Index

ACID RAIN CONTROLS—Cont'd

ACCESS

Airport noise law, access restrictions, Other VOC control measures -Cont'd 17:50 Criminal enforcement measures, architectural surface coatings, 5:37 access to corporate employees, NO_v control measures, 5:36 officers, and directors, 18:71 other VOC requirements, 5:35 Historic preservation, handicapped Ozone and CO reduction measures access standards, 14:91 for specified stationary sources, 5:26 ACID RAIN CONTROLS Petroleum and volatile organic liquid General discussion, 5:21 et seq. storage and transfer, vapor col-Architectural surface coatings, 5:37 lection systems, 5:28 Clean Air Act Title IV Acid Deposi-Pharmaceutical and cosmetic tion Control Program, 5:25 manufacturing processes, 5:31 Cleaning processes, solvent metal, Solvent metal cleaning processes, 5:30 5:30 Coating processes, surface, 5:29, State Acid Deposition Control Act, 5:37 Cosmetic and pharmaceutical State acid deposition reduction tradmanufacturing processes, 5:31 ing programs, 5:23 Fuel Surface coating processes, 5:29, 5:37 gasoline stations, controls on fuel-Synthetic organic chemical ing at, 5:27 manufacturing facility petroleum and volatile organic component leaks, 5:33 liquid storage and transfer, vapor collection systems, ACTIVE HAZARDOUS WASTE 5:28 MANAGEMENT Gasoline stations, controls on fueling General discussion, 9:1 et seq. at, 5:27 Administrative remedies, 9:47 Graphic arts operations, 5:32 Amendments of 1984, 9:4 Litigation, 5:24 Background and statutory framework Manufacturers and manufacturing General discussion, 9:1 pharmaceutical and cosmetic amendments of 1984, hazardous manufacturing processes, and solid waste, 9:4 5:31 congressional objectives, 9:3 synthetic organic chemical manufacturing facility definition of hazardous waste, 9:9, component leaks, 5:33 9:10, 9:16 Metal cleaning processes, solvent, differences between federal and 5:30 state programs, 9:8 NO_x control measures, 5:36 identification of solid waste, 9:10 Other VOC control measures materials eligible for "hazardous" general discussion, 5:34 classification, 9:10

ACTIVE HAZARDOUS WASTE ACTIVE HAZARDOUS WASTE MANAGEMENT—Cont'd MANAGEMENT—Cont'd Background and statutory framework Definition of hazardous waste, 9:9, -Cont'd Resource Conservation and Disposal. Treatment, storage and dis-Recovery Act, 9:2 posal standards, below state authorization criteria, 9:6 **Emergencies** state hazardous waste implemented community right-to-know requirements, 9:67-9:70 program, 9:7 Boilers and industrial furnaces, 9:36 spills and releases, notice of, 9:68, Bulk Storage Act, notice of spills and 9:84 releases under, 9:79 Enforcement proceedings and penal-Certification general discussion, 9:46 generators, 9:28 industrial hazardous waste faciliadministrative remedies, 9:47 ties, siting of, 9:59 charts of class I-II priority and Characteristic wastes, 9:13 criminal violations, form, 9:54 Chemicals, community right-to know citizen suits, 9:53, 9:73 requirements, 9:70, 9:71 civil judicial enforcement, 9:51 Citizen suits, 9:53, 9:73 community right-to-know law, Class I-II priority and criminal violations, chart, 9:54 9:73 criminal enforcement, 9:52, 9:54 Community right-to-know requirements DEC's civil penalty policy, 9:49 EPA's RCRA penalty policy and general discussion, 9:64 enforcement response policy, emergency and hazardous chemi-9:47 cal inventory forms, 9:70 inspections, 9:48, 9:55 emergency planning requirements, 9:67 "unsuitability" statute, 9:50 Exemptions and exclusions, 9:16, emergency release notification, 9:17, 9:40, 9:57 9:68 Finances and funds enforcement, 9:73 spill compensation fund, 9:94 federal requirements under the treatment, storage and disposal Emergency Planning and standards, 9:35 Community Right-to-Know Act, 9:65 Forms material safety data sheet reporting charts of class I-II priority and requirements, 9:69 criminal violations, 9:54 new york city community right-toidentification and certification. know law, 9:74 9:28 public access to reported data, 9:72 Inspection form, 9:55 state and local planning authorities, waste generation and management, 9:66 9:29 toxic chemical release forms, 9:71 waste received from off site, 9:37 Congressional objectives, 9:3 Furnaces, boilers and industrial, 9:36 Containers and container storage Generators areas, 9:36 general discussion, 9:18-9:29 Corrective action, 9:42-9:45 accumulation of hazardous waste,

9:22

Criminal enforcement, 9:52, 9:54

ACTIVE HAZARDOUS WASTE ACTIVE HAZARDOUS WASTE MANAGEMENT—Cont'd MANAGEMENT—Cont'd Navigation Law Article 12. Petro-Generators—Cont'd certification, form, 9:28 leum discharges regulation, below definition of generator, 9:19 Notice forms, 9:28, 9:29 community right-to know requireidentification, 9:21, 9:28 identification and certification, ments, emergency release notification, 9:68 form, 9:28 generators, notification and EPA manifest requirements, 9:23 identification number, 9:21 minimization of waste, 9:26 spills and releases. Notification of notification and EPA identification spills and releases, below number, 9:21 Notification of spills and releases packaging and labeling hazardous general discussion, 9:78 waste for shipment, 9:24 recordkeeping and reporting, 9:25 bulk storage law, reporting under, report of waste generation and management, form, 9:29 emergency release reporting small quantity generators, 9:27 requirements, 9:68, 9:84 waste determination, 9:20 federal release reporting requirewaste generation and management. ments, 9:83 form, 9:29 new york city emergency release Identification reporting requirements, 9:84 general discussion, 9:10-9:17 permit reporting requirements, generators, 9:21, 9:28 9:80 Incentives, 9:85 transportation, during, 9:81 Incinerators, 5:13, 9:36 treatment, storage or disposal facil-Inspection, 9:48, 9:55, 9:90 ities spills and releases, 9:82 Labeling and packaging hazardous Occupational Safety and Health waste for shipment, 9:24 Administration Hazard Com-Land disposal restrictions, 9:38-9:41 munication Standard (HCS), 9:76 Land disposal units, 9:36 Landfill, 9:36 Packaging and labeling hazardous waste for shipment, 9:24 Land treatment facility, 9:36 PCBs, regulation of, 9:61-9:63 Listed hazardous waste generally, 9:12 Penalties. Enforcement proceedings and penalties, above Emergency Planning and Community Right-To-Know Act Permit requirements (EPCRA), 9:65 corrective action, 9:44 Mixture and derived-from rules, 9:15 industrial hazardous waste facili-Multi-media enforcement ties, siting of, 9:59 inspection, planning and enforcespills and releases, notice of, 9:80 ment policy, 9:90 treatment, storage and disposal petroleum discharges regulation, standards, 9:31 below Petroleum discharges regulation program goals, 9:89 general discussion, 9:92 relation to and comparison with active discharges, 9:93-9:98 EPA multi-media enforcement, 9:91 fund liability, 9:98

