate on purchasing environmentally preferable products that are sold to consumers; after all, many of these products are used in and around the park. The following examples may be implemented as BMPs:

- Institute good inventory control procedures to reduce the amount of unsold products that will need to be disposed of.
- Purchase products in bulk to reduce packaging waste.
- Buy materials with less and/or reusable or recyclable packaging (e.g., plastic milk crates, cardboard boxes, wooden pallets, biodegradable packaging [e.g., cornstarch-based, paper]).
- Acquire locally grown foods or purchase from local manufacturers to reduce transportation pollution and costs, and support the local economy.
- Purchase products that are nontoxic (e.g., detergents and cleaning chemicals, non-toxic markers).
- Procure products for retail operation use and/or sale to consumers that are nontoxic or less toxic, contain recycled content, are biodegradable, etc. Some examples include clothing made from organic cotton, biodegradable disposable flatware and tableware, non-phosphate detergents, ENERGY STAR computers and office equipment, and post-consumer recycled paper products.
- Request that suppliers and distributors minimize packaging.

Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

While it is unlikely to see findings related to retail operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Fuel Storage Management* EnviroCheck Sheet.

Hazardous Materials Management

Retail operators may handle a variety of hazardous materials, some of which are sold in the retail environment and others that are used in operating and maintaining the facilities. These hazardous materials may include liquefied petroleum (LP) gas, caustic cleaners, fuels, and other flammable materials. Hazardous materials must be managed and disposed of per regulatory requirements. Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for specific hazardous material management requirements.

Hazardous Waste Management

Items such as cleaning chemicals, paints, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials no longer intended for use or expired on store shelves may also be considered hazardous waste and therefore must be managed and disposed of accordingly. Refer to the NPS *Hazardous Waste* EnviroCheck Sheet and for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to retail operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

All methods to control pests within a retail operation must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algaecides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. Amounts and types of pesticides used by the concessioner must also be reported to the IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management* EnviroCheck Sheet for more information.

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Respiratory Protection

In conducting activities such as painting or sanding, some retail operators may require or allow their employees to wear air-purifying respirators – including filtering facepieces (i.e., dust masks). In doing so, a retail operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in Appendix D for voluntary use of filtering facepieces. A qualified respiratory protection program administrator is required if a job hazard analysis reveals that an RPP is needed. Refer to the NPS *Respiratory Protection Program* EnviroCheck Sheet for more information.

Solid Waste Management

A variety of solid wastes are generated at retail operations, including packaging wastes, out-of-date products, office paper, burned out light bulbs, empty containers, and discarded bags. Retail operators are required to handle solid waste in accordance with federal (40 CFR 243), state, and local requirements. The concessioner should explore opportunities to partner with the park in addressing solid waste management issues (e.g., having a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Container Management

Outdoor trash containers must be in good condition, covered and closed (this includes the bung hole), weather proofed, and vermin and animal proofed. Receptacles must be conveniently located and adequately meet customer demand. Trash must be collected in appropriately designed and operated vehicles, and must be disposed of at a licensed landfill.

Recycling

Retail operators should recycle, at a minimum, the same materials as the park in which it operates. This may include beverage containers (aluminum and plastic) sold to park visitors, and white and mixed paper in administrative offices. An adequate number of clearly labeled, strategically placed recycling containers should be available to customers and employees to recycle items such as cans and receipt tapes. They should also consider collecting and recycling batteries from customers.

Reusable Materials

Retail operations should reuse materials whenever feasible. Shipping materials should be returned to the supplier or reused by the retail operation (e.g., cardboard boxes for packing customers' purchases). Cardboard, office paper, mixed paper, and newspaper can be shredded and used as packing material. Expired food can be used as animal feed by local farmers, or may be composted.

Solid Waste Prohibitions

Liquids (e.g., mopped up cleaning chemicals that have spilled) and potentially hazardous waste (e.g., some paints, cleaners) cannot go in the regular trash.

Waste Minimization

Retail operations can reduce the amount of waste generated by instituting customer service policies such as asking customers if they need a bag or receipt with their purchase, rather than giving these items to them automatically. Theft concerns (e.g., shoplifting or “inventory shrinkage”), however, must be taken into consideration.

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Spill Prevention, Control, and Countermeasure (SPCC) Planning

While it is unlikely to see findings related to retail operations within this topic area, you should review and be familiar with regulations outlined in the NPS *SPCC Planning* EnviroCheck Sheet.

Storm Water Management

Retail establishments can have an impact on storm water. Storm water discharges are generated by runoff from land and impervious areas such as parking lots and building rooftops during rainfall and snow events. They often contain pollutants in quantities that could adversely affect water quality. Several ways to prevent storm water pollution are:

- Control litter in parking lots; perform routine trash collection and removal;
- Prohibit storm drain disposal of mop water; and
- Ensure dumpsters are provided with properly fitting lids/covers that are kept closed.

Refer to the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Universal Waste Management

The Universal Waste Rule streamlines hazardous waste regulations that govern the collection and management of certain widely generated wastes. To date, the EPA has as identified batteries, fluorescent lamps, certain pesticides, and mercury-containing equipment as regulated universal wastes, which may be present at some retail operations. Refer to the NPS *Universal Waste Management* EnviroCheck Sheet for more information.

Used Oil Management

While it is unlikely to see findings related to retail operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Used Oil* EnviroCheck Sheet.

Wastewater Management

While it is unlikely to see findings related to retail operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Wastewater Management* EnviroCheck Sheet.

RETAIL OPERATION-SPECIFIC ISSUES

Energy and Water Conservation

Under the National Energy Policy Act (EPACT) and EO13432, federal agencies are required to reduce energy consumption by 3 % annually through 2015 or by 30% by 2015. While most retailers across the United States have limited options for increasing profits through implementation of environmental systems, the EPA has documented reduced energy costs for retailers that average 30 percent when energy efficient technologies are employed. Such strategies can also assist the NPS in achieving federally mandated energy reductions.

Conservation Opportunities

Many energy conservation opportunities exist for retail operations through appliance and building system upgrades. These include using full spectrum compact fluorescent lights (CFLs), updating refrigeration systems, and installing energy-saving devices on vending machines. While older CFLs and other fluorescents often provided a harsher light that could have a negative impact on a retail environment, new products provide much

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softer, less obtrusive light. In addition to requiring less energy to operate, fluorescent lights emit less heat, and therefore reduce cooling costs. Opportunities also exist for retailers to demonstrate the use of passive energy sources such as skylights, and alternative energy sources such as photovoltaics, particularly in locations where energy needs are limited to the operation of cash registers and lights.

ENERGY STAR

Retail establishments should participate in the EPA/Department of Energy (DOE) ENERGY STAR Program (www.energystar.gov), which can assist them in becoming more energy efficient. Concessioners should also consider obtaining the ENERGY STAR label for leaders in energy efficiency, which could be a valuable demonstration to the park of environmental leadership.

Financing

Retail establishments should be made aware of Energy Savings Performance Contracts (ESPCs) and NPS/DOE partnership audits that can help them save energy and money. Concessioners may not qualify for this type of assistance; however, auditors should inform them that private Energy Service Companies (ESCOs) could conduct concessioner energy audits and incur the cost of upgrades in exchange for a portion of the concessioner's energy savings.

Operating and Preventive Maintenance Programs

Energy efficiency is maximized when equipment is properly operated and maintained. Retail operators should have formalized operation and maintenance programs in place for energy consuming equipment and building systems.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS and Regional Concession Chiefs and Specialists
- Green Seal: <http://www.greenseal.org>
- National Retail Federation: Industry association that can provide information on environmental leadership efforts in retail business: <http://www.nrf.com>
- EPA's ENERGY STAR Program (for information on products and joining as an organization): <http://www.energystar.gov>
- EPA Comprehensive Procurement Guidelines (CPG): <http://www.epa.gov/epawaste/conservation/tools/cpg/index.htm>
- USDA BiopreferredSM program: <http://www.biopreferred.gov/?SMSESSION=NO>

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁴. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

⁴ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry and other sources. Concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding. An isolated finding is an audit finding where the nonconformance observed is isolated, Meaning, the majority of other operations, locations, or divisions complies with the audit criteria and demonstrates that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, tribal policies, or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|---|--|-----------------|
| Emergency Response, Planning and Reporting | | |
| 1. | Has the concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 2. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or nonincidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 3. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract Sec. 6(b)] | 3 or BMP |
| 4. | Has the concessioner made efforts to educate and encourage customers regarding recycling? (Techniques include posting signs and distributing adequate numbers of clearly marked recycling containers.) [Greening Your Property, Green Seal] | BMP |
| 5. | Has the concessioner made efforts to educate customers regarding its steps taken to minimize environmental impact (e.g., by advertising its EMS)? [NPS Commercial Service Program] | BMP |

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| | | |
|----|---|-----|
| 6. | Are educational signs and informational materials (including bags) utilized to promote efforts the concessioner has taken to lessen its environmental impact and educate customers on how to minimize their environmental impact? [NPS Commercial Service Program] | BMP |
|----|---|-----|

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|--|-----------------|
| Environmental Purchasing | | |
| 7. | Are nontoxic, low toxic, or biodegradable cleaning products purchased and used? [Green Seal] | BMP |
| 8. | Are bulk products or products with less packaging purchased? [NPS Commercial Services Program] | BMP |
| 9. | Are products purchased locally? [NPS Commercial Services Program] | BMP |
| 10. | Are environmentally preferable products available for sale to the public (e.g., clothing made from organic cotton, organic foods, post-consumer recycled paper products, etc.)? [NPS Commercial Services Program] | BMP |
| 11. | If packaging is purchased, is it biodegradable packaging (e.g., cornstarch-based “peanuts” or paper)? [NPS Commercial Services Program] | BMP |
| Hazardous Materials Management | | |
| 12. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Solid Waste Management | | |
| 13. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 14. | Does the concessioner’s recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 15. | Has the concessioner instituted good inventory control procedures to reduce the amount of unsold products that will need to be disposed of? [Green Seal] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------|---|-----------------|
| 16. | Has the concessioner pursued opportunities to reduce packaging from suppliers and reuse incoming packaging where possible? [Pollution Prevention Handbook for Shipping and Receiving Operations] | BMP |
| 17. | Are customers asked whether they require a bag or receipt for their purchases? [NPS Commercial Services Program] | BMP |
| 18. | Has the concessioner eliminated the use of plastic bags? [NPS Commercial Services Program] | BMP |

CONCESSIONER SPECIFIC

| RETAIL OPERATIONS | | |
|--------------------------------------|---|-----|
| Energy and Water Conservation | | |
| 19. | Has the concessioner pursued opportunities to participate in the EPA/DOE ENERGY STAR Program? [ENERGY STAR] | BMP |
| 20. | Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include: <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). [EO 13423] | BMP |

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| | | |
|-----|--|-----|
| 21. | Has the concessioner installed motion sensors on its lights and vending machines? [NPS Commercial Services Program] | BMP |
|-----|--|-----|

| | CHECKLIST ITEM | PRIORITY |
|-----|--|-----------------|
| 22. | <p>Have efforts to reduce water consumption been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc. • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. <p>[EO 13423]</p> | BMP |

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NATIONAL PARK SERVICE Commercial Services Program EnviroCheck Sheet

*Tennis Courts
2011 Update*

INTRODUCTION

There are several tennis court concessioners operating within the National Park Service (NPS). These courts are not grass courts so environmental impacts are limited. However, tennis court operations still have some environmental concerns connected to hazardous materials management (e.g., cleaning chemicals) and environmental purchasing opportunities. Environmental concerns may also differ based upon whether the tennis courts are inside (e.g., air conditioning and associated ozone-depleting substances) or outside (e.g., storm water runoff).

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to tennis court operations located within park boundaries¹. The activities and operations of the park undergo environmental audits through NPS regional environmental audit programs. These are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Tennis Court Operation Specific Issues” sections below for more information on laws and regulations applicable to tennis court operations.

Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply. Note that such requirements may be more stringent and therefore take precedence over less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of concessioners. Park-specific policies found in Director’s Orders (DOs) and associated Reference Manuals also apply, such as those related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs as practicable (such as EO 13423, *Strengthening Federal*

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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Environmental Energy, and Transportation Management). With regard to tennis court operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials from top priority list; and
- Reducing energy usage intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary.