ACTIVE HAZARDOUS WASTE ACTIVE HAZARDOUS WASTE MANAGEMENT—Cont'd MANAGEMENT—Cont'd Petroleum discharges regulation Release —Cont'd community right-to know requireinactive petroleum discharges, ments, above 9:99-9:101 notice of spills and releases, 9:78insurer of responsible party 9:84 liability, 9:97 treatment, storage and disposal liability, 9:94 et seq. standards, 9:33 MTBE litigation, potential, 9:101 worker right-to know requireprivate party liability, 9:95 ments, below property owner liability for Resource Conservation and Recovery underground storage tanks, Act, 9:2, 9:5 9:100 Right-to-know requirements responsible party's insurer's community right-to-know requireliability, 9:97 ments, 9:64-9:74 responsible party's liability to fund notification of spills and releases, administrator, 9:96 9:78-9:84 state Environmental Protection and worker right-to-know require-Spill Compensation Fund, ments, 9:75-9:77 9:94 Siting of industrial hazardous waste underground storage tanks, propfacilities erty owner liability for, 9:100 general discussion, 9:56-9:60 Planning administrative hearing procedure, community right-to-know require-9:59 ments, 9:67-9:69 criteria for, 9:58 multi-media enforcement, 9:90 exemptions, 9:57 Pollution prevention permit and certificate application general discussion, 9:85-9:88 procedures, 9:59 Environmental Benefit Project, role of municipality and state 9:88 preemption, 9:60 federal law, regulation and incenstatutory and regulatory requiretives, 9:85 ments, 9:56 renewed emphasis on voluntary Small businesses, 9:87 prevention, 9:87 Small quantity generators, 9:27 small business assistance, 9:87 Spills and releases, 9:78-9:84, 9:92 state's SEP equivalent, 9:88 et seq. state tools, mandatory regulations State authorization criteria, 9:6 and their rejection, 9:86 Storage. Treatment, storage and dis-Preemption as to siting of industrial posal standards, below hazardous waste facilities, role Surface impoundments, 9:36 of municipality and state preemption, 9:60 Tanks and tank systems Records and reports general discussion, 9:36 community right-to know requireproperty owner liability for ments, 9:69, 9:72 underground storage tanks, generators, 9:25, 9:28, 9:29 9:100 spills and releases. Notification of Toxicity characteristic leaching pro-

cedure, 9:14

spills and releases, above

ACTIVE HAZARDOUS WASTE

MANAGEMENT—Cont'd -Cont'd Transportation Courts and the Agency, 12:12 generators, packaging and labeling Process and practice, 12:13 hazardous waste for shipment, Regulatory framework, 12:11 ADMINISTRATIVE AGENCY spills and releases, notice of, 9:81 RELATIONSHIPS Treatment, storage and disposal stan-As to particular agencies or relationdards ships, see specific entries in this general discussion, 9:30-9:37 topic additional facility-specific require-General discussion, 3:1 et seq. ments, 9:36 Constitutional law, 3:1, 3:2 boilers and industrial furnaces, Cross-examination of experts in 9:36 administrative proceedings, closure and post-closure require-3:21-3:26 ments, 9:34, 9:36 Due process clause, 3:2 containers and container storage Enforcement actions areas, 9:36 general discussion, 3:27 facility operating standards, 9:32 administrative hearings enforcefinancial requirements, 9:35 ment process, 3:35 form, waste received from off site. guidance documents of DEC, 3:31 9:37 initiation of enforcement proceedland disposal restrictions, 9:41 ings under part 622, 3:33 land disposal units, 9:36 institutional structure of DEC hear-Landfill, 9:36 ings process, 3:32 land treatment facility, 9:36 minimizing violations, 3:29 Navigation Law, property owner motions for orders without hearing, liability for underground stor-3:33 age tanks, 9:100 notices of hearings and complaints, off site, waste received from, 9:37 3:33 permitting procedures, 9:31 post-hearing process, DEC's, 3:36 releases, 9:33 practical tips on interacting with spills and releases, notice of, 9:79, DEC in the enforcement 9:82 forum, 3:28-3:32 surface impoundments, 9:36 pre-enforcement hearing issues, tanks and tank systems, 9:36 3:30 waste piles, 9:36 pre-hearing activity in DEC "Unsuitability" statute, 9:50 enforcement proceedings, 3:34 Waste piles, 9:36 state inactive hazardous waste site Worker right-to-know requirements program, proceedings under, general discussion, 9:75 3:37 federal OSHA Hazard Comsummary abatement orders, 3:33 munication Standard (HCS), Hearings, this index 9:76 Inactive hazardous waste site state worker right-to-know law, program, proceedings under, 9:77 3:37 ADIRONDACK PARK AGENCY Initiation of enforcement proceed-General discussion, 12:9-12:14 ings, 3:33

ADIRONDACK PARK AGENCY

ADMINISTRATIVE AGENCY RELATIONSHIPS—Cont'd Interesting with DEC in onforcem

Interacting with DEC in enforcement, practical tips on, **3:28 et seq.**

Judicial review of administrative decisions and procedures

Article 78 proceedings, **3:46 et**

Declaratory judgment actions, 3:51 Negotiated rulemaking, 3:42-3:45 Permit Hearing Under DEC Practice, this index

Role of regulations in practice involving DEC, **3:39**

Rulemaking

general discussion, 3:38

future prospects, 3:45

negotiated rulemaking, **3:42-3:45** opportunities to participate in

DEC's process, 3:41

outcome of DEC negotiated rulemaking efforts to date, 3:44

process, DEC rulemaking, **3:40** process issues, negotiated rulemaking, **3:43**

role of regulations in practice involving DEC, **3:39**

SAPA requirements, **3:3** Statutory background, **3:1**

ADVERTISEMENTS

Noise, 17:43

ADVICE AND ADVISORY BODIES

Historic preservation, advisory counsel on, **14:67**, **14:82**Pesticides and herbicides, registration of, **10:11**

ADVISORY COMMITTEE

Registration of pesticides and herbicides, **10:11**

AESTHETIC REVIEW LAWS

Historic preservation, 14:32

AGREEMENTS

Contracts and Agreements, this index

AGRICULTURE

General discussion, 13:1-13:10

AGRICULTURE—Cont'd

Commissioner-created districts, **13:4** Consequences of district designation, **13:5-13:7**

Disease, preventing spread of, 13:10 Establishing agricultural district, 13:2 Landowner-created districts, 13:3 Litigation shield ("Right to Farm"), 13:9, 13:10

Protective regulation, 13:10 Real property tax relief, 13:6 Taxation, 13:6, 13:8

AIRPORT NOISE LAW

General discussion, 17:47 et seq.
Access restrictions, 17:50
Citizen suits, 17:56
Compatibility programs, 17:51
Construction and operation of airport, 17:53

Damages

measure of damages for appropriation, 17:63

type of damage required, 17:59

De facto taking, 17:58

De jure appropriations of aviation easements, 17:62

Easements, de jure appropriations of aviation easements, **17:62**

Evidence, 17:52

Federal airport noise law, **17:48**Federal government, protecting from liability, **17:52**

Flights not over the property, 17:61 Inadmissible evidence, 17:52

Land use planning, 17:51

Land uses compatible with airport noise, 17:52

Liability

protecting airport operators and federal government from, 17:52

responsible party, **17:60**Limitation of actions, **17:64**Measurement of airport noise, **17:55**Measure of damages for appropriation, **17:63**Nuisance actions, **17:57**

Index-6

AIRPORT NOISE LAW—Cont'd	AIR QUALITY—Cont'd
Operation and construction of airport,	Gasoline
17:53	controls on, 5:39
Operators of airport, protecting from liability, 17:52	fueling at gasoline stations, controls on, 5:27
Preemption of local law, 17:49	mobile sources, 5:39 , 5:42
Procedural matters, 17:64	reformulated, 5:42
Protecting of airport operators and federal government from	General process emission sources, 5:12
liability, 17:52 Responsible party, 17:60	Global warming initiatives, state, 5:57
Sonic booms, 17:54	Graphic arts operations, 5:32
Statute of limitations, 17:64 Type of damage required, 17:59	Hazardous air pollutants, national emission standards for, 5:9
AIRPORTS AND AVIATION	Incinerators, 5:13
Damages, measure of, 17:63	Indirect sources, 5:56
Noise. Airport Noise Law, this index	Litigation, 5:24
AIR QUALITY	Manufacturing facility
General discussion, 5:1 et seq. Acid Rain Controls, this index	pharmaceutical and cosmetic manufacturing processes, 5:31
Architectural surface coatings, 5:37	synthetic organic chemical
Chemical manufacturing facility component leaks, synthetic	manufacturing facility component leaks, 5:33
organic, 5:33 Combustion installations, stationary, 5:14	Metal cleaning processes, solvent, 5:30
Cosmetic manufacturing processes,	Mobile sources
pharmaceutical and, 5:31	Generally, 5:38-5:44
Criminal enforcement, 18:10, 18:11, 18:39	diesel fuel and retrofit technology 5:43
Diesel fuel and retrofit technology,	gasoline, controls on, 5:39
5:43	oxygenated fuels, 5:41
Emission statements, 5:20 Employee commute option program,	personal watercraft, emissions controls on, 5:44
5:55	reformulated gasoline, 5:42
Fuel	reid vapor pressure, 5:40
controls on fueling at gasoline stations, 5:27	retrofit technology, diesel fuel and 5:43
diesel fuel and retrofit technology, 5:43	National ambient air quality standards, 5:6
gasoline, below new motor vehicles, emission	National and regional associations and commissions, 5:4
controls on, centrally fueled fleet program, 5:49	National emission standards for hazardous air pollutants, 5:9
oxygenated fuels, 5:41	New Motor Vehicles, Emission Controls, this index
petroleum and volatile organic liquid storage and transfer,	New source performance standards,
5:28	5:10

AIR QUALITY—Cont'd New source review in nonattainment areas, 5:11 Nonattainment areas, new source review in, 5:11 Operating permit program general discussion, 5:16-5:19 Clean Air Act Title V requirements, 5:17 small businesses, special provisions for, **5:19** state's operating permit program, 5:18 Oxygenated fuels, 5:41 PERC dry cleaning facilities, 5:15 Permits. Operating permit program, above Petroleum and volatile organic liquid storage and transfer, 5:28 Pharmaceutical and cosmetic manufacturing processes, 5:31 Prevention of significant deterioration, stationary sources, 5:8 Reformulated gasoline, 5:42 Regional associations and commissions, **5:4** Regulations national and regional associations and commissions, 5:4 regulatory agencies, 5:3 relevant, 5:2 Regulatory agencies, 5:3 Reid vapor pressure, 5:40 Relevant statutes and regulations, 5:2 Retrofit technology, diesel fuel and, 5:43 Small businesses, special provisions for, 5:19 Solvent metal cleaning processes, 5:30 Standards national ambient air quality standards, **5:6** national emission standards for hazardous air pollutants, stationary sources, 5:9

new source performance standards,

stationary sources, 5:10

State global warming initiatives, 5:57

AIR QUALITY—Cont'd

Stationary combustion installations, 5:14

Stationary sources

general discussion, 5:7-5:14

general process emission sources, **5:12**

incinerators, 5:13

national emission standards for hazardous air pollutants, **5:9**

new source performance standards, 5:10

new source review in nonattainment areas, **5:11**

ozone and CO. reduction measures for specified, **5:26**

prevention of significant deterioration, **5:8**

stationary combustion installations, **5:14**

Statutes, relevant, 5:2

Storage, petroleum and volatile organic liquid storage and transfer, **5:28**

Surface coating processes, 5:29, 5:37 Synthetic organic chemical manufacturing facility component leaks, 5:33

Types of air pollution sources regulated, 5:5

Watercraft, emissions controls on personal watercraft, **5:44**

ALARMS

Noise, 17:25

ALCOHOLIC BEVERAGES

Noise at premises licensed to sell alcohol, 17:30

ALTERNATIVES

Environmental Quality Review Act, alternatives of impact, **4:24**

Historic preservation, feasible and prudent alternatives, **14:86**

Inactive hazardous waste program, preferred remedy selection, 9:133

AMENDMENT

Active hazardous waste management, amendments of 1984, **9:4**

AMENDMENT—Cont'd

Historic districts, amending or revoking designation of, **14:43**

Water quality and SPDES program, FWPCA amendments of 1972, 6:3

ANTICIPATORY DEMOLITION

Historic preservation, 14:78

ANTI-NOISE LAWS

Noise, this index

APPEAL AND REVIEW

Environmental Quality Review Act, this index

Freshwater Wetlands Act, Appeals Board, 11:12

Historic Preservation, this index Judicial Review, this index Noise, 17:43

AQUATIC USE PERMITS

Pesticides and herbicides, 10:16

ARCHITECTURAL SURFACE COATINGS

Acid rain controls, 5:37

ARTICLE 78 PROCEEDINGS

General discussion, 3:46

Declaratory judgment action distinguished, 3:51

Exhaustion of remedies doctrine, 3:49

Judgment or relief, 3:50

Limitation of actions, 3:50

Limitations of Article 78, 3:49

Pleadings, 3:50

Procedural aspects, 3:50

Scope of Article 78, 3:47

Standard of review, 3:48

Standing, 3:50

ARTICLE X OF PUBLIC SERVICE LAW

Electric generating facilities, **15:4**, **15:5**

ASBESTOS

Solid waste management, 8:23

ASSESSMENTS

Environmental Quality Review Act, assessing impacts, **4:23**

Historic preservation, assessment of impact, **14:20**, **14:73**

Taxation, this index

ASSUMPTION OF RISK

Toxic tort law, 2:18

ATHLETIC ACTIVITIES

Noise, 17:36

ATTORNEY GENERAL

Concurrent criminal jurisdiction, 18:55

ATTORNEYS

Concurrent criminal jurisdiction, Attorney General and District Attorney, **18:55**

AUTOMOBILES

Motor Vehicles, this index

AVIATION AND AIRPORTS

Damages, measure of, **17:63**Noise. Airport Noise, this index

"BAD ACTOR" POLICY

Solid waste management, 8:44

BANKRUPTCY

Toxic tort liability, bankruptcy law used as shield against, 2:24

BENEFICIAL USE

Historic preservation, 14:54

BOILERS AND INDUSTRIAL FURNACES

Active hazardous waste management, 9:36

BROWNFIELDS CLEANUP PROGRAM

Inactive Hazardous Waste Program, this index

BUILDINGS

Construction Work, this index Historic Preservation, this index Noise restrictions applicable to building-related mechanical equipment, **17:27**

BUILDINGS—Cont'd

Pesticides and herbicides, application of, 10:21

BULK SALES

Toxic tort law, 2:21

BULK STORAGE ACT

Notice of spills and releases under, 9:79

BURDEN OF PROOF

Presumptions and Burden of Proof, this index

BUSINESS REGISTRATION

Pesticides, 10:19

CANCELLATION

Registration of pesticides and herbicides, **10:10**

CAPTIVITY

Wildlife and endangered species protection, 16:15

CARRIERS

Noise-emissions, 17:42

CAUSATION

Toxic tort law, 2:7

CENTRALLY FUELED FLEET PROGRAM

Air quality, emission controls on new motor vehicles, **5:49**

CERCLA

Comparison of inactive hazardous waste program to, 9:102

CERTIFICATES AND CERTIFICATION

Active Hazardous Waste Management, this index

Forestry, certification of tract, 13:17-13:19

Historic preservation, certificates of appropriateness, **14:45-14:49**

Pesticides and herbicides applicators, 10:18

Water quality and SPDES program, **6:17**

CHANGE

Modification, this index

CHEMICALS

Acid rain controls, synthetic organic chemical manufacturing facility component leaks, 5:33

Community right-to know requirements, **9:70**, **9:71**

CHURCHES

Noise, 17:36

CITIZEN SUITS

Active hazardous waste management, 9:53, 9:73

Airport noise, 17:56

Endangered species law violations, 16:16

Noise, this index

Water quality and SPDES program, **6:16**

CLEAN AIR ACT

Air Quality, this index

CLEAN-UPS

Inactive hazardous waste program, 9:152, 9:155

CLEAN WATER ACT

Water Quality and SPDES Program, this index

Wetlands and coastal zones, 11:2

CLOSURE AND POST-CLOSURE

Active hazardous waste management treatment, storage and disposal standards, 9:34