Requirements that may be identified in the concessioner contract include:

- Installation of environmentally friendly tennis court surfaces (e.g., natural aggregates and water-based resin coatings)
- Implementation of specific best management practices (BMPs);
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Record and documentation of management of all environmental reports and data; and
- Report and implementation of an integrated pest management program per approval of the park annually.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner providing tennis court services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a tennis court includes any food or retail vendors the NPS Commercial Services Program *Food Service* or *Retail Operations* EnviroCheck Sheets should be reviewed. Other Commercial Services Program EnviroCheck Sheets that may apply include *Environmental Purchasing* and *Environmental Management Systems (EMS)*.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, Federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

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BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner's operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts or concessioner Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

While it is unlikely to see findings related to tennis court operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Air Quality* EnviroCheck Sheet.

CFC and Halon Management

Indoor tennis courts may operate and maintain large air conditioners for the building. Because these units contain ozone-depleting substances (e.g., CFCs), these tennis courts must ensure that their units are being serviced properly and ensure records are maintained. Regulations are more restrictive for those units that contain 50 pounds, or more, of refrigerant. Refer to the NPS *CFC and Halon Management* EnviroCheck Sheet.

Emergency Planning and Reporting

Tennis court operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to non-incident hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled at tennis courts must be considered in park-wide EPCRA reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, tennis court operators should maintain a current inventory of hazardous substances at the facility and provide this information to the park. Tennis court operations typically do not need to provide hazard information (under EPCRA³) directly to a Local Emergency Planning Committee (LEPC) or a State Emergency Response

² The threshold between an incidental and non-incident spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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Commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the tennis court operation, a simple EMS can be an effective tool. Even if not required, the institution of a formal EMP or EMS is recommended. Refer to the Commercial Services Program *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Tennis court operators have an opportunity to educate visitors on ways to protect the park while still enjoying the park environment. Lessons learned can help visitors become more sensitive to and respectful of the environment around them. Ideas include:

- Posting signs and distributing pamphlets on measures taken to protect the environment (e.g., installation of non-toxic, environmentally preferable tennis court surface); and
- Posting signs about recycling throughout facilities.

Environmental Purchasing

Tennis court operations have an opportunity to manage their operations in a more environmentally preferable manner. In addition to constructing buildings out of environmentally preferable materials (e.g., composite lumbers where possible) and using environmentally preferable products in running administrative offices (e.g., recycled-content paper products), these operators may be able to use environmentally preferable materials for the court. For instance, Har Tru is a naturally green court material made primarily from crushed stone. It is a cool surface that does not discolor equipment or clothing, and absorbs water quickly. With proper care, Har Tru courts can outlast asphalt courts. Refer also to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

While it is unlikely to see findings related to tennis court operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Fuel Storage Management* EnviroCheck Sheet.

Hazardous Materials Management

Tennis court operators may handle a variety of hazardous materials in their daily activities and operations. These hazardous materials may include paints, pesticides, and cleaners. Hazardous materials must be managed and disposed of per regulatory requirements. Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for specific hazardous material management requirements.

Hazardous Waste Management

Cleaning chemicals, paints, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for future use may also be considered

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hazardous waste, and therefore must be managed accordingly. Refer to the NPS *Hazardous Waste EnviroCheck Sheet* for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to tennis court operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Laboratory Chemical and Waste Management EnviroCheck Sheet*.

Pesticide Management

All methods to control pests within a tennis court operation must be approved annually by the park's integrated pest management (IPM) coordinator. This includes approval for use of fly spray, conventional rodent snap-traps, wasp killer spray, ant spray, and contracted pesticide services. Herbicides, algacides, and fungicides used to control unwanted plants, algae, and fungi are included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management EnviroCheck Sheet* for more information.

Respiratory Protection

When resurfacing tennis courts, concession staff may require or allow their employees to wear air-purifying respirators – including filtering facepieces (i.e., dust masks). In doing so, a tennis court operation must ensure that it documents and implements a respiratory protection program (RPP) (29 CFR 1910.134) or provides the information in Appendix D for voluntary use of filtering facepieces. A qualified respiratory protection program administrator is required if a job hazard analysis reveals that an RPP is needed. See the NPS *Respiratory Protection Program EnviroCheck Sheet* for more information.

Solid Waste Management

Tennis court operators are required to handle solid waste in accordance with federal requirements (40 CFR 243), FDA Food Code, and state and local requirements. The concessioner should explore opportunities to partner with the park in addressing solid waste management issues (e.g., a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one. Refer to the NPS *Solid Waste Management EnviroCheck Sheet* for more information.

Container Management

Outdoor trash containers must be in good condition, covered and closed (this includes the bung hole), weather proofed, and vermin and animal proofed. Receptacles must be conveniently located and adequately meet customer demand. Trash must be collected in appropriately designed and operated vehicles, and must be disposed of at a licensed landfill.

Recycling

Tennis court operators should recycle, at a minimum, the same materials as the park in which it operates. This may include beverage containers (aluminum and plastic), cardboard, and white and mixed paper in their administrative offices. An adequate number of clearly labeled, strategically placed recycling containers should be available to customers and employees. Cardboard and other recyclables that previously contained food should be stored in a secure location that prevents the harborage of vectors (e.g., insects, rodents).

Spill Prevention, Control, and Countermeasure (SPCC) Planning

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While it is unlikely to see findings related to tennis court operations within this topic area, you should review and be familiar with regulations outlined in the NPS *SPCC Planning* EnviroCheck Sheet.

Storm Water Management

Tennis courts can have an impact on storm water. Rain water that falls onto outdoor tennis courts can drain to the surrounding area. Concessioners should keep courts clear of any trash or waste that could pollute storm water run-off. See the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Storm Water Discharge Permitting

If runoff from storage activities or wash water from wash-down operations is discharged from a point source (including a culvert, ditch, channel, or drainage swale) into a surface water (including a lake, river, or even an intermittent stream), the facility is subject to the Clean Water Act's NPDES permit program and subsequent requirements. The NPDES program is administered either by an authorized state environmental agency or the corresponding EPA Region (40 CFR 122.1)⁴.

Universal Waste Management

Universal wastes from tennis court operations include spent fluorescent and CFL lamps. Refer to the NPS *Universal Waste Management* EnviroCheck Sheet for more information on properly managing these types of wastes.

Used Oil Management

While it is unlikely to see findings related to tennis court operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Used Oil* EnviroCheck Sheet.

Wastewater Management

While it is unlikely to see findings related to tennis court operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Wastewater Management* EnviroCheck Sheet.

TENNIS COURT OPERATION-SPECIFIC ISSUES

Energy and Water Conservation

Tennis court operations have an opportunity to manage themselves in a more environmentally preferable manner, which includes conserving energy. In addition to constructing tennis courts out of environmentally preferable materials and using environmentally preferable products in running administrative offices (e.g., recycled-content paper products), these operators may be able to use energy conservation practices for the court and any facilities associated with the court.

Many energy opportunities exist for concessioners through appliance and facility upgrades. Examples include:

- Motion sensors for lights and vending machines;
- ENERGY STAR-labeled appliances for offices (e.g., monitors and cordless phones);
- ENERGY STAR-labeled heating and cooling equipment for indoor courts; and

⁴ The only states currently without an authorized NPDES program include the District of Columbia, Idaho, Massachusetts, New Hampshire, and New Mexico.

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- Low-flow toilets, urinals, showerheads, if there are bathrooms in the facility.

An energy audit could assist the concessioner in identifying energy conservation practices that are practical and appropriate for the facility, as well as, some BMPs to keep in mind for future facility planning.

Light Pollution Prevention

Outdoor tennis court operators must work with the park to prevent the loss of dark conditions and of natural night skies due to light pollution from courts and parking areas. Considerations should include:

- Restricting the use of artificial lighting to areas where safety and security needs must be met;
- Utilizing minimal impact lighting techniques, and;
- Installing shielded lights.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS and Regional Concession Chiefs and Specialists
- Information on Har Tru: <http://www.leetennis.com/hartru.php> and 877-442-7878
- Information on Nova'ProBounce: http://www.ngisports.com/downloads/News_1GreenRelease.pdf
- Environmentally Friendly Tennis Clubs Guidelines – Tennis Victoria (Australia): <http://www.tennisaustralia.com.au/>

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws⁵ affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

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⁵ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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| CHECKLIST ITEM | | PRIORITY |
|--|---|-----------------|
| Emergency Response, Planning, and Reporting | | |
| 1. | Has the Concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 2. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or non-incidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 3. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Section 6 (b)] | 3 or BMP |
| 4. | Has the concessioner educated visitors on recycling by posting signs conspicuously and by providing an adequate number of clearly marked recycling containers? [NPS Solid Waste Management Handbook] | BMP |
| 5. | Are customers informed of efforts the concessioner has taken to lessen its environmental impact? [NPS Commercial Services Program] | BMP |
| 6. | Has the concessioner implemented environmental education programs for visitors, such as signs/brochures that educate visitors on how to minimize environmental impacts? [NPS Commercial Services Program] | BMP |
| Environmental Purchasing | | |
| 7. | Does the concessioner purchase nontoxic, low toxic, or biodegradable cleaning products? [Choose Green Report: General Purpose Cleaners, Green Seal] | BMP |
| 8. | Has the concessioner installed environmentally preferable tennis court surfaces? [NPS Commercial Services Program] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|--|-----------------|
| Hazardous Materials Management | | |
| 9. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Solid Waste Management | | |
| 10. | Has the concessioner developed an inventory of all waste streams generated within the park and submitted an updated copy of the inventory to the park on an annual basis? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 11. | Does the concessioner's recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |

CONCESSIONER SPECIFIC

| TENNIS COURT OPERATIONS | | |
|--------------------------------------|--|----------|
| Energy and Water Conservation | | |
| 12. | Have efforts to reduce water consumption been made? Such efforts could include: <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc.; • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. [EO 13423] | BMP |
| 13. | Has the concessioner installed motion sensors on its lights and vending machines? [NPS Commercial Services Program] | BMP |
| 14. | Does the concessioners' recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------------------|--|-----------------|
| 15. | <p>Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). <p>[EO 13423]</p> | BMP |
| Light Pollution Prevention | | |
| 16. | <p>Have efforts to prevent the loss of dark conditions and of natural night skies due to light pollution from buildings and parking areas been made? Such efforts include:</p> <ul style="list-style-type: none"> • Restricting the use of artificial lighting to areas where safety and security needs must be met; • Utilizing minimal impact lighting techniques; and • Installing shielded lights for outdoor fixtures. <p>[NPS Night Skies Program]</p> | BMP |

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NATIONAL PARK SERVICE Commercial Services Program EnviroCheck Sheet

*Transportation Operations
2011 Update*

INTRODUCTION

Transportation takes place in many forms within the National Park Service (NPS). These forms may include vehicle fleets commanded by concessioner staff (e.g., shuttling employees from pickup areas to work; carrying equipment to work areas; or ferrying visitors and staff to, from, and within the park). Different types of vehicles may make up the vehicle fleets, including passenger cars, vans, SUVs, pickup trucks, buses, railroads, boats, ferries, planes, helicopters, snowmobiles, and snowcats. Other land vehicles, such as dump trucks and construction equipment, are also used within the park.

Transportation issues have become a significant concern in many parks where increased visitation and numbers of vehicles entering the park have led to traffic congestion, air quality issues, and noise pollution. Coupled with transportation operations already taking place within the parks, concern over transportation-related environmental issues has amplified (e.g., air, noise, and water pollution), and the need for transportation operations to work as safely as possible is of higher importance.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner transportation operations **within** park boundaries. For many concessioners providing transportation services, vehicle storage, fueling, and maintenance occurs outside the park¹. The activities and operations *within the park* undergo environmental audits through NPS regional environmental audit programs. These are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Transportation Specific Issues” sections below for more information on laws and regulations applicable to transportation services.

Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply. Note that such requirements may be more stringent and therefore take precedence over less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those which require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals apply, such as those related to concession management and integrated pest management. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to transportation operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Increasing the purchase of alternative fuel, hybrid, and plug-in hybrid electric vehicles when commercially available;
- Reducing petroleum consumption in fleet vehicles.; and
- Increasing alternative fuel consumption.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Use of alternative fuels in vehicles;
- Purchase of alternative fuel vehicles if technically and economically feasible;
- Use of 4-stroke engines;
- Implementation of specific best management practices (BMPs);
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Record and documentation of management of all environmental reports and data; and
- Report and implementation of an integrated pest management program per approval of the park annually.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as "BMP – Potentially Low" or "BMP – Potentially High" in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Only those transportation operations (including parking) related to land vehicles, watercraft, and aircraft are covered by this Commercial Services Program EnviroCheck Sheet. This EnviroCheck Sheet concentrates on

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informing the reader about vehicles with internal combustion engines (e.g., those that use gasoline or diesel fuel); however, auditors should also refer to the Commercial Services Program *Marina and Watercraft Rental Operations* EnviroCheck Sheet for transportation taking place by water.

Other forms of transportation (e.g., riding animals, skiing) may be covered by other Commercial Services Program EnviroCheck Sheets (e.g., *Horse and Mule Operations* and *Winter Sports Operations* EnviroCheck Sheets, as appropriate). In addition, fueling and maintenance activities are not covered in depth by this EnviroCheck Sheet, but are found in the Commercial Services Program *Gas and Service Stations* EnviroCheck Sheet.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner's operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

CAA: Clean Air Act.

CAAA: Clean Air Act Amendments of 1990.

Class I Areas: Pristine regions designated by EPA that impose development parameters implemented to prevent the degradation of air quality from increased air pollution. CAA defines mandatory Class I federal areas as certain national parks (over 6,000 acres), wilderness areas (over 5,000 acres), national memorial parks (over 5,000 acres), and international parks that were in existence as of August 1977.

Criteria Pollutants (air pollutants): Identified by the EPA to be carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), lead (Pb), particulate matter (PM), and sulfur dioxide (SO₂).

Inspection and Maintenance (I/M) Program: A state-implemented program that checks whether the emission control system on a vehicle is working properly. I/M Programs include periodic inspections of light duty vehicle and trucks to ensure that tailpipe emissions do not exceed established levels and to ensure that critical emission control components are present and operational. Vehicles that fail these tests must be repaired and re-inspected until they pass the tests.

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National Ambient Air Quality Standards (NAAQS): Standards set by the EPA for six criteria pollutants.

Nonattainment Area: Area with at least one criteria pollutant that exceeds the NAAQS. Regulations regarding I/M Programs and fuel performance are more stringent in these typically metropolitan areas, for the purposes of improving air quality. For gasoline- and oil-powered vehicles, ozone, nitrogen dioxide, and carbon monoxide criteria pollutants are of greatest concern; for diesel fuel-powered vehicles and railroad locomotives, sulfur dioxide is of greatest concern.

State Implementation Plan (SIP): The SIP is a collection of regulations and other materials needed to meet clean air standards associated with Clean Air Act requirements for a state.

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts or Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

The operation of vehicles within park grounds should be conducted in a manner to minimize air emissions within and around the park. Since air emissions come primarily from vehicle exhaust, vehicle operators must assure that the vehicle exhaust systems are functioning properly. Also, because some National Parks are designated as Class I areas they are subject to certain restrictions to control air quality. Other management issues related to vehicle operations include minimizing potential water, ground water, or soil pollution from leaking vehicle fluids or windshield cleaners or deicers, and the purchase of “green” transportation vehicles and equipment.

Air Quality

Air quality issues due to vehicular traffic are a significant concern in parks due to the environmental, human health, and safety concerns associated with air pollution. Concessioner transportation services of all types, including operation and refueling, create air emissions that are regulated on a federal, state, or local level. Refer to the NPS *Air Quality* EnviroCheck Sheet for more information.

Clean Fuel Vehicles

The Clean Air Act Amendments of 1990 requires that organizations with fleets greater than 10 vehicles purchase specified percentages of vehicles that operate on cleaner fuels (ethanol, natural gas) beginning with vehicles purchased in model year 1999. These requirements do not apply to law enforcement or emergency vehicles, nonroad vehicles, or vehicles that are leased or rented to the general public by commercial operators. The Clean Fuel Vehicle program applies to the following metropolitan areas:

- Atlanta, Georgia;
- Washington, DC Metropolitan Area;
- Chicago-Gary-Lake County, Indiana/Illinois Area;
- Milwaukee-Racine, Wisconsin Area;
- Baton Rouge, Louisiana; and,
- Denver-Boulder, Colorado Area.

For vehicle fleets operated within these areas, new vehicle purchases must be clean fuel vehicles as follows:

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- Medium/Heavy Duty Vehicles (8,500-26,000 lb. Gross Vehicle Weight Rating):
 - 50 percent of new vehicle purchases for Model Year 1999 and beyond.
- Light Duty Vehicles (up to 8,500lb GVWR):
 - 30 percent of new vehicle purchases for Model Year 1999;
 - 50 percent of new vehicle purchases for Model Year 2000; and,
 - 70 percent of new vehicle purchases for Model Year 2001 and beyond.

States may have clean fleet vehicle programs as part of their SIP for other areas.

Commercial operators should also consider using clean fuel vehicles as a BMP whenever feasible as a demonstration of environmental leadership.

Education and Outreach

Facilities located in non-attainment areas may be subject to fuel conservation requirements such as ridesharing under the state SIP. In areas not subject to this requirement, agencies should still establish programs to educate employees on and encourage ride sharing. This education and outreach effort should be transferred to the park-level. This is also encouraged as a BMP for commercial operators.

Fuel Formulation

Certain nonattainment areas may require formulated and oxygenated gasoline in the wintertime. In addition, states often have requirements for low sulfur diesel fuel. Studies have shown that significant pollution reductions from existing diesel trucks and buses can be achieved by using Ultra-Low Sulfur Diesel (ULSD) fuel in combination with emission particulate traps.

Locomotives Emissions Testing

The EPA promulgated new regulations on emissions testing for diesel locomotive engines in March 2008. This final rule sets new emission standards for existing locomotives when they are remanufactured--to take effect as soon as certified systems are available. The rule also sets Tier 3 emission standards for newly-built locomotives, provisions for clean switch locomotives, and idle reduction requirements for new and remanufactured locomotives. Finally, the rule establishes long-term, Tier 4, standards for newly-built engines based on the application of high-efficiency catalytic after treatment technology, beginning in 2015 (40 CFR 92).

Repair and Replacement of Catalytic Converters

Catalytic converters (CCs) control nitrogen oxide (NOx), hydrocarbon (HC), and carbon monoxide (CO) aggregate emissions by 95 percent. EPA regulations are intended to ensure that CCs are maintained on all vehicles for which they are required, and that the converters are compatible with the vehicle on which they are installed. Replacement converters must be the correct type based on vehicle specifications. Maintenance shops can find this information from a CC catalog or chart, or from a local parts store.

Only under certain conditions may maintenance shops replace CCs still covered under vehicle manufacturer's warranty. Model year 1994 vehicles are covered for 5 years or 50,000 miles, while model year 1995 or newer vehicles are covered for 8 years or 80,000 miles. Maintenance may be performed on vehicles still under warranty if:

- The CC is missing, or

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- A local or state vehicle emission inspection program determines that the existing CC has been lead poisoned, damaged, or otherwise needs replacement. Authorization from the state or local inspection program should be attached to the work invoice.

If replacement is not required by the state or local program, the installer and customer must sign a statement documenting why the CC was replaced.

Used CCs (i.e., taken off vehicles) must be kept onsite for a minimum of 15 days from the date removed, and must be marked (on the CC) to indicate which vehicle they came from. Markings on the CC must match the paperwork. Paperwork for the replacement CC must be kept by the installer for at least 6 months and must include the vehicle make, model year, mileage, and reason for replacement.

Truck and Bus Idling

Vehicle operators such as tour bus operators should turn off their vehicles when stopped at tour talk points, rest areas, or other locations where passengers will be disembarking for an extended period of time. They should also turn off vehicles when waiting for extended periods for passengers to embark.

Vehicle Emissions Inspection and Maintenance

Many states have emissions inspection programs that require vehicles to undergo periodic inspections to assure tailpipe air emissions are within specified limits. Vehicles operated on federal installations located within an "inspection and maintenance" (I/M) area must be tested regardless if they are registered within the state or local I/M area. This includes all employee-owned and leased vehicles, as well as, vehicles used by visiting employee personnel if the visits exceed 60 days in a calendar year.

CFC and Halon Management

Air conditioners contain chlorofluorocarbons (CFCs), which are ozone-depleting substances that destroy the ozone layer encircling the Earth. Maintenance and repair of building air conditioners requires technicians to be properly certified and use certified equipment. Maintenance and repair of vehicle air conditioners also requires technicians to be properly certified and use certified equipment; however, these certifications are different from those for building air conditioners. Refer to the NPS *CFC and Halon Management* EnviroCheck Sheet for specific requirements.

Emergency Planning and Reporting

Transportation operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

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In addition, hazardous substances handled at transportation facilities must be considered in park-wide EPCRA reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, transportation operations should maintain a current inventory of hazardous substances at the facility and provide this information to the park. Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the transportation operation, a simple EMS can be an effective tool. Even if not required, which is the case for most Category III transportation operations, the institution of a formal EMP or EMS is recommended. Refer to the Commercial Services Program *Environmental Management System* EnviroCheck Sheet for more information.

Environmental Education

Transportation concessioners have an opportunity to educate visitors on ways to protect the park while still enjoying the park environment. Lessons learned can help visitors become more sensitive to and respectful of the environment around them. Ideas for providing environmental education and outreach to public visitors include:

- Purchasing and using alternative fuel vehicles;
- Recycling and disposing of trash in the proper receptacles;
- Educating visitors on activities undertaken by the concessioner to minimize the impact of transportation operations on the environment; and
- Informing visitors of efforts they can make to reduce their environmental impact (e.g., use of re-refined motor oil).

Environmental Purchasing

The Clean Air Act Amendments of 1990 requires that organizations with vehicle fleets greater than 10 vehicles purchase specified percentages of vehicles that operate on cleaner fuels (e.g., ethanol, natural gas). In addition, the EPA Comprehensive Procurement Guideline (CPG) (40 CFR 247) require federal agencies to affirmatively procure the following materials with recycled content:

- Reclaimed engine coolant;
- Retread tires; and,
- Re-refined lubricating oil.

Although the EPA CPG requirements strictly apply only to federal agencies, commercial operators are encouraged to meet these affirmative procurement guidelines as a BMP. Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

Bulk underground and aboveground storage tanks (USTs and ASTs) and systems should be designed and operated in accordance with regulatory requirements. Refer to the NPS *Fuel Storage Management* EnviroCheck Sheet for more information about USTs and ASTs.

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Hazardous Materials Management

Transportation operators may handle a variety of hazardous materials in caring for their vehicles, and operating and maintaining their facilities. These hazardous materials may include antifreeze, fuels, oil, and other flammable materials. Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for specific hazardous material management requirements.

Hazardous Waste Management

Items such as cleaning chemicals, used solvents, paints, and used fluorescent lights may be considered hazardous waste at the time of disposal. Hazardous materials forgotten in a closet and no longer intended for use may also be considered hazardous waste and must be managed accordingly. Refer to the NPS *Hazardous Waste* EnviroCheck Sheet for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to transportation operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

While it is unlikely to see findings related to transportation operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Pesticide Management* EnviroCheck Sheet.

Respiratory Protection

While it is unlikely to see findings related to transportation operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Respiratory Protection Program* EnviroCheck Sheet.

Solid Waste Management

Food service operators are required to handle solid waste in accordance with the FDA Food Code, as well as federal (40 CFR 243), state, and local requirements. The concessioner should explore opportunities to partner with the park in addressing solid waste management issues (e.g., a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Provide Trash and Recycling Containers

Visitors generate trash, and need a place to dispose of it. If trashcans are not supplied, there is a possibility that the trash could be tossed out the window or left on the floor of the vehicle. To combat litter, trash collection containers should be provided so that visitors have a place to dispose of trash properly. Recycling containers, in addition to allowing visitors to recycle, also send a message that recycling can occur anywhere – even on a bus.