COASTAL ZONES

Wetlands and Coastal Zones, this index

COMBUSTION INSTALLATIONS, STATIONARY

Air quality, 5:14

COMMERCIAL PERMITS

Commercial and purchase permits for pesticides and herbicides, 10:15

COMMON CARRIERS

Noise-emissions, 17:42

COMMON LAW

General discussion, 1:1, 1:11 Inactive hazardous waste disposal, 9:110

Indemnity, 1:7

Nuisance, 1:2-1:5, 17:12

Preemption of common law claims, 1:9

Restitution, 1:7

Riparian rights, 1:10

Statute of limitations, 1:8

Trespass, 1:6

COMMUNITY RIGHT-TO-KNOW

Active hazardous waste management, **9:64-9:74**

COMMUTE OPTION PROGRAM

General discussion, 5:55

COMPARATIVE FAULT

Toxic tort law, 2:18

COMPENSABLE INJURIES THEORIES

General discussion, **2:13**Fear of future injury, **2:16**Increased risk of disease, **2:14**Liability Theories, this index
Medical monitoring, **2:15**

COMPENSATION

Noise, this index
Spill compensation fund, 9:94
Toxic tort law, compensable injuries,
2:13-2:16

COMPOSTING

Solid waste management, 8:36

CONFIDENTIAL INFORMATION

Inactive hazardous waste program, 9:119

CONGRESSIONAL OBJECTIVES

Active hazardous waste management, 9:3

CONSENT

Historic preservation, owner consent requirements, **14:41**

CONSENT ORDERS

Inactive hazardous waste program, 9:153

CONSERVATION

Active hazardous waste management, Resource Conservation and Recovery Act, 9:2, 9:5

Criminal enforcement, fish and wildlife, **18:52**

Inactive hazardous waste program, requests for information from Department of Environmental Conservation, 9:117

Wildlife and endangered species protection, preserves and conservation areas. 16:6

CONSTITUTIONAL LAW

Administrative agency relationships, 3:1, 3:2

CONSTRUCTION WORK

Airport noise law, 17:53
Demolition, this index
Inactive hazardous waste program,
9:149

Noise, 17:26

Solid waste management of debris, 8:25, 8:42

CONSULTANTS AND CONSULTATION

Environmental Quality Review Act, finding and retaining consultant for draft and final EIS, **4:21**

Historic preservation, 14:21-14:23, 14:71, 14:72

CONTAINERS

Active hazardous waste management, containers and container storage areas, 9:36

Recycling, returnable container act, 8:33

CONTINUING VIOLATION

Criminal enforcement, 18:64

CONTRACTORS

Government contractor defense, toxic tort law, 2:19

CONTRACTS AND AGREEMENTS

Historic preservation, 14:75, 14:76

CONTRIBUTORY NEGLIGENCE

Toxic tort law, 2:18

COOPERATION

Criminal enforcement, cooperation as to government's investigation, 18:68-18:75

CO REDUCTION MEASURES

Acid rain controls, ozone and CO reduction measures for specified stationary sources, **5:26**

CORPORATIONS

Criminal liability. Criminal Enforcement, this index

CORRECTIVE ACTION

Active hazardous waste management, 9:42-9:45

COSMETICS

Acid rain controls, pharmaceutical manufacturing processes, **5:31**

COSTS

Inactive hazardous waste program, 9:141

Permit hearing under DEC practice, 3:14

COUNTY IDENTIFICATION

Inactive hazardous waste sites for registry, **9:115**

COURTS

Noise near courts, 17:24

CRIMINAL ENFORCEMENT

General discussion, 18:1, 18:2

Active hazardous waste management, 9:52, 9:54

Air pollution, 18:10, 18:11, 18:39

Attorney General's concurrent jurisdiction, **18:55**

Continuing violation, 18:64

Conventional crimes or offenses, 18:54

Cooperation as to government's investigation, **18:68-18:75**

CRIMINAL ENFORCEMENT

-Cont'd

Corporate setting liability general discussion, **18:54**, **18:58**

access to corporate employees, officers, and directors when responding to government

investigation, 18:71

acting within scope of employment, **18:59**

failure to perform legal duty, **18:60** responding to government investigation, **18:71**

responsible corporate officer doctrine, 18:61

Culpable mental states, 18:56, 18:57

Dealing with the prosecution. Prosecution, dealing with the, below

Defenses

hazardous substances, 18:27 water pollution, 18:38

Definitions. Guide to the law and key definitions, below

Discretion of prosecutor, 18:63

District Attorney's concurrent jurisdiction, 18:55

Document destruction, 18:54

Elements and degrees of crimes air, 18:39

conservation, fish and wildlife, 18:52

conventional offenses, 18:54

failure to report releases of pollutants, 18:53

hazardous substances, 18:21-18:27

hazardous wastes, 18:15-18:20

medical waste, 18:41-18:50

mineral resources, 18:51

pesticides, 18:40

solid waste, 18:28

water, 18:29-18:38

Failure to report releases of pollutants, 18:53

False and misleading statements, 18:54

Fines, generally, 18:64

Fish and wildlife, 16:16, 18:14,

18:52

Forests, 18:14

CRIMINAL ENFORCEMENT CRIMINAL ENFORCEMENT —Cont'd -Cont'd Guide to the law and key definitions Hazardous wastes-Cont'd general discussion, 18:2 et seq. unlawful dealing in the first degree, 18:19 air contaminant, 18:11 unlawful dealing in the second air pollutant, 18:10 degree, 18:18 fish and wildlife, 18:14 unlawful possession in the first hazardous substances, 18:4 degree, 18:17 hazardous wastes, 18:3 unlawful possession in the second lands and forests, 18:14 degree, 18:16 medical waste, 18:12 Historical perspective, 18:1 pesticides, 18:13 Investigations point source, 18:7, 18:29 general discussion, 18:62 pollutant, 18:8-18:10 considerations during initial stages, state pollutant discharge elimina-18:65 tion system, 18:8 dealing with the prosecution, water, 18:5-18:9 18:65-18:75 waters of the state, 18:6 developing case strategy, 18:67 Hazardous substances preliminary negotiations, 18:66 general discussion, 18:4 responding to the government's defenses, 18:27 investigation, below defined, 18:4 Jurisdictional requirements, 18:55 elements and degrees of crimes, Littering on state highways, 8:43 generally, 18:21-18:27 Medical wastes endangering public health, safety general discussion, 8:24, 8:42, or environment in fifth 18:12, 18:41 degree, 18:22 intentional, 18:43 endangering public health, safety knowing, 18:43 or environment in first degree, reckless, 18:43 18:26 strict liability, 18:42 endangering public health, safety unlawful dealing in, 18:50 or environment in fourth degree, 18:23 unlawful possessing in first degree, endangering public health, safety 18:45 or environment in second unlawful possessing in second degree, 18:25 degree, 18:44 endangering public health, safety unlawful release in first degree, or environment in third 18:49 degree, 18:24 unlawful release in fourth degree, policy strategy of DEC, 18:27 18:46 Hazardous wastes unlawful release in second degree, 18:48 general discussion, 18:3 Active hazardous waste manageunlawful release in third degree, ment, 9:52, 9:54 18:47 defined, 18:3 Mental states, culpable, 18:56, 18:57 elements and degrees of crimes, Mineral resources, 18:51 generally, 18:15-18:20 Misleading the government, 18:54 presumptions, 18:20 Obstructing governmental inquiry, unclassified misdemeanors, 18:15 18:54

CRIMINAL ENFORCEMENT CRIMINAL ENFORCEMENT -Cont'd -Cont'd Obstruction of justice, 18:54 Water pollution—Cont'd Other offenses defenses, 18:38 conventional offenses, 18:54 freshwater wetlands, 11:13, 18:36 failure to report releases of pollutgeneral criminal sanction, 18:30 ants, 18:53 intentional water offense, 18:33 Pesticides, 10:31, 18:13, 18:40 knowing water offense, 18:32 Point source, 18:7, 18:29 point source, 18:7, 18:29 Prosecution, dealing with the pollutant defined, 18:9 general discussion, 18:65-18:67 reporting violation with intent to deceive, 18:34 developing a case strategy, 18:67 initial stages of an investigation, specific water offenses, 18:31 considerations during, 18:65 state pollutant discharge eliminapreliminary negotiations, 18:66 tion system, 18:8 responding to the government's state waters, 18:6 investigation, below streams, 18:35 Prosecutorial discretion, 18:63 tidal wetlands, 11:7, 18:37 Releases of pollutants, failure to wetlands, 18:36, 18:37 report, 18:53 Water supply and stream protection, Responding to the government's 7:18, 18:35 investigation Witness, tampering with or intimidataccess to corporate employees, ing, 18:54 officers, and directors, 18:71 **CROSS-EXAMINATION** choice between cooperation and Experts in administrative proceednoncooperation, 18:68 ings, 3:21-3:26 cooperation, 18:70-18:75 noncooperation, 18:69 **CULPABLE MENTAL STATES** providing a written submission to Criminal enforcement, 18:56, 18:57 the government, 18:73-18:75 **DAMAGES** voluntary disclosure of documents, Noise, this index 18:72 Searches, 18:62 **DAMS** Sentencing, generally, 18:64 Federal program, 7:16 Setting Practice and procedure, 7:17 prosecutorial discretion, 18:63 State program, 7:15 searches and investigations, 18:62 DECEIT sentencing, 18:64 Solid waste, 8:42, 8:43, 18:28 Toxic tort law, 2:8, 2:11 State pollutant discharge elimination DECLARATORY JUDGMENT system, 18:8 Judicial review of administrative State water, 18:6 decisions and procedures, 3:51 Tampering with witness, physical evidence, or records, 18:54 DEED RESTRICTIONS Voluntary disclosure of documents, Open space conservation, 12:3 18:72 DE FACTO TAKING Water pollution

Airport noise law, 17:58

Freshwater Wetlands Act, 11:14

general discussion, **18:5-18:9**, **18:29 et seq.**

DE FACTO TAKING—Cont'd

Tidal wetlands, 11:8

DEFENSES

Assumption of the risk, 2:18
Bulk seller, 2:21
Comparative fault, 2:18
Contributory negligence, 2:18
Government contractor defense, 2:19
Hazardous substances, 18:27
Inactive hazardous waste program, 9:112

Intervening cause defense, 2:23
Sophisticated user, 2:22
State of the art, 2:20
Statute of limitations, 2:17
Superseding cause defense, 2:23
Toxic tort law, 2:17-2:23
Water pollution, 18:38

DE JURE APPROPRIATIONS

Aviation easements, 17:62

DELANEY CLAUSE

Food tolerances, 10:6

DELISTING

Inactive hazardous waste program, 9:125-9:127

Wildlife and endangered species protection, **16:11**

DEMOLITION

Historic Preservation, this index Solid waste management, demolition debris, 8:25, 8:42

DESCRIPTION OR IDENTIFICATION

Identity or Identification, this index

DESIGN ACTIVITIES

Inactive hazardous waste program, 9:144, 9:145, 9:148

DIESEL VEHICLES

Air quality, diesel fuel and retrofit technology, **5:43**

Inspection of, emission controls, 5:51

DIRECTORS

Officers and Directors, this index

DISCLOSURE

Responding to the government's investigation, voluntary disclosure of documents, **18:72**

DISCOVERY

General discussion, **3:34**Permit hearing under DEC practice, **3:11**

DISCRETION

Criminal enforcement, prosecutorial discretion, **18:63**

Environmental Quality Review Act, discretion to allow action that will harm environment, **4:36**

DISEASE

Agriculture, preventing spread of disease, 13:10

Recovery for increased risk of, 2:14

DISORDERLY CONDUCT

Noise, 17:35

DISTINCT INJURY REQUIREMENT

Environmental Quality Review Act, 4:41

DISTRICT ATTORNEY

Concurrent criminal jurisdiction, 18:55

DOCKS

General discussion, 7:11-7:14 Federal program, 7:12 Local programs, 7:13 Practice and procedure, 7:11 State program, 7:11

DREDGING

Water supply and stream protection, 7:8, 7:9

DRY CLEANING FACILITIES

General discussion, 5:15

DUE PROCESS

Administrative agency relationships, **3:2**

DUMPSTERS

Solid waste management, 8:41

EASEMENTS

Airport noise law, de jure appropriations of aviation easements, 17.62

Open space conservation, 12:4

ECONOMIC HARDSHIP

Historic preservation, 14:50-14:58

EIS (ENVIRONMENTAL IMPACT STATEMENT)

Draft and final EIS. Environmental Quality Review Act, State (SEQRA), this index

ELECTRIC AND NATURAL GAS FACILITIES

General discussion, 15:1 et seq.

Electric generator siting and market pricing of electricity

general discussion, **15:7**

comprehensive reliability planning and the NY ISO, **15:9**

electric generation siting in the competitive era, **15:10**

managing the market and dispatch of electricity, the NY ISO, 15:8

Former electric generating plant siting boards

general discussion, 15:3

Article VIII era (1972-1988), 15:4

Article X era (1992-2002), **15:5**

whether siting boards will be reinstituted, **15:6**

Liquefied natural gas facilities, 15:15

Siting and environmental review of electric and natural gas transmission facilities

general discussion, 15:11

federal electric transmission initiative under Energy Policy Act of 2005, **15:13**

interstate natural gas transmission lines under Natural Gas Act and NEPA. 15:14

non-major electric transmission lines, SEQRA and local laws, 15:12

ELECTRIC AND NATURAL GAS FACILITIES—Cont'd

Siting electric generating plants
Former electric generating plant
siting boards, above
SEQRA review and local zoning
approvals, 15:2

ELECTRONIC WASTE

Management, 8:30

EMERGENCIES

Active Hazardous Waste Management, this index

Historic preservation, 14:61

Inactive hazardous waste program, emergency cleanup under Public Health Law, 9:155

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

Consolidated List of Chemicals, 9:66

EMINENT DOMAIN

De Facto Taking, this index

EMISSIONS

Air Quality, this index

EMPLOYER AND EMPLOYEE

Active hazardous waste management, worker right-to-know requirements, 9:75-9:77

Commute option program, 5:55

Corporate setting liability

access to corporate employees, officers, and directors when responding to government investigation, **18:71**

acting within scope of employment, **18:59**

responsible corporate officer doctrine, **18:61**

Occupational Safety and Health Act of 1970, noise, **17:39**

Occupational Safety and Health Administration Hazard Communication Standard (HCS), 9:76

Workers' compensation, noise, 17:37

ENABLING AUTHORITIES

Historic preservation, 14:34

ENDANGERED SPECIES PROTECTION

Wildlife and Endangered Species Protection, this index

ENDANGERING PUBLIC HEALTH, SAFETY OR ENVIRONMENT

Hazardous substances crime, 18:22-18:26

ENERGY

Electric and Natural Gas Facilities, this index

ENFORCEMENT

Criminal Enforcement, this index Freshwater wetlands act, 11:13, 18:36

Historic preservation, 14:29, 14:62 Noise enforcement agencies, 17:19 Pesticides and Herbicides, this index Solid Waste Management, this index Tidal wetlands act, 11:7, 18:37 Water Quality and SPDES Program, 6:15

Water Supply and Stream Protection, this index

Wildlife and Endangered Species Protection, this index

ENVIRONMENTAL IMPACT STATEMENT (EIS)

Draft and final EIS. Environmental Quality Review Act, State (SEQRA), this index

ENVIRONMENTAL QUALITY BOND ACT OF 1986

Inactive hazardous waste program, 9:158

ENVIRONMENTAL QUALITY REVIEW ACT, STATE (SEQRA)

General discussion, **4:1 et seq.** Alternatives of impact, **4:24** Assessment of impact, **4:23** Conduct of litigation, **4:44**