Reuse Tickets and Brochures

Tickets and brochures should be printed using recycled content paper and an area should be set aside where visitors can deposit undamaged tickets and brochures for reuse. Tickets can also be laminated to increase their useful life. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

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Concessioners providing fueling operations in conjunction with their transportation services may be subject to SPCC requirements. Specifically, if oil is stored within the park in excess of 1,320 gallons in aboveground containers or 42,000 gallons in underground tanks, then SPCC planning may be required. Refer to the NPS *SPCC Planning* EnviroCheck Sheet for more information.

Storm Water Management

Vehicle fueling, maintenance, and parking areas may be subject to storm water management requirements. Transportation service facilities including bus and rail yards are subject to conditions outlined in 40 CFR 122, including permitting under the National Pollutant Discharge Elimination System (NPDES), and must prepare a Storm Water Pollution Prevention Plan. Storm water management planning and control are recommended as a BMP for unregulated facilities. Refer to the NPS *Storm Water Management* EnviroCheck Sheet for more information.

Universal Waste Management

While it is unlikely to see findings related to transportation operations within this topic area, you should review and be familiar with regulations outlined in the NPS *Universal Waste Management* EnviroCheck Sheet.

Used Oil Management

Transportation operators may handle and store used oil and used oil filters in caring for their vehicles. If the concessioner is performing maintenance on its vehicles and storing used oil within the park, then refer to the NPS *Used Oil* EnviroCheck Sheet for specific management requirements.

Wastewater Management

Vehicle maintenance and repair activities performed within the park may be subject to wastewater management requirements. Transportation service facilities with motor vehicle waste disposal wells are subject to underground injection well requirements outlined in 40 CFR 144. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more information.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS Environmental Compliance and Response (ECR) Branch : 202-513-7033
- NPS Sustainable Operations and Climate Change (SOCC) Branch: 202-354-1835
- NPS Hazardous Waste Management and Pollution Prevention Team: 202-565-1240
- Green Seal Environmentally Preferable Products Lists: <http://www.greenseal.org/findaproduct/index.cfm>
- NPS Fuel Management Technical Guidance-Part I
- NPS Alternative Transportation Program: <http://www.nps.gov/transportation/>
- EPA Voluntary Diesel Retrofit Program: <http://www.epa.gov/air/caaac/mstrs/greenberg.pdf>

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws³. Use the checklist as a decision-making guide to determine the

³ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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types of activities and associated Applicable Laws affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources. Concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. An isolated finding is an audit finding where the nonconformance observed is isolated, and the majority of other operations, locations, or divisions complies with the audit criteria and demonstrates that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, tribal policies, or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--------------------|--|----------|
| Air Quality | | |
| 1. | Does the concessioner ensure that vehicles have undergone and passed the state I/M inspection on schedule (including visiting vehicles and vehicles registered outside the state if present for more than 60 days at the facility)? [State] | 2 |
| 2. | Does the concessioner maintain documentation that vehicles have undergone and passed the state I/M inspection on schedule? [SIP-CAA, 40 CFR 51.356(a)(4)] | 2 |
| 3. | Has the concessioner ensured that any work done on catalytic converters is conducted in accordance with regulatory requirements? [51 FR 28114-28119, 28133; 52 FR 28119, 28133; 52FR 42144] | 2 |
| 4. | Are vehicles operating in nonattainment areas fueled with the specially formulated, low sulfur, or oxygenated fuels that they require? [State] | 2 |
| 5. | Are passenger locomotives in compliance with emissions standards to reduce emissions of diesel particulate matter (PM) and nitrogen oxide (NOx)? [40 CFR 92] | 2 |

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|--|--|-----------------|
| 6. | Is ride sharing encouraged among employees? Are other programs to minimize fuel usage also promoted? [In nonattainment areas, SIP-CAA or park, otherwise BMP] | 2 or BMP |
| 7. | Is the commercial operator subject to Clean Fuel Fleet requirements? For example, does it: Operate more than 10 vehicles that are capable of being centrally fueled; and Operate in one of EPA's designated Clean Fuel Fleet areas, or is in a nonattainment area for ozone or carbon monoxide (CO)? These Clean Fuel Fleet requirements include the commercial operator purchasing clean fuel vehicles as follows: For light duty vehicles, clean fuel vehicles make up: 30% of model year 1999 purchases; 50% of model year 2000 purchases; and, 70% of model year 2001 purchases. For medium/heavy duty vehicles (8,500 – 26,000 lb gross vehicle weight rating (GVWR)), clean fuel vehicles make up at least 50% of new vehicle purchases for model year 1999 and beyond. [CAA Section 246 (b) if in designated areas, otherwise BMP] | 2 or BMP |
| 8. | If the park is located in a Class I area, is the concessioner taking steps to minimize air emissions in accordance with the Regional Haze Rules? [NPS Commercial Services Program] | BMP |
| 9. | Are vehicles not allowed to idle, unless safety requires it (e.g., ambulances)? [NPS Commercial Services Program] | BMP |
| Emergency Response, Planning, and Reporting | | |
| 10. | Has the Concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---|---|-----------------|
| 11. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or non-incidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 12. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Sec. 6 (b)] | 3 or BMP |
| 13. | Are procedures in place to incorporate talking points into tours and stops to encourage customers to minimize their environmental impact in the park? [NPS Commercial Services Program] | BMP |
| Environmental Purchasing | | |
| 14. | Does the concessioner use environmentally preferable vehicle products? Some examples include: re-refined oil, recycled antifreeze, and retread tires. [Comprehensive Procurement Guideline for Products Containing Recovered Materials, 40 CFR 247] | BMP |
| 15. | Does the concessioner purchase nontoxic, low toxic, or biodegradable cleaning products? [Green Seal] | BMP |
| 16. | Does the concessioner purchase energy conserving engine models (e.g., 4-stroke engines)? [NPS Commercial Services Program] | BMP |
| Hazardous Materials Management | | |
| 17. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Solid Waste Management | | |

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*Transportation Operations
2011 Update*

| | | |
|-----------------------|--|-----------------|
| 18. | Has the concessioner developed an inventory of all waste streams generated within the park at transportation facilities and submitted an updated copy of the inventory to the park on at least an annual basis? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| CHECKLIST ITEM | | PRIORITY |
| 19. | Does the concessioner's recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 20. | Are tickets and brochures printed on recycled-content paper? [NPS Commercial Services Program] | BMP |
| 21. | Are tickets and brochures reused? Are tickets laminated to increase their useful life? [NPS Commercial Services Program] | BMP |

CONCESSIONER SPECIFIC

| TRANSPORTATION OPERATIONS | | |
|--------------------------------------|---|-----|
| Alternative Fuel Vehicles | | |
| 22. | Have alternative fuel, hybrid, and plug-in hybrid electric vehicles been purchased when commercially available? [EO 13423] | BMP |
| 23. | Has petroleum consumption in fleet vehicles been reduced? [EO 13423] | BMP |
| 24. | Has alternative fuel consumption increased? [EO 13423] | BMP |
| Energy and Water Conservation | | |

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| | | |
|-----|--|-----|
| 25. | <p>Have efforts to reduce water consumption been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc.; • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. <p>[EO 13423]</p> | BMP |
| 27. | <p>Have efforts to increase the use of renewable energy been implemented?</p> <p>[EO 13423]</p> | BMP |
| 28. | <p>Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work plans and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs for energy consuming equipment; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). <p>[EO 13423]</p> | BMP |

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NATIONAL PARK SERVICE Commercial Services Program EnviroCheck Sheet

*Water Guide Services
2011 Update*

INTRODUCTION

Approximately 60 water guide service concessioners operate throughout the National Park Service (NPS). Trips offered range from half-day float excursions to extended backcountry tours lasting several weeks. Water guide services typically include the provision of boats and equipment, guiding services, and ground or air transportation to and from the river. Longer trips may also include river guides setting up campsites, preparing meals, and providing sanitary facilities.

When auditing water guide services, consider the following:

- It will take many years for trash to disintegrate in a riverside campground, for example:
 - Up to five years for a cigarette butt;
 - Up to two years for orange and banana peels; and
 - Up to 20 years for a plastic bag.
- A pint of accidentally spilled fuel can produce a slick almost one acre in area on the water.
- Up to half the fuel from a standard two-stroke outboard engine remains unburned and is exhausted into the water.

Because river and lake environments are some of the most sensitive resources in the national parks, it is particularly important that water guide services are conducted such that all regulatory requirements are met and appropriate best management practices (BMPs) implemented to help protect and conserve the environment. For the most part, water guide concessioners recognize the importance of protecting the environment and have taken a proactive approach to protecting park resources. As a matter of fact, many operators are pioneers and leaders in developing and implementing pollution prevention and waste minimization measures, as well as, minimizing their environmental impact in other ways.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner water guide services located *within* park boundaries. In many concessioner run water guide operations, storage and maintenance facilities for boats and equipment are located outside the park boundary; clients are transported into the park at the beginning of the day and transported back out at the end of the day¹. The activities and operations *within the park* undergo environmental audits through NPS regional environmental audit programs, which are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Water Guide Services Specific Issues” sections below for more information on laws and regulations applicable to water guide operation services.

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply. Note that such requirements may be more stringent and therefore take precedence over less stringent federal standards. If the park is located on tribal land, the concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

Some laws and regulations potentially applicable to water guide services include the prohibition of uncontrolled discharges under the Clean Water Act (CWA) and 40 CFR 122, and notification requirements for discharges of oil products under the Oil Pollution Act and 40 CFR 110. Keep in mind, that many federal regulations do not have direct applicability to water guide operations, mainly because they deal with what is more traditionally defined as a "facility."

Water guide services are also subject to all applicable state laws and regulations. Some states (e.g., Utah) have licensing requirements for water guides. Yet, as with federal regulations, many state laws are not directly applicable to water guide operations.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals also apply, such as those related to concession management, integrated pest management, and backcountry operations. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*).

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Purchase and use of 4-stroke engines;
- Adoption of Leave No Trace (LNT) practices (e.g., human waste management, campground management);
- Implementation of specific best management practices (BMPs);
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Record and documentation of management of all environmental reports and data; and
- Report and implementation of an integrated pest management program per approval of the park annually.

Park General or River Management Plans may include similar environmental requirements, in addition to including statements on protecting air and water quality. They may also address broader management considerations such as the number of boats and carrying capacity of the river or lake. Some parks, as with some

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states, may require that guides acquire licenses to demonstrate their knowledge and skill in operating in the backcountry.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as “BMP – Potentially Low” or “BMP – Potentially High” in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering water guide visitor services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a water guide operation includes fueling and watercraft maintenance and repairs or transportation to and from the river, the *Marinas and Watercraft Rental Operations* EnviroCheck Sheet and the *Transportation Operations* EnviroCheck Sheet will have relevant information. Other Commercial Services Program EnviroCheck Sheets that may apply include: *Guide and Outfitter Services*, *Retail Operations*, and *Environmental Management Systems (EMS)*.

While water guide services take place in the backcountry, water guide activities are sufficiently unique operations compared to hunting, fishing, and mountaineering guide activities that they are addressed in this separate EnviroCheck Sheet. As a result, auditors inspecting water guide services should refer primarily to this EnviroCheck Sheet rather than the NPS Commercial Services Program *Guide Services and Outfitters* EnviroCheck Sheet.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner’s operations. Sustainability of operations refers to operations that have a restorative or net positive impact on the environment (65 FR 26063).

GENERAL ENVIRONMENTAL ISSUES

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Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts or concessioner Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *Air Quality* EnviroCheck Sheet.

CFC and Halon Management

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *CFC and Halon Management* EnviroCheck Sheet.

Emergency Planning and Reporting and Community Right to Know (EPCRA)

Water guide concessioners with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance spills². If the concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled by water guide concessioners inside the park must be considered in park-wide EPCRA reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, water guide employees should maintain a current inventory of hazardous substances used within the park and provide this information to the park. Typically, these operations do not need to provide hazard information (under EPCRA³) directly to a Local Emergency Planning Committee (LEPC) or a State Emergency Response Commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or hazardous chemicals over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

In addition to SOPs, guides should be properly trained on cleanup procedures of hazardous materials because they may work in locations not easily accessible to park staff. Guides should have small spill kits available for water guide activities involving use of hazardous materials. Kits should include absorbent rags and a container to collect used spill cleanup materials. However, the best option is to limit or eliminate any hazardous materials brought onto the water, thereby limiting or eliminating the threat of a hazardous material spill or release.