ENVIRONMENTAL QUALITY REVIEW ACT, STATE (SEQRA)—Cont'd

Consultant for draft and final EIS, finding and retaining, **4:21**Definition of SEQRA "action," **4:3**Determination of environmental significance

general discussion, **4:16** application of the criteria of significance, **4:18**

conditioned negative declaration, **4:19**

hard look doctrine, 4:17

Determining whether proposed governmental activity is subject to SEQRA

general discussion, **4:2** definition of SEQRA "action," **4:3**

excluded actions, **4:6** preliminary planning is not SEQRA action, **4:4**

type II actions, **4:5**, **4:6**

when related activities are a single SEQRA action, **4:8**

Discretion to allow action that will harm environment, **4:36**

Distinct injury requirement, **4:41**

Distinction between Type I and Unlisted actions

general discussion, 4:11

determine whether action is Type I or Unlisted, **4:12**

Part I of the EAF, 4:13

selection of a lead agency, **4:14** uncoordinated review, **4:15**

Draft and final EIS

general discussion, **4:20-4:30** alternatives and mitigation, **4:24** assessing impacts, **4:23** consultant, finding and retaining, **4:21**

content of EIS, establishing, **4:22** formal scoping of draft EIS, **4:26** practice tip on drafting EIS, **4:25** preparation of draft EIS, **4:27** preparation of final EIS, **4:30**

ENVIRONMENTAL QUALITY ENVIRONMENTAL QUALITY REVIEW ACT, STATE REVIEW ACT, STATE (SEQRA)—Cont'd (SEQRA)—Cont'd Draft and final EIS—Cont'd Mitigation of impact preparation of supplemental EIS, another agency's jurisdiction, not displacing, 4:34 public review of draft EIS, 4:28 draft and final EIS matter, 4:24 Establishing content of EIS, 4:22 permissible mitigating measures, Excluded actions, 4:6 4:33 Final EIS. Draft and final EIS, above relation to environmental impact of proposed action requirement, Final relief, SEQRA litigation, 4:46 4:35 Findings, SEQRA Parties to action general discussion, 4:31-4:36 general discussion, 4:40 limited discretion of agency to intervention, 4:43 allow action that will harm environment, 4:36 Part I of EAF, completion of, 4:13 mitigating measures, permissible, Preliminary planning, 4:4 4:33 Proposed governmental activity mitigating measures may not subject to SEQRA, determinadisplace another agency's tion of, 4:4 jurisdiction, 4:34 Public review of draft EIS, 4:28 mitigating measures must relate to Ripeness, 4:38 the environmental impact of Segmented review as prohibited the proposed action, 4:35 general discussion, 4:7 statement, findings, 4:32 including future actions in Hard look doctrine, 4:17 environmental assessment, practical problems of, 4:9 Historic Preservation, this index Impact statement, draft and final EIS, when related activities are a single 4:20-4:30 SEQRA action, 4:8 when segmentation is permitted, Interim relief, SEQRA litigation, 4:45 4:10 Significance determination. Determi-Intervention, 4:43 nation of environmental signifi-Jurisdiction of another agency, cance, above mitigating measures may not Supplemental EIS, preparation of, displace, 4:34 4:29 Limitation of actions, 4:39 Time of litigation Litigation, SEQRA historic preservation, 14:27 general discussion, 4:37-4:46 limitation of actions, 4:39 conduct of the litigation, 4:44 ripeness, 4:38 distinct injury requirement, 4:41 Type I and Unlisted actions final relief, 4:46 distinguished. Distinction interim relief, 4:45 between Type I and Unlisted intervention, 4:43 actions, above proper parties, 4:40 Type II actions, determining whether ripeness, 4:38 proposed governmental activity statute of limitations, 4:39 is subject to SEQRA, 4:5, 4:6 zone of interest requirement, 4:42 Zone of interest requirement, 4:42

EROSION HAZARD AREAS

Coastal zones, 11:15-11:17

EVIDENCE

Airport noise law, 17:52

Discovery, this index

Expert Witnesses and Testimony, this index

Permit Hearing Under DEC Practice, this index

Presumptions and Burden of Proof, this index

EXCLUSIONS

Exemptions and Exclusions, this index

EXEMPTIONS AND EXCLUSIONS

Active hazardous waste management, 9:16, 9:17, 9:40, 9:57

Environmental Quality Review Act, **4:6**

Hazardous Wastes and Substances, this index

Historic Preservation, this index

EXHAUSTION OF REMEDIES DOCTRINE

Article 78 proceedings, 3:49

EXPANDED BOTTLE BILL

Solid waste management, 8:34

EXPERIMENTAL USE PERMITS

Pesticides and herbicides, 10:17

EXPERT WITNESSES AND TESTIMONY

Administrative proceedings, crossexamination of experts in

general discussion, 3:21

analysis of approach, 3:23

areas of cross-examination, 3:26 keeping expert testimony in perspective, 3:25

methods of cross-examination, 3:24

preparation of expert, **3:22** Toxic tort claims, **2:25**

EXPRESS AND IMPLIED WARRANTIES

Toxic tort law, 2:9

FARMS AND FARMING

Agriculture, this index

FEAR OF FUTURE INJURY

Recovery for, 2:16

FEASIBILITY AND FEASIBILITY STUDIES

Historic preservation, 14:86 Inactive hazardous waste program, 9:133, 9:138, 9:142

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT ("FIFRA")

General discussion, 10:2-10:7, 10:23, 10:29

FEDERAL TAX INCENTIVES

Historic preservation, 14:92

FILES AND FILING

Records and Reports, this index

FINALITY

Environmental Quality Review Act,

Inactive hazardous waste program, **9:148**

Permit hearing under DEC practice, 3:16

FINANCES AND FUNDS

Active Hazardous Waste Management, this index

Highway noise, 17:65

Inactive hazardous waste program, 9:152, 9:156-9:158, 9:176

FINDINGS

Environmental Quality Review Act, 4:31-4:36

FIRE PREVENTION AND BUILDING CODE

Historic preservation, 14:91

FISH AND GAME

Wildlife and Endangered Species Protection, this index

FLOODS AND FLOODING

Flood hazard and area regulation, 11:22-11:24

FLOW RESTRICTIONS

Solid waste management, 8:10-8:13

FOOD TOLERANCES AND **DELANEY CLAUSE**

General discussion, 10:6

FORECLOSURE

Historic preservation, foreclosure of comment, 14:77

FOREIGN STATE

Solid waste management, penalties, 8:43

FORESTS AND FOREST LANDS

General discussion, 13:11-13:21 Certification of tract consequences of, 13:18 procedure to obtain, 13:17 revocation or termination of. 13:19 Criminal enforcement, 18:14 Historical perspective, 13:12 Open space conservation, 12:8 Penalties, 13:19, 13:20 Real Property Tax Law Section 480, 13:13-13:15 Regulatory framework, 13:16 Revocation or termination of exemption status of tract, 13:19

Taxation, 13:11-13:21 FRAUD AND DECEIT

Toxic tort law, 2:8, 2:11

FREEDOM OF INFORMATION

General discussion, 3:34

FRESHWATER WETLANDS ACT

General discussion, 11:9-11:14 De facto taking, 11:14 Enforcement, 11:13, 18:36 Judicial review and Appeals Board, 11:12 Mapping and inventory, 11:10

FUEL

Air Quality, this index

Permit program, 11:11

FUEL—Cont'd

Gas and Oil, this index

FUNDS

Finances and Funds, this index

FUNGICIDES

Pesticides and Herbicides, this index

FUTURE INJURY

Recovery for fear of, 2:16

GAME

Wildlife and Endangered Species Protection, this index

GAS AND OIL

Acid rain control, petroleum and volatile organic liquid storage and transfer, 5:28

Active hazardous waste management, Navigation Law, 9:92 et seq.

Air Quality, this index

Electric and Natural Gas Facilities, this index

Gasoline. Air Quality, this index Solid waste management, used oil, 8:27

GASOLINE STATIONS

Acid rain controls on fueling at gasoline stations, 5:27

GENERATORS

Active Hazardous Waste Management, this index Major Electric Generating Facilities, Siting of, this index

GLOBAL WARMING

State air quality initiatives, 5:57

GOOD FAITH

Historic preservation, good faith offers to sell, 14:55

GOVERNMENT CONTRACTOR **DEFENSE**

Toxic tort law, 2:19

GRAPHIC ARTS OPERATIONS

Acid rain controls, 5:32

GUIDANCE DOCUMENTS

DEC, 3:31

HANDICAPPED ACCESS STANDARDS

Historic preservation, 14:91

HARASSMENT

Wildlife and endangered species protection, 16:13

HARD LOOK DOCTRINE

Environmental Quality Review Act, **4:17**

HARDSHIP

Historic preservation, 14:50-14:58

HAZARDOUS WASTES AND SUBSTANCES

General discussion, **18:3**, **18:4**Active Hazardous Waste Management, this index

Air pollutants, national emission standards for, **5:9**

Criminal Enforcement, this index Defined, 18:3, 18:4, 18:21

Exemptions and exclusions active hazardous waste management, 9:16, 9:17, 9:40, 9:57

Inactive Hazardous Waste Program, this index

Mercury-added consumer products, **8:31**

Solid waste management, household hazardous waste, **8:28**

HEALTH DEPARTMENT

Inactive hazardous waste program, 9:154, 9:155

HEARING LOSS

Noise, 17:37

HEARINGS

Administrative enforcement hearings process, **3:35**

Historic Preservation, this index Inactive Hazardous Waste Program, this index

Industrial hazardous waste facilities, siting of, **9:59**

Institutional structure of DEC's administrative hearings, **3:32** Notice of Hearing, this index

HEARINGS—Cont'd

Permit Hearing Under DEC Practice, this index

Pesticides and herbicides, registration of, 10:12

Post-hearing process, 3:36

Pre-enforcement hearing issues, 3:30

Pre-hearing activity in DEC enforcement proceedings, **3:34**

HERBICIDES

Pesticides and herbicides, this index

HIGHWAY LITTERING

Penalties for littering on state highways, **8:43**

HIGHWAY NOISE

General discussion, 17:65, 17:66

HISTORIC PRESERVATION

General discussion, **14:1 et seq.** Advisory Council on Historic Preservation, **14:67**, **14:82**

Aesthetic review laws, distinction between historic preservation and, 14:32

Agreement, 14:75, 14:76

Alternatives, feasible and prudent alternatives, 14:21-14:23, 14:86

Amending or revoking designation of landmarks and historic districts, 14:43

Anticipatory demolition, **14:78**Appeal and Review, this index
Assessment of impact, **14:20**, **14:73**Beneficial use, **14:54**Buildings

landmarks and historic districts, issuance of building or demolition permit while designation is pending, 14:44

maintenance of historic properties, building codes, **14:59**

state use of historic buildings, 14:14

Uniform Fire Prevention and Building Code, **14:91**

Certificates of appropriateness general discussion, **14:45** changes requiring certificate, **14:45**

HISTORIC PRESERVATION —Cont'd	HISTORIC PRESERVATION —Cont'd
Certificates of appropriateness —Cont'd compatibility with historic character, 14:46 criteria, 14:46	Economic hardship—Cont'd hardship test non-profit owners, 14:53 public hearings, 14:57 timing of hardship application, 14:51
decision, 14:49 information needed, 14:47 procedures, 14:47 public hearing, 14:48 Changes requiring certificate of appropriateness, 14:45 Consent of owner, 14:41 Consultation process, 14:21-14:23, 14:71, 14:72	Emergencies, 14:61 Enabling authorities, 14:34 Enforcement, 14:29, 14:62 Environmental Quality Review Act (SEQRA) general discussion, 14:87-14:90 critical environmental area designations, 14:90
Definition of historic properties, 14:19, 14:70 Demolition anticipatory demolition, 14:78 issuance of building or demolition	definition of environment, 14:88 timing of review, 14:27 Type I actions presumptively requiring environmental review, 14:89
permit while designation is pending, 14:44 Designation of landmarks and historic districts general discussion, 14:36	Exemptions and exclusions maintenance, 14:60, 14:61 public emergencies, 14:61 review, 14:24 Feasible and prudent alternatives,
amending, 14:43 criteria, 14:37 decision, 14:40 impact on property owner, 14:42 issuance of building or demolition	14:21-14:23, 14:86 Federal precedents, 14:3 Federal tax incentives, 14:92 Fire Prevention and Building Code, 14:91
permit while designation pending, 14:44 notice and hearing, 14:39 owner consent requirements, 14:41 record, 14:38	Foreclosure of comment, 14:77 Good faith offers to sell, 14:55 Handicapped access standards, 14:91 Hardship, 14:50-14:58 Hearings
revoking, 14:43 Distinction between historic preservation laws and zoning or aesthetic review laws, 14:32 Economic hardship general discussion, 14:50-14:58	certificates of appropriateness, 14:48 economic hardship, 14:57 landmarks and historic districts, designation of, 14:39
beneficial use, 14:54 decisions, 14:58 efforts to find a new use, 14:56 good faith offers to sell, 14:55 hardship test for-profit owners,	Historical perspective of state's Historic Preservation Act, 14:2- 14:4 Incentives, tax incentives, 14:92, 14:93 Interior Department, 14:82
14:52	Inventory of historic places, 14:7

HISTORIC PRESERVATION

-Cont'd -Cont'd Landmarks Review—Cont'd building codes distinguished from coordination with local historical landmark laws, 14:59 preservation commission review, 14:28 commissions, 14:35 designation of, 14:36-14:44 Environmental Quality Review Act, this index distinction between various laws, 14:32, 14:59 exemptions, 14:24 local landmark preservation laws, federal activities affecting historic 14:30-14:33, 14:35 properties, 14:69-14:73 special requirements for national National Historic Preservation Act, historic landmarks, 14:79 14:68 Letter of resolution, 14:23 role of regional offices, 14:26 Local historic preservation commissimilar activities, review of, 14:25 sion review, coordination with, state agency activities affecting 14:28 historic properties, of, 14:9, Local landmark preservation laws, 14:16-14:18 14:30-14:32 timing of review with SEQRA Local participation, 14:15 process, 14:27 Maintenance of historic properties, zoning or aesthetic review laws, 14:13, 14:59-14:61 distinction between historic Memorandum of agreement, 14:75 preservation and, 14:32 National historic landmarks, special Revoking designation of landmarks requirements for, 14:79 and historic districts, 14:43 National Historic Preservation Act. Sale, good faith offers to sell, 14:55 14:65-14:68 Section 106 negotiation process, Negotiation process, 14:81 14:81 New use, efforts to find, 14:56 State Board for Historic Preservation, Notice and hearing, 14:39 14:10 Officers, Agency preservation, 14:11 Statewide inventory of historic Overview of state's Historic Preserplaces, 14:7 vation Act, 14:1-14:4 Statewide program, 14:8 Penalties, 14:62 Statutory and regulatory format of the Permits, issuance of building or state's Act, 14:5-14:14 demolition permit while Survey of historic properties, 14:12 designation is pending, 14:44 Precedents, 14:3 Tax incentives, 14:92, 14:93 Presumptions, Type I actions Test of economic hardship, 14:52, presumptively requiring 14:53 environmental review, 14:89 Time Public participation, 14:74 economic hardship application, Records, 14:37 Regional offices, role of, 14:26 Environmental Quality Review Act Register of historic places, 14:6 process, timing of review Review with, 14:27 activities affecting historic proper-Transportation Act, 14:83-14:86 ties that are subject to, 14:18 Undertaking, properties discovered appeals, 14:63 during, 14:80

HISTORIC PRESERVATION

HISTORIC PRESERVATION

-Cont'd

Uniform Fire Prevention and Building Code, **14:91**

Use of historic buildings by state, 14:14

Zoning or aesthetic review laws, distinction between historic preservation laws and, **14:32**

HORNS

Noise, 17:25

HOSPITALS

Noise, 17:24

HOST COMMUNITY BENEFIT PROGRAMS

Solid waste management, 8:20

HOUSEHOLD HAZARDOUS WASTE

Solid waste management, 8:28

HOUSING AND URBAN DEVELOPMENT

Noise, 17:40

Small Business Liability Relief and Brownfields Revitalization Act (SB/BRA), 9:102

HUNTING

Wildlife and Endangered Species Protection, this index

IDENTITY OR IDENTIFICATION

Active Hazardous Waste Management, this index

Inactive hazardous waste site registry, **9:114-9:119**

Unknown tortfeasor's identity, toxic tort liability law, 2:12

IDLING RESTRICTIONS

Heavy duty vehicles, 5:52

IMPACT STATEMENT

Environmental Quality Review Act, 4:20-4:30

IMPLIED AND EXPRESS WARRANTIES

Toxic tort law, 2:9

INACTIVE HAZARDOUS WASTE PROGRAM

General discussion, 9:102 et seq.