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of the water guide services operation, a simple EMS can be an effective tool. Even if not required, which is the case for most Category III water guide operations, the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Water guides, especially those offering overnight trips, have an opportunity to educate visitors on park resources and applicable environmental issues and programs. Lessons learned can help customers become more sensitive to and respectful of the environment around them. Ideas for providing environmental education and outreach to public visitors include:

- Distributing environmental educational information (e.g., the “Leave No Trace” ethic) in brochures, newsletters, and reservation packets made from recycled content paper, or on websites as a paperless alternative.
- Educating guests on activities undertaken by the concessioner or the park to minimize the impact of the water guide operations on the environment (e.g., using environmentally-friendly insect repellents, or implementation of a recycling program).
- Explaining to guests how human activities may impact the park environment (e.g., air pollution from vehicles is impacting certain species of plants, directing visitors off designated trails impacts the flora, soil, and fauna of the local area), and how they can make better educated environmental choices (e.g., walk or bike instead of driving when possible, pack out and properly dispose of all trash).

Environmental Purchasing

Water guide services have an opportunity to manage their operations in a more environmentally preferable manner. In addition to using environmentally preferable products in running administrative offices (e.g., recycled-content paper products), water guide operators can help conserve the environment in which they work by purchasing and using the following, if appropriate:

- Four-cycle outboard engines (instead of traditional two-cycle outboard engines) or other energy-efficient engine models that emit less air and noise pollution and use fuels more efficiently;
- Unpainted aluminum (instead of materials that must be painted);
- Organic, locally-produced food and beverages;
- Compostable or reusable serveware and flatware;
- Toilet-in-a-bag products (e.g., WAG® Bags) for collecting human waste;
- Biodegradable, non-toxic cleaning products; and
- A written environmental purchasing program; this is typically not an audit finding unless specified by the concessioner contract but it can be encouraged as a BMP.

Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *Fuel Storage Management* EnviroCheck Sheet.

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Hazardous Waste Management

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *Hazardous Waste Management* EnviroCheck Sheet.

Hazardous Materials Management

Water guides may handle a variety of hazardous materials in their daily activities and operations. These hazardous materials may include fuel and oil for stoves, outboards, and generators, cleaners, solvents, glues, and adhesives in patch kits, and bleach for wastewater treatment. It is important that these hazardous materials are stored properly and securely in containers that will prevent spills and releases, especially in the event that a boat flips over in the water. Refer to the NPS *Hazardous Material Management* EnviroCheck Sheet for specific hazardous material management requirements.

Fuel Management

Fuel is the hazardous material typically used in the greatest quantity by water guide operations. It can severely affect water quality and other natural resources if it is accidentally spilled or released. Listed below are some guidelines that water guide operations should follow as BMPs:

- Avoid transferring fuel from fuel cans to engines, since this activity has the highest risk to result in fuel spills. If this is necessary, use secondary containment devices for transferring fuel.
- Use one-way valves on gas tanks and hose lines to prevent potential fuel leaks.
- Use double-walled tanks, where appropriate, to help prevent potential fuel leaks. Ensure tanks are designed to survive impacts that may occur when the boat is flipped over.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

All methods to controls pests within water guide services (e.g., insect repellants, bear spray) must be approved annually by the park's integrated pest management (IPM) coordinator. Herbicides, algacides, and fungicides used to control unwanted plants, algae, and fungi are also included in this requirement. The quantity and type of pesticides used by the concessioner must be reported to the park IPM coordinator annually, by April 15th. Refer to the NPS *Pesticide Management* EnviroCheck Sheet for more information.

Respiratory Protection

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *Respiratory Protection Program* EnviroCheck Sheet.

Solid Waste Management

Being on the river brings about unique solid waste management issues since trash and recycling containers are often not conveniently located riverside, and river guides must be vigilant about keeping the environment litter-free. Refer to the *Solid Waste Management* EnviroCheck Sheet for more information.

Kitchen Area Waste

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Ask guests to separate recyclables from other trash. Consider separating organic waste from other trash so it can be composted after the trip. Pollution prevention, recycling, and composting programs are also good topics on which to educate guests.

Pack In – Pack Out

Guides should pack out all trash generated from their activities. Outfitters should provide a specified number of trash and recycling bags to customers and ask that they return and account for all bags, whether empty or full, to the outfitter. This will ensure that the environment will remain as pristine as possible for future visitors.

Pollution Prevention

The best way of keeping the environment litter-free is through pollution prevention. Water guide operations should eliminate excess packaging and repackage food and supplies in reusable containers. They should also minimize the number of or eliminate single-serve items (e.g., drink cans, candy bars) brought on the water. These practices will lessen the amount of litter that guests either intentionally or accidentally leave in the park.

Solid Waste & Recycling Storage, Collection, and Disposal

After the trip, properly transport and dispose of solid waste. This includes throwing out regular trash, recycling, and composting where feasible. While the remote location of some parks may prohibit cost-effective recycling programs, NPS policy is to recycle whenever feasible to demonstrate leadership in solid waste management.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *SPCC Planning* EnviroCheck Sheet.

Storm Water Management

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *Storm Water Management* EnviroCheck Sheet.

Universal Waste Management

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *Universal Waste Management* EnviroCheck Sheet.

Used Oil Management

While it is unlikely to see findings related to water guide services within this topic area, you should review and be familiar with regulations outlined the NPS *Used Oil Management* EnviroCheck Sheet.

Wastewater Management

With the primary activities based upon and near the water, it is very important that water quality and the park environment are protected. Specific wastewater issues related to water guide operations are discussed in the following section. Refer to the NPS *Wastewater Management* EnviroCheck Sheet for more general information on this topic area.

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WATER GUIDE SERVICE-SPECIFIC ISSUES

Campsite Management

Water guide companies should employ LNT principles and teach them to both employees and clients. Activities linked to LNT principles include the following:

- Camp on resistant and/or established sites where impacts already exist, as opposed to restricted areas or non-designated campsites where visible signs of impact are evolving. Generally, it is best to camp on sandy or non-vegetated sites below the high waterline, or established sites above the high waterline.
- If non-vegetated or established campsites are not available, camp at least 100 feet from rivers and 200 feet from side streams.
- When breaking camp, “naturalize” campsites by covering them with pine needles and brushing the area with branches to rid of footprints.
- Build fires only when and where allowed. Use camp stoves for cooking instead of open fires whenever possible. Burn fires in fire pans or designated fire rings.
- Use established trails when hiking. Do not disturb any vegetation. In pristine areas, spread out activities to reduce their environmental impact.

Greywater Management

Greywater includes soapy and dirty water from bathing, brushing teeth, dishwashing, and unused liquids from foods and beverages. Dishwashing and kitchen wastewater should be strained to remove food particles. To reduce greywater generation and water quality issues, water guides should minimize water use and use only biodegradable soap. Greywater should be scattered on the land over a large area and away from surface waters and campsites. However, in arid regions with rivers that have high flows and silty waters, greywater can be thrown directly into the main part of the river.

Human Waste Management

Whenever possible, permanent facilities provided by the park at designated locations should be used. In remote locations where permanent facilities are not available, it is recommended that all solid human waste be collected through a portable toilet system, such as unlined, liquid-tight ammunition boxes (i.e., “groovers”). Reusable human waste containers should be sealable and able to be easily emptied and cleaned. The human waste should either be carried outside the park for disposal at a pump out station, wastewater treatment plant, or transferred to an authorized park toilet. Single use bag containers (e.g., the WAG Bag®) that are approved for disposal in a landfill may also be used although using reusable human waste containers is still preferred⁴.

If allowed by the park, human waste can be buried in a shallow hole (6”-8” deep) at least 100 feet from surface waters, campsites, and trails. Use toilet paper sparingly, and preferably carry it out of the park instead of burying it in the hole.

Feminine Products

Used feminine-hygiene products should always be packed out since they decompose slowly. Pack them out in doubled plastic bags.

⁴ It is prohibited to dispose of untreated human waste in a landfill; using the WAG Bag® or other commercially available bagged waste receptacles is considered treatment of the human waste.

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Urine

Urinate on rocky or sandy areas, or pine duff (i.e., partially decomposed pine needles on the forest floor) away from surface waters and campsites. Avoid urinating on or around green plants since animals may be attracted to the urine salts and dig up the plants. In arid regions with large flow or silty rivers, urinary waste should go directly into the river. On clear mountain rivers with spring floods, individuals should urinate on the land above the high water line so that the urine is filtered before entering the water.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS and Regional Concession Chiefs and Specialists
- Tread Lightly! A nonprofit organization that addresses concerns linked to increased use of recreational areas. Booklets and brochures on Western River Corridors, among other topics, are available: 800-966-9900 and <http://www.treadlightly.org>.
- Leave No Trace. A nonprofit organization that promotes and inspires responsible outdoor recreation through education, research, and partnerships. Booklets and brochures on water recreation and camping, among other topics, are available: 800-332-4100 and <http://www.lnt.org>.
- Grand Canyon River Outfitters Association. A nonprofit trade group that has some environmental stewardship initiatives: <http://www.gcroa.org/>
- American Rivers. Nonprofit organization dedicated to protecting and restoring rivers nationwide: <http://www.amrivers.org/>
- America Outdoors. International, nonprofit association of outfitters that can provide case studies and contacts for river outfitters: <http://www.americaoutdoors.com/>

CHECKLIST ITEMS

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁵. Use the checklist as a decision-making guide to determine the types of activities and associated Applicable Laws affecting the concessioner.

The checklist item listed in the first column identifies the regulatory criteria. The priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources. Concessioners are encouraged, but not required, to implement them.

⁵ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions complies with the audit criteria and demonstrates that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, tribal policies, or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--|---|----------|
| Emergency Response, Planning, and Reporting | | |
| 1. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or non-incidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |
| 2. | Does the concessioner follow park camping policies and procedures? [Park policy] | 3 |
| 3. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Section 6(b)] | 3 or BMP |
| 4. | Are guests educated on the "Leave No Trace" ethic? [Leave No Trace] | BMP |
| 5. | Are customers informed of efforts the concessioner has taken to lessen its environmental impact? [NPS Commercial Services Program] | BMP |
| 6. | Are procedures in place to incorporate talking points into tours and stops to encourage riders to minimize their environmental impact in the park? [NPS Commercial Services Program] | BMP |
| Environmental Purchasing | | |
| 7. | Does the concessioner use biodegradable soaps for personal washing and dishwashing? [Leave No Trace] | BMP |
| 8. | Does the concessioner use four-cycle outboard engines or other low-emission, more fuel-efficient engines instead of two-cycle outboard engines? [EPA Region 1, "Do Motorboat Engines Cause Water Pollution?" and New England Clean Marina Engine Initiative] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|--|-----------------|
| 9. | Does the concessioner use unbleached, nondyed, unscented, recycled-content toilet paper? [NPS Commercial Services Program] | BMP |
| 10. | Does the concessioner use unpainted aluminum instead of painted materials for boats and other equipment? [NPS Commercial Services Program] | BMP |
| Hazardous Materials Management | | |
| 11. | Are one-way valves installed on gas tanks and hose lines to prevent potential fuel leaks? [NPS Commercial Services Program] | BMP |
| 12. | Are procedures in place to minimize fuel handling on the river (e.g., fuel from fuel cans is not transferred to engines on the river)? Are these procedures followed? [NPS Commercial Services Program] | BMP |
| 13. | Does the concessioner use double-walled tanks that can withstand river running environments and activities? [NPS Commercial Services Program] | BMP |
| 14. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| Solid Waste Management | | |
| 15. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 16. | Does the concessioner's recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 17. | Does the concessioner pack out all trash that is packed in? Does the concessioner pack out trash found that may not be theirs? [Contract or BMP, Leave No Trace; Tread Lightly!] | 3 or BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-----------------------|--|-----------------|
| 18. | As a pollution prevention measure, does the concessioner repackage food and supplies to eliminate excess packaging prior to embarking on a trip? [Leave No Trace] | BMP |

CONCESSIONER SPECIFIC

| WATER GUIDE SERVICES | | |
|-----------------------------|---|-----|
| Campsite Management | | |
| 19. | Does the concessioner follow park camping policies and procedures? [Park Policy] | 3 |
| 20. | Does the concessioner follow rules for building fires and use fire pans if and when fires are allowed? [Leave No Trace; Tread Lightly!] | BMP |
| 21. | Does the concessioner locate campsites on resistant or established sites where impacts already exist? If these campsites are not available, does the concessioner use non-vegetated (already impacted) campsites? [Leave No Trace] | BMP |
| 22. | Does the concessioner naturalize campsites and rest stops after use? [Leave No Trace] | BMP |
| 23. | Does the concessioner use camp stoves instead of open fires? [Leave No Trace; Tread Lightly!] | BMP |
| 24. | Does the concessioner use established trails for hiking? If activities occur in pristine areas with no trails, are activities spread out to reduce their environmental impact? [Leave No Trace] | BMP |
| Greywater Management | | |
| 25. | Does the concessioner dispose of grey water at least 200 feet from water sources by scattering it across the ground? [Leave No Trace] | BMP |
| 26. | Does the concessioner minimize the use of water and soap? If soap is needed, does the concessioner use only biodegradable soap? [Leave No Trace] | BMP |
| 27. | Does the concessioner strain food particles from dishwater and kitchen waste before being disposed of? [Leave No Trace] | BMP |

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| CHECKLIST ITEM | | PRIORITY |
|-------------------------------|---|-----------------|
| Human Waste Management | | |
| 28. | Does the concessioner ensure that solid human waste from portable toilets is disposed of at an authorized pump-out station or wastewater treatment plant and is not disposed of in landfills? (Note: Using the WAG Bag® or other commercially available bagged waste receptacles is considered treatment of the human waste.) [40 CFR 122.1(b)(3)] | 2 |
| 29. | Does the concessioner use designated and authorized privies to manage human waste, when available? If privies are not available, does the concessioner bury human waste and toilet paper in catholes 6"-8" deep and at least 100' away from surface waters, campsites, and trails, or are these materials packed out? [Leave No Trace] | BMP |
| 30. | Does the concessioner pack out used feminine hygiene products? [Leave No Trace] | BMP |
| 31. | Do guides and clients urinate in rocky or sandy areas, instead of near green plants, camps or water? [Leave No Trace] | BMP |

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INTRODUCTION

There are approximately 25 winter sports operators within the National Park Service (NPS). Their services include cross-country skiing, snowshoeing, snowmobile rentals, and/or wintertime guide services. A handful of concessioners offer downhill skiing. These concessioner operations range from day rentals of equipment to overnight guided tours into the wilderness.

Winter sports operators must maintain their equipment and vehicles in top-notch shape for both safety reasons and client and visitor satisfaction. For example, downhill and cross-country ski areas must maintain ski lifts, trail grooming equipment, snow cats, and other vehicles and equipment. Snowmobile operators must ensure that their vehicles are properly maintained and in good working condition. Vehicle and equipment maintenance encompass a broad range of activities which could negatively impact the environment, including fueling and disposal of potentially hazardous wastes.

Because of the unique areas in which these winter sports operations take place, good backcountry site management skills and maintenance of equipment (e.g., snowmobiles, ski lifts) are essential for protecting and conserving park resources.

AUDITABLE OPERATIONS

This EnviroCheck Sheet applies to concessioner winter sports operations located *within* park boundaries. In many concessioner-run winter sports operations, equipment storage and maintenance facilities, as well as office space from which they run the administrative part of their business, are located outside the park boundary¹. The activities and operations *within the park* undergo environmental audits through NPS regional environmental audit programs, which are conducted separately from the NPS Commercial Services Program concessioner environmental audits.

REGULATORY OVERVIEW

The concessioner is required by the concession contract to ensure that it is conducting its activities and operations in accordance with all Applicable Laws. This includes federal, tribal, state, local laws and regulations, codes, and some Executive Orders (EOs); as well as, Department of the Interior (DOI) policies, NPS policies, applicable park policies and guidance such as the Park General Management Plan, Backcountry Regulations, and the concession contract. See the “General Environmental Issues” and “Winter Sport Operation Specific Issues” sections below for more information on laws and regulations applicable to winter sports operations.

Federal, Tribal, State and Local Regulations

Concessioners are subject to all applicable federal laws and associated regulations, such as U.S. Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and U.S. Department of Transportation (DOT) regulations. State and local environmental and associated public health, safety, transportation regulations, and codes also apply. Note that such requirements may be more stringent and therefore take precedence over less stringent federal standards. If the park is located on tribal land, the

¹ Activities at out-of-park facilities are not addressed as part of the environmental audit, unless the facilities are specifically assigned under the concession contract. However, compliance with Applicable Laws for commercial operations taking place outside park boundaries is encouraged.

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concessioner is subject to applicable tribal laws. Concessioners are not subject to EOs unless specifically identified in them.

Some states have licensing requirements for winter sports operations, including requirements that guides be licensed to demonstrate their knowledge and skill in operating in the backcountry.

DOI, NPS, and Park-Specific Requirements

Concessioners are subject to DOI and NPS policies, such as those that require environmental audits of concessioners. Park-specific policies found in Director's Orders (DOs) and associated Reference Manuals also apply, such as those related to concession management, integrated pest management, and backcountry operations. Parks may also have park-specific policies found in Superintendent Compendia, or Backcountry Regulations to which concessioners must adhere.

Although concessioners are not subject to EOs, unless specifically called out, the NPS Commercial Services recommends that concessioners comply with EOs where practicable (such as EO 13423, *Strengthening Federal Environmental Energy, and Transportation Management*). With regard to winter sports operations, EO 13423 requires federal agencies to lead by example in advancing the nation's energy security and environmental performance by achieving the following goals:

- Expanding purchases of environmentally-sound goods and services, including biobased products;
- Reducing the use of chemicals and toxic materials and purchasing lower risk chemicals and toxic materials;
- Constructing or renovating buildings in accordance with sustainability strategies, including resource conservation, reduction, and use; siting; and indoor environmental quality;
- Purchasing electronic products to meet Electronic Product Environmental Assessment Tool standards (where applicable); enabling Energy Star® features on computers and monitors; and reusing, donating, selling, or recycling electronic products;
- Increasing the purchase of alternative fuel, hybrid, and plug-in hybrid electric vehicles when commercially available;
- Reducing petroleum consumption in fleet vehicles;
- Increasing alternative fuel consumption;
- Reducing water consumption intensity; and
- Reducing energy use intensity.

Concession Contract Requirements

Concession contracts often include environmental requirements; however, individual contracts vary. Requirements that may be identified in the concessioner contract include:

- Proper use of backcountry campsites;
- Specific human and solid waste handling practices;
- Fire restrictions;
- Implementation of specific BMPs;
- Maintenance and submission of an inventory of hazardous chemicals and waste streams;
- Record and documentation of management of all environmental reports and data; and
- Reporting and implementation of an integrated pest management program per approval of the park annually.

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Park General Management Plans (GMPs) may also include similar environmental requirements, in addition to including statements on protecting air quality, water quality, and preventing excessive mechanical noise. Some parks, as with some states, may also require that guides obtain licenses to demonstrate their knowledge and skill in operating in the backcountry.

APPLICABLE NPS ENVIROCHECK SHEETS

ALL NPS Environmental Audit Program (EAP) EnviroCheck Sheets should be reviewed prior to conducting an audit. They provide the framework for collecting compliance data during the audit. Note that the NPS EAP EnviroCheck Sheets (separate from NPS Commercial Services Program EnviroCheck Sheets) classify BMPs as a Priority 4 audit finding. The Priority 4 classification is not applicable to the NPS Commercial Services Program environmental audits as BMPs are either classified as “BMP – Potentially Low” or “BMP – Potentially High” in terms of the level of effort needed to implement the BMP for concessioners. As with parks, BMPs are not required to be implemented by concessioners, but may be recommended.

APPLICABLE NPS COMMERCIAL SERVICES ENVIROCHECK SHEETS

Prior to auditing a concessioner offering winter sports services, determine if other NPS Commercial Services Program (concession specific) EnviroCheck Sheets may apply. For example, if a winter sports operation includes transportation to and from the backcountry, the *Transportation Operations* EnviroCheck Sheet will have relevant information. Other Commercial Services Program EnviroCheck Sheets that may apply include: *Guide and Outfitter Services*, *Food Service*, *Retail Operations*, *Lodging Management*, and *Environmental Management Systems (EMS)*.

Although winter sports often take place in the backcountry, winter sports operations are considered to be sufficiently unique compared to other backcountry guide and outfitter services such as hunting, fishing, mountaineering, and water activities. As a result, auditors inspecting winter guide services should refer primarily to this EnviroCheck Sheet rather than either the *Guide Services and Outfitters* or *Water Guide Services* EnviroCheck Sheets.

DEFINITIONS

Applicable Laws: The laws of Congress governing the Area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety (65 FR 26063).

Area: Property within the boundaries of a park unit.

BMP: Best Management Practice. Policies and practices that apply the most current and advanced means and technologies available to the concessioner to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances of the operations conducted under their concession contract. BMPs are expected to change from time to time as technology evolves with a goal of sustainability of the concessioner’s operations. Sustainability of operations refers to operations that have a restorative or net positive

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impact on the environment (65 FR 26063).

Class I Areas: Pristine regions designated by EPA that impose development parameters implemented to prevent the degradation of air quality from increased air pollution. CAA defines mandatory Class I federal areas as certain national parks (over 6,000 acres), wilderness areas (over 5,000 acres), national memorial parks (over 5,000 acres), and international parks that were in existence as of August 1977.

GENERAL ENVIRONMENTAL ISSUES

Many of the management issues and suggestions listed in the following pages are not required by federal regulations or an NPS-wide policy. However, many may be incorporated into concession contracts or Operating and Maintenance (O&M) Plans. Even if not specified in concession contracts or O&M Plans, the suggestions listed below are recommended as BMPs.

Air Quality

Air quality issues due to vehicles are a significant concern in parks due to the environmental, human health, and safety concerns associated with air pollution. Concessioner winter sports operations involving vehicles of all types, including snowmobiles and snow coaches, create air emissions that are regulated on a federal, state, or local level.

Emission Standards

In 40 CFR 1051, EPA established emission standards for new snowmobiles. By 2006, emission levels must be reduced to 70 percent of levels permitted in 2002; by 2010, emissions must be reduced to half of present-day levels; and by 2012 emissions can amount to only 30 percent of present levels. A subsequent rule removed the nitrogen oxide (NOx) component from the 2012 standard. Snowmobiles must meet emission standards over their full useful life. The minimum useful life is 8,000 kilometers, 400 hours of engine operation, or five calendar years, whichever comes first.

Fuel Formulation

Certain nonattainment areas may require formulated and oxygenated gasoline in the wintertime. In addition, states often have requirements for low sulfur diesel fuel. Studies have shown that significant pollution reductions from existing diesel trucks and buses can be achieved by using Ultra-Low Sulfur Diesel (ULSD) fuel in combination with emission particulate traps.

CFC and Halon Management

While it is unlikely to see findings related to winter sports operations within this topic area, you should review and be familiar with regulations outlined the NPS *CFC and Halon Management* EnviroCheck Sheet.

Emergency Planning and Reporting

Winter sports operations with facilities within the park should document and implement either an Emergency Action Plan (EAP) or an Emergency Response Plan (ERP). Concession operators determine which is necessary based on whether or not employees are required to respond to nonincidental hazardous substance spills². If the

² The threshold between an incidental and non-incidental spill may be defined by the state or local regulatory agency, the park, or may be left to the concessioner to determine. As a BMP, the concessioner should document the identified threshold.

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concessioner does not have an ERP in place, staff are allowed to clean up hazardous substance spills or releases only if there are no recognized safety or health hazards present. Typically, such circumstances include non-emergency releases in which staff should take proper precautions in stopping and cleaning up the hazardous substance (e.g., review the material safety data sheet (MSDS) and follow procedures in the document). Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Emergency Planning and Community Right to Know (EPCRA)

In addition, hazardous substances handled during winter sports operations must be considered in park-wide EPCRA reporting and should also be addressed in park emergency planning (e.g., spill and fire response). To meet these requirements, winter sports operations should maintain a current inventory of hazardous materials used and stored in the park, and provide this information to the park. Winter sports operations typically do not need to provide hazard information (under EPCRA³) directly to a Local Emergency Planning Committee (LEPC) or a State Emergency Response Commission (SERC). Reporting requirements will be triggered if the concessioner stores an extremely hazardous substance in quantities equal to or above the threshold planning quantity (TPQ), or over 10,000 pounds (i.e., approximately 1,200 gallons) on-site. Refer to the NPS *Emergency Planning and Reporting* EnviroCheck Sheet for more information.

Environmental Management Systems (EMS)

Concessioners operating under a concession contract issued after 2000 may be required to develop and implement a documented Environmental Management Program (EMP). An EMP is the NPS Commercial Services Program term for EMS; an EMP is one type of an EMS. A documented EMS can help a concessioner organize and prioritize environmental management efforts. Depending on the size and scope of winter sports operations, a simple EMP can be an effective tool. Even if not required, which may be the case for many Category III winter sports concessioners, the institution of a formal EMP or EMS is recommended. Refer to the NPS Commercial Services Program *Environmental Management System (EMS)* EnviroCheck Sheet for more information.

Environmental Education

Winter sports operators have an opportunity to educate visitors on ways to protect the park while still enjoying the park environment. Lessons learned can help visitors become more sensitive to and respectful of the environment around them. Ideas include:

- Distributing pamphlets on and teaching guests the LNT ethic; and
- Explaining to guests how human activities may impact the park environment (e.g., air pollution from vehicles are causing the demise of certain species of plants, litter thrown in the park does not disappear and ruins the “nature” experience for other visitors), and how they can make better educated environmental choices (e.g., pack out and properly dispose of all trash).

Environmental Purchasing

Winter sports operators have an opportunity to manage their operations in a more environmentally preferable manner. In addition to constructing buildings out of environmentally preferable materials (e.g., composite lumbers where possible) and using environmentally preferable products in running administrative offices (e.g., recycled-content paper products), winter sports operators have an opportunity to improve the environment in which they work. For instance, they can purchase and use the following:

- Four-cycle motors for snowmobiles;

³ Examples of hazard information required by EPCRA are MSDSs, Tier II inventory reports, or toxic chemical release inventory reports (Form R).

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- Rerefined motor oil;
- Alternative fuels (e.g., biodiesel);
- Nontoxic, biodegradable soaps (e.g., for personal washing and dishwashing) or no soaps;
- Unbleached, nondyed, unscented, recycled-content toilet paper;
- Organic, locally-produced food and beverages;
- Organic or recycled-content clothing (for use by guides and for sale to visitors);
- Unpainted aluminum (to eliminate the need to paint); and
- Environmentally preferable deicers.

Refer to the NPS *Environmental Purchasing* EnviroCheck Sheet for more information.

Fuel Storage Management

Bulk heating fuel and vehicle fuel underground and aboveground storage tanks (USTs and ASTs) and systems should be designed and operated in accordance with regulatory requirements. Refer to the NPS *Fuel Storage Management* EnviroCheck Sheet for more information.

It may be preferable for fueling operations to take place outside park boundaries such that concessioners or the park do not need to maintain fuel storage tanks at all. Alternative fuels (e.g., biofuels) and more efficient equipment should be researched and implemented where feasible. Alternative energy sources, such as photovoltaics, should be pursued for fixed operations and facilities.

Hazardous Materials Management

Winter sports operators may handle a variety of hazardous materials in their daily activities and operations. These hazardous materials may include gasoline, diesel fuel, caustic cleaners, and other flammable materials. Refer to the NPS *Hazardous Materials Management* EnviroCheck Sheet for specific hazardous material management requirements.

Hazardous Waste Management

Waste and/or contaminated gasoline and diesel fuel, contaminated shop rags and sorbents, used oil, used antifreeze, dead batteries, and used fluorescent lights may be considered hazardous waste when disposed.

Hazardous materials forgotten in a closet and no longer intended for future use may also be considered hazardous waste and therefore must be managed accordingly. States may manage contaminated rags as hazardous waste or nonhazardous waste. It is best to check with the state environmental regulatory agency to determine how they are classified if they are laundered by a commercial laundry service, or are disposed of. Refer to the NPS *Hazardous Waste* EnviroCheck Sheet for more information.

Laboratory Chemical and Waste Management

While it is unlikely to see findings related to winter sports operations within this topic area, you should review and be familiar with regulations outlined the NPS *Laboratory Chemical and Waste Management* EnviroCheck Sheet.

Pesticide Management

While it is unlikely to see findings related to winter sports operations within this topic area, you should review and be familiar with regulations outlined the NPS *Pesticide Management* EnviroCheck Sheet.

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Respiratory Protection

While it is unlikely to see findings related to winter sports operations within this topic area, you should review and be familiar with regulations outlined the NPS *Respiratory Protection Program* EnviroCheck Sheet.

Solid Waste Management

Winter sports operations are required to handle solid waste in accordance with federal requirements (40 CFR 243), state, and local requirements. Concession operations with facilities within the park should explore opportunities to partner with the park in addressing solid waste management issues (e.g., a joint contract with a recycling organization), as well as participating in its Integrated Solid Waste Alternatives Program (ISWAP), if the park has one.

Being in the wilderness brings about unique solid waste management issues since trash and recycling cans are not readily available. Therefore, winter sports operators must be vigilant about keeping the environment litter-free. Refer to the NPS *Solid Waste Management* EnviroCheck Sheet for more information.

Container Management

Outdoor trash containers must be in good condition, covered and closed, weather proofed, and vermin and animal proofed. Receptacles must be conveniently located and adequately meet customer demand. Trash must be collected using appropriately designed and operated vehicles, and must be disposed of at a licensed landfill.

Pack In – Pack Out

Guides should pack out all trash generated from their activities. Outfitters should provide a specified number of trash and recycling bags to customers and ask that they return and account for all bags, whether empty or full, to the outfitter. This will ensure that the environment will remain as pristine as possible for future visitors.

Pollution Prevention

The best way of keeping the environment litter-free is through pollution prevention. Winter sports operators should eliminate excess packaging and repackage food and supplies in reusable containers. They should also minimize the number of and/or eliminate single-serve items (e.g., drink cans, candy bars) brought on trips. These practices will lessen the amount of litter that guests either intentionally or accidentally leave in the park.

Recycling

Winter sports operators should recycle, at a minimum, the same materials as the park in which it operates. This may include beverage containers (aluminum and plastic) sold to park visitors via vending machines, cardboard, and paper used in administrative offices.

Reuse Tickets and Brochures

Tickets and brochures should be printed using recycled content paper and an area should be set aside where visitors can deposit undamaged tickets and brochures for reuse. Tickets can also be laminated to increase their useful life.

Solid Waste Prohibitions

Liquids (e.g., used oil and fat, containers with residual beverages, liquid soap) and potentially hazardous waste (e.g., paints, cleaners) cannot go in the regular trash. As a BMP, the concessioner could place liquid disposal

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buckets beside trash cans for customers to dispose of liquids, before throwing cups into the trash. This will lessen solid waste disposal costs, and unwanted drink liquids can be discarded down the sink.

Solid Waste & Recycling Storage, Collection, and Disposal

After the trip, properly transport and dispose of solid waste. This includes throwing out regular trash, recycling, and composting where feasible. While the remote location of some parks may prohibit cost-effective recycling programs to take place, NPS policy is to recycle whenever feasible to demonstrate leadership in solid waste management.

Spill Prevention, Control, and Countermeasure (SPCC) Planning

A winter sports operator is subject to SPCC regulations if they have a total aboveground storage capacity greater than 1,320 gallons, or underground storage capacity greater than 42,000 gallons, and there is a reasonable expectation of a discharge of oil into or upon navigable waters. SPCC Planning requirements include:

- Conducting a review and incorporating amendments, if necessary, at least every five years;
- Having specific equipment on-hand;
- Training; and
- Recordkeeping.

Refer to the NPS *SPCC Planning* EnviroCheck Sheet for more information.

Storm Water Management

Park streams and rivers are sensitive environments that can be easily impacted by winter activities. Erosion controls (e.g., plastic mats, wood chips) should be provided for heavy traffic areas, particularly during warm periods when snow and ice are melting (e.g., spring thaw). Berms or swales should also be provided to control run-on and prevent erosion to unvegetated areas.

Salt and chemical deicers that are used on a regular basis can contaminate groundwater and nearby waterways. Salt can also attract animals to heavy traffic areas and inadvertently lead to their deaths (e.g., run over by vehicles, multiple encounters with humans leading to the park putting down the animals). Deicers may also cause damage to surrounding vegetation. Therefore, salt and chemical deicers should be used sparingly during the winter months, and environmentally preferable deicers should be utilized when technically and economically feasible. Sand used for traction in parking areas or walkways should also be collected and properly disposed of at the end of the winter season (or more regularly) to prevent it from washing into and clogging waterways. For more information refer to the NPS *Storm Water Management* EnviroCheck Sheet.

Universal Waste Management

The Universal Waste Rule streamlines hazardous waste regulations that govern the collection and management of certain widely generated wastes. To date, the EPA has identified batteries, fluorescent lamps, certain pesticides, and mercury-containing equipment as regulated universal wastes, which may be present at some winter sports operations. Refer to the NPS *Universal Waste Management* EnviroCheck Sheet for more information.

Used Oil Management

While it is unlikely to see findings related to winter sports operation services within this topic area, you should review and be familiar with regulations outlined the NPS *Used Oil Management* EnviroCheck Sheet.

Wastewater Management

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While it is unlikely to see findings related to winter sports operation services within this topic area, you should review and be familiar with regulations outlined the NPS *Wastewater Management* EnviroCheck Sheet.

WINTER SPORTS OPERATION-SPECIFIC ISSUES

Backcountry Site and Trail Management

Concessioners and parks should emphasize Leave No Trace (LNT) principles in their operations and to clients and visitors. While much of this, such as solid waste management, is covered in the *Guide Services and Outfitters* EnviroCheck Sheet, key areas to consider specific to winter sport operations include the following:

- Travel over durable surfaces, such as deep snow, to minimize the impacts of winter activities. (Traveling over durable surfaces protects vegetation and soil from damage and erosion.) New snowfall covers and spring thaws remove traces of human intrusion in the backcountry.
- Use designated campsites, and do not build fires unless it is an emergency. If a fire must be built, then:
 - Avoid building it in sensitive areas near trails, roads, or water sources since the ashes may damage the area or flow into nearby bodies of water with the spring runoff.
 - Ensure that the fire is not built directly on top of the snow to eliminate the possibility of charring the underlying soil.
 - Start the fire in an established fire ring or fire pan.
- Ensure snowmobiles stay on park-designated, signed, and maintained trails. Snowmobiles should be used only when there is enough snow present to protect the underlying vegetation.
- Instruct concessioner clients to remove all human-made snow structures (e.g., igloos, caves) when leaving an area. This will remove obvious traces of human presence and allow others to enjoy the pristine area.
- Direct visitors to avoid unnecessary contact with wildlife since wintertime is usually the most stressful season for animals; their energy should be used for survival, not evading humans. Visitors and clients should not camp in areas used by wildlife for food, water, or bedding.

Energy and Water Conservation

Winter sports operations may offer areas in which energy and water efficient equipment and practices can be implemented. For example in restrooms, ski lifts, and administrative offices. By reducing energy and water consumption, winter sports operations will increase cost savings and decrease the quantity of harmful emissions released from power plants. Energy conservation should be considered in facility and equipment design, work plans, and operating plans. Energy and water conservation BMPs have been incorporated into each of the concession specific EnviroCheck Sheets.

Human Waste Management

Whenever possible, permanent facilities provided by the park at designated locations should be used. In remote locations where permanent facilities are not available, it is recommended that guides pack out all human waste and toilet paper since they decompose slowly. Kitty litter can be added to minimize odors. Guides can dispose of human waste at a pump-out station, wastewater treatment plant, or transfer it to an authorized park toilet. Reusable human waste containers should be sealable and able to be easily emptied and cleaned. Single use bag

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containers (e.g., the WAG Bag ®) that are approved for disposal in a landfill may also be used although using reusable human waste containers is still preferred⁴.

If allowed by the park, human waste can be buried in a shallow hole (6"-8" deep) at least 100 feet from surface waters, campsites, and trails. Use toilet paper sparingly, and preferably carry it out of the park instead of burying it in the hole.

Feminine Products

Used feminine-hygiene products should always be packed out since they decompose slowly. Pack them out in doubled plastic bags.

Urine

Urinate on rocky or sandy areas, or pine duff (i.e., partially decomposed pine needles on the forest floor) away from surface waters and campsites. Avoid urinating on or around green plants since animals may be attracted to the urine salts and dig up the plants. If allowed by the park, it may be preferred to urinate directly into rivers that have a high flow of water.

Trail and Facility Design

When planning and designing new trail systems and buildings for winter sports operations, such as ski or snowmobile trails, the concessioner should fully involve the park at all stages of planning, design, and construction, and follow the NPS Guiding Principles of Sustainable Design. The concessioner should plan and design its trails and facilities to minimize their impact on the environment, complement the park's natural setting, and take into consideration summer conditions when erosion and storm water runoff will differ from wintertime conditions. The concessioner must also ensure that it is conducting its activities and operations in accordance with its concession contract and the Park General Management Plan. See the *Storm Water Management* EnviroCheck Sheet for more information about nonpoint source pollution issues that may be related to trail and facility design.

FOR MORE INFORMATION

- NPS Commercial Services Program *GreenLine* Number: 303-987-6820
- NPS and Regional Concession Chiefs and Specialists
- National Ski Areas Association (NSAA). The NSAA has an environmental charter called "Sustainable Slopes," geared primarily toward alpine ski areas: 303-987-1111 and <http://www.nsaa.org>
- International Snowmobile Manufacturers Association (ISMA). Industry group devoted to the promotion and safe operation of snowmobiles. Provides some information on safe operations and environmental impacts of snowmobiles: 517-339-7788 and <http://www.snowmobile.org>
- Tread Lightly! A nonprofit organization that addresses concerns linked to increased use of recreational areas. Booklets and brochures on snowmobiling and skiing, among other topics, are available: 800-966-9900 and <http://www.treadlightly.org>
- Leave No Trace. A nonprofit organization that promotes and inspires responsible outdoor recreation through education, research, and partnerships. Booklets and brochures on camping and hiking, among other topics are available: 800-332-4100 and <http://www.lnt.org>

⁴ It is prohibited to dispose of untreated human waste in a landfill; using the WAG Bag® or other commercially available bagged waste receptacles is considered treatment of the human waste.

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- EPA Snowmobiles, Dirt Bikes, and ATVs. Regulations and related links:
<http://www.epa.gov/otaq/recveh.htm>

This checklist provides the auditor with an organized approach to gathering the data needed to assure concessioner compliance with Applicable Laws⁵. Use the checklist as a decision-making guide to determine the types of activities and associated applicable regulations affecting the concessioner and the park.

The checklist item listed in the first column identifies the regulatory criteria. The Priority number listed in the second column identifies the weight applied to the criteria should there be noncompliance.

- Priority 1 findings are non-conformances with laws and regulations that pose immediate actual or potential harm to human health or the environment, or the potential for significant liability exists.
- Priority 2 findings represent non-conformances with laws and regulations that do not pose an immediate threat to human health or the environment.
- Priority 3 findings are non-conformances with concessioner-required EOs; DOI, NPS, park policy; or the concession contract that do not pose an immediate threat to human health or the environment.
- BMPs are not required by Applicable Laws. They come from industry or other sources. Concessioners are encouraged, but not required, to implement them.
- An Isolated Finding may be assigned to either a P2 or P3 audit finding and is an instance where the nonconformance observed is isolated. Meaning, the majority of other operations, locations, or divisions complies with the audit criteria and demonstrates that the audited entity has made an effort and understands the audit criteria.

The priority numbers presented represent only the priorities for federal regulations, NPS policies, and industry or other BMP sources. If more stringent park, local, county, state, tribal policies, or regulations apply, then the appropriate priority number should be used.

| CHECKLIST ITEM | | PRIORITY |
|--|--|-----------------|
| Air Quality | | |
| 1. | Are the concessioner's snowmobiles in compliance with current exhaust emission standards? [40 CFR 1051.103] | 2 |
| Emergency Response, Planning, and Reporting | | |
| 2. | Has the Concessioner obtained park permission prior to using any extremely hazardous substance, as defined by EPCRA? [Standard Concession Contract Sec. 6(d)(1)] | 3 or BMP |
| 3. | Has the concessioner developed a written SOP that provides a threshold for determining whether a hazardous substance spill is incidental or nonincidental, and instructs staff on how to respond to each type of spill? [NPS Commercial Services Program] | BMP |
| Environmental Management Systems | | |

⁵ Laws, regulations, EOs; DOI, NPS, or park policy; or the concession contract.

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| | | |
|---------------------------------|---|-----------------|
| 4. | Has the concessioner developed and implemented an EMP? [Standard Concession Contract, Sec. 6 (b)] | 3 or BMP |
| 5. | Does the concessioner ensure that the park is appraised and approves of all phases of planning, design, and construction of concessioner facilities and trails? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| CHECKLIST ITEM | | PRIORITY |
| 6. | Are customers informed of efforts that the concessioner has taken to lessen its environmental impact? [NPS Commercial Services Program] | BMP |
| 7. | Are guests educated on the "Leave No Trace" ethic? [Leave No Trace] | BMP |
| 8. | Are procedures in place to incorporate talking points into tours and stops to encourage riders to minimize their environmental impact in the park? [NPS Commercial Services Program] | BMP |
| Environmental Purchasing | | |
| 9. | Are purchasing personnel buying equipment that is energy efficient? [EO 13423] | BMP |
| 10. | Are nontoxic, low toxic, or biodegradable cleaning products purchased and used? [Choose Green Report: General Purpose Cleaners, Green Seal] | BMP |
| 11. | Does the concessioner purchase bulk products or products with less packaging? [Sustainable Slopes, National Ski Areas Association] | BMP |
| 12. | Are alternative fuels, such as biodiesel, being used for vehicles? [NPS Commercial Services Program] | BMP |
| 13. | Are environmentally preferable deicers and traction control methods used for slippery areas? [NPS Commercial Services Program] | BMP |
| 14. | Do snowmobiles use four-cycle engines? [NPS Commercial Services Program] | BMP |

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| 15. | Does the concessioner choose materials that do not need to be (and are not already) painted for buildings, vehicles, and equipment? [NPS Commercial Services Program] | BMP |
|-----|--|-----|

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| CHECKLIST ITEM | | PRIORITY |
|---------------------------------------|---|-----------------|
| Hazardous Materials Management | | |
| 16. | Has the concessioner reduced the use of chemicals and toxic materials in its operations? Does the concessioner purchase lower risk chemicals and toxic materials? [EO 13423] | BMP |
| 17. | Are fueling operations minimized within the park boundaries (i.e., by locating fueling operations outside of the park)? [NPS Commercial Services Program] | BMP |
| Solid Waste Management | | |
| 18. | Does the concessioner submit an inventory of all its waste streams generated within the park at least annually? [Standard Concession Contract, Sec. 6(d)(1)] | 3 or BMP |
| 19. | Does the concessioner's recycling program collect, at a minimum, all materials that the park recycles? [Contract or BMP, NPS Commercial Services Program] | 3 or BMP |
| 20. | Does the concessioner pack out all trash that is packed in, even if it is not theirs? [Contract or BMP, Leave No Trace; Tread Lightly!] | 3 or BMP |
| 21. | As a pollution prevention measure, does the concessioner repackage food and supplies to eliminate excess packaging prior to embarking on a trip? [Leave No Trace] | BMP |
| 22. | Are tickets and brochures reused? Are tickets laminated to increase their useful life? [NPS Commercial Services Program] | BMP |
| 23. | Are tickets and brochures printed on recycled-content paper? [NPS Commercial Services Program] | BMP |
| Storm Water Management | | |
| 24. | Are deicing chemicals (e.g., salts) and sand used only when necessary to melt snow and ice and provide traction in slippery areas? [NPS Commercial Services Program] | BMP |
| 25. | Are deicing chemicals and sand managed properly (e.g., is sand collected and disposed of so it does not wash into waterways)? [NPS Commercial Services Program] | BMP |

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| 26. | Are erosion controls (e.g., plastic mats, wood chips, berms, swales) in place to minimize erosion damage to unvegetated areas, especially during warmer periods? [NPS Commercial Services Program] | BMP |
|-----|---|-----|

CONCESSIONER SPECIFIC

| WINTER SPORTS OPERATIONS | | |
|--|--|-----|
| Alternative Fuel Vehicles | | |
| 27. | Have alternative fuel, hybrid, and plug-in hybrid electric vehicles been purchased when commercially available? [EO 13423] | BMP |
| 28. | Has petroleum consumption in fleet vehicles been reduced? [EO 13423] | BMP |
| 29. | Has alternative fuel consumption increased? [EO 13423] | BMP |
| Backcountry Site and Trail Management | | |
| 30. | Are concessioner clients instructed to remove all signs of human-made structures (e.g., igloos, snow caves)? [NPS Commercial Services Program] | BMP |
| 31. | Does overnight camping occur only in designated campsites? [Leave No Trace] | BMP |
| 32. | Does the concessioner ensure that fires are not built unless needed, and then only in fire rings away from sensitive environments (e.g., waterways)? [Leave No Trace and Tread Lightly! Tips for Responsible Camping] | BMP |
| 33. | Does the concessioner ensure that snowmobiles stay on park-designated, maintained, and signed trails? [NPS Commercial Services Program] | BMP |
| 34. | Is travel in the backcountry only over durable surfaces, such as deep snow? [Leave No Trace] | BMP |
| 35. | Is unnecessary contact with wildlife avoided? [NPS Commercial Services Program] | BMP |
| Energy and Water Conservation | | |
| 36. | Has the concessioner installed motion sensors on its lights and vending machines? [NPS Commercial Services Program] | BMP |

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| 37. | <p>Have efforts to reduce water consumption been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing a water efficiency and conservation program or strategy; • Educating staff on water efficient practices such as turning off faucets, etc.; • Posting signage regarding water conservation; • Conducting a water audit; • Incorporating water efficiency and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering water conservation in facility and equipment designs, work plans and operating plans; and • Developing regular maintenance and tune-up programs for water-consuming equipment. <p>[EO 13423]</p> | BMP |
| 38. | <p>Have efforts to improve energy efficiency and reduce greenhouse gas emissions been made? Such efforts could include:</p> <ul style="list-style-type: none"> • Developing and implementing an energy efficiency and conservation program or strategy; • Educating staff on energy efficient practices such as turning off lights, keeping windows and doors closed, etc.; • Posting signage regarding energy conservation; • Incorporating energy efficiency, renewable energy sources and sustainability concepts into building construction and renovation; • Having procedures to verify that contractors are considering energy conservation and renewable energy sources in facility and equipment designs, work and operating plans; • Conducting an energy audit; • Developing regular maintenance and tune-up programs; and • Making low or no-capital investments to ensure that buildings and equipment are properly operated and maintained in a manner that maximizes energy efficiency (e.g., weather stripping, properly closing doors and windows and ensuring that vehicles are well-maintained). <p>[EO 13423]</p> | BMP |
| Human Waste Management | | |
| 39. | <p>Does the concessioner ensure that solid human waste from portable toilets is disposed of at an authorized pump-out station or wastewater treatment plant and is not disposed of in landfills? (Note: Using the WAG Bag® or other commercially available bagged waste receptacles is considered treatment of the human waste.)</p> <p>[40 CFR 122.1(b)(3)]</p> | 2 |

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| 40. | Do guides and clients urinate in rocky or sandy areas, instead of near green plants, camps or water? [Leave No Trace] | BMP |
| 41. | Does the concessioner use designated and authorized privies to manage human waste, when available? If privies are not available, does the concessioner bury human waste and toilet paper in catholes 6"-8" deep and at least 100' away from surface waters, campsites, and trails, or are these materials packed out? [Backcountry Use Permit or BMP, Leave No Trace] | 3 or BMP |
| 42. | Does the concessioner pack out used feminine hygiene products? [Leave No Trace] | BMP |
| Trail and Facility Design | | |
| 43. | Do trail and facility designs follow the NPS Guiding Principles of Sustainable Design? [NPS Commercial Services Program] | BMP |

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