Alternatives, screening of, 9:133

Brownfields cleanup program

general discussion, 9:161 et seq.

Administration of the Brownfield Opportunity Area (BOA) program, 9:173

application process, 9:163-9:165

cleanup program, generally, 9:162

eligibility criteria, 9:164, 9:165

Environmental Restoration Project State Assistance Program, 9:174

federal legislation, 9:161

financial incentives, 9:171

flowchart, 9:175

institutional controls, 9:167

liability exemptions, 9:169

liability release and reopeners,

9:170

public information and participation, **9:168**

reporting requirements for developers, **9:172**

standards, cleanup, 9:166

CERCLA, comparison to, 9:102

Classifications and other information on registry

general discussion, **9:120**, **9:123**

classification system, 9:121

significant threat to environment standard, 9:122

Clean-ups

brownfields. Brownfields cleanup program, above

state-funded, 9:152

temporary cleanups under Public Health Law, 9:155

Common law liability, 9:110

Community acceptance, 9:140

Comparison to CERCLA. 9:102

Confidentiality of information, 9:119

Consent orders, 9:153

Construction activities, 9:149

Costs, 9:141

NACTIVE HAZARDOUS WASTE PROGRAM—Cont'd	INACTIVE HAZARDOUS WASTE PROGRAM—Cont'd
County identification of sites for reg-	Hearings
istry, 9:115	delisting, 9:126
DEC-preferred remedy selection general discussion, 9:132	remediation, mechanisms for state to obtain, 9:151
community acceptance, 9:140 cost, 9:141	Identification of sites for registry, 9:114-9:119
feasibility, generally, 9:138 feasibility study, preparation of,	Interim remedial measures, 9:146- 9:148
9:133	Investigations, 9:118, 9:142
long-term effectiveness, 9:136	Lists and listing
process of selecting remedy, 9:133 protectiveness of human health,	notifying DEC of change of use of listed site, 9:159
overall, 9:139 reduction of toxicity, mobility and	registry, challenging listing on, 9:124-9:127
volume with treatment, 9:137	Long-term effectiveness, 9:136
screening of alternatives, 9:133 short-term effectiveness, 9:135	Mechanisms for state to obtain remediation
standards, criteria and guidance,	general discussion, 9:150
9:134 Defenses, 9:112	administrative consent orders, 9:153
Definitions	administrative enforcement hear-
general discussion, 9:103	ing, 9:151
hazardous waste, 9:104	state funded clean-ups, 9:152
inactive hazardous waste disposal	Modification
site, 9:105	design activities, 9:145
inactive hazardous waste disposal	notifying DEC of change of use of
site and remedial program,	listed site, 9:159
9:106	Notice Notice
responsible party, 9:111	delisting, 9:127
Delisting	reuse of sites, notifying DEC of
general discussion, 9:124	change of use of listed site,
hearing, 9:126	9:159
notice of, 9:127	Other state reports
petition, 9:125	general discussion, 9:128
Design activities, 9:144, 9:145, 9:148	site status reporting system, 9:129
Emergency cleanup under Public	state inactive hazardous waste
Health Law, 9:155	remedial plan, 9:130, 9:131
Environmental Quality Bond Act of 1986, 9:158	Overall protectiveness of human health, 9:139
Feasibility and feasibility standards, 9:133, 9:138, 9:142	Owner's liability, 9:108
Final remedy, designing interim	Parties liable, 9:107-9:112
remedial measure as, 9:148	Petition for delisting, 9:125
Funding by state, 9:152, 9:156- 9:158, 9:176	Preferred remedy selection, 9:132- 9:141
Health department's role, 9:154, 9:155	Proceedings under inactive hazardous waste site program, 3:37

INACTIVE HAZARDOUS WASTE PROGRAM—Cont'd

Records and reports

general discussion, 9:128-9:131

brownfield cleanup program, reporting requirements for developer, 9:172

decision, record of, 9:143 self-reporting, 9:116

Registry

general discussion, 9:113 et seq. challenging site listing on the reg-

istry, **9:124-9:127**

classifications and other information on the registry, **9:120**-**9:123**

identification of sites for the registry, **9:114-9:119**

other state reports, 9:128-9:131

Remediation

construction activities, 9:149

DEC-preferred remedy selection, 9:132-9:141

design activities, 9:144, 9:145

interim remedial measure, 9:146-9:148

mechanisms for state to obtain, 9:150-9:153

procedure for selection of remedy, 9:142, 9:143

reuse of inactive hazardous waste sites, 9:159-9:175

role of Department of Health, 9:154, 9:155

state funding, 9:156-9:158

Requests for information from Department of Environmental Conservation, 9:117

Reuse of inactive hazardous waste sites

approval of Commissioners of DEC and DOH, situations requiring, **9:160**

brownfields program and federal legislation, 9:161-9:175

notification of change of use of listed site, **9:159**

Self-reporting, 9:116

Short-term effectiveness, 9:135

INACTIVE HAZARDOUS WASTE PROGRAM—Cont'd

"Significant Threat to Environment" standard, 9:122

Small Business Liability Relief and Brownfields Revitalization Act (SB/BRA), 9:102

Superfund of state, 9:156, 9:157, 9:176

INCENTIVES

Active hazardous waste management, **9:85**

Historic preservation, tax incentives, 14:92, 14:93

INCINERATORS

General discussion, **5:13**, **9:36**Solid waste management, **8:18**, **9:36**

INCOME TAX BENEFITS

Open space conservation, 12:5

INDEMNITY

Common law, 1:7

INDUSTRIAL HAZARDOUS WASTE FACILITIES

Siting of, 9:56-9:60

INJUNCTIVE RELIEF

Noise, 17:14

INSECTICIDES

Pesticides and Herbicides, this index

INSPECTION

Active hazardous waste management, 9:48, 9:55, 9:90

New Motor Vehicles, Emission Controls, this index

INSURANCE

Flood insurance, 11:24

Navigation Law, liability of insurer of responsible party, 9:97

Toxic tort claims, 2:26

INTERFERENCE

Noise, 17:6, 17:9

INTERIM RELIEF

Environmental Quality Review Act, 4:45

INTERIM RELIEF—Cont'd

Inactive hazardous waste program, 9:146-9:148

INTERIOR DEPARTMENT

Historic preservation, 14:82

INTERSTATE COMMERCE

Solid waste management, 8:12

INTERVENING CAUSE DEFENSE

Toxic tort law, 2:23

INTERVENTION

Environmental Quality Review Act, **4:43**

INTOXICATING LIQUOR

Noise at premises licensed to sell, 17:30

INVENTORY

Chemicals, inventory forms, 9:70 Freshwater Wetlands Act, 11:10 Historic places, 14:7 Tidal Wetlands Act, 11:4

INVESTIGATIONS

Criminal Enforcement, this index Inactive hazardous waste program, 9:118, 9:142

JUDICIAL REVIEW

Administrative decisions and procedures, of Article 78 proceedings, **3:46 et seq.**

Declaratory judgment actions, 3:51 Article 78 Proceedings, this index Coastal erosion hazard areas, 11:17 Freshwater Wetlands Act, 11:12 Tidal Wetlands Act, 11:6

JURISDICTION

Criminal enforcement, concurrent jurisdiction of Attorney General and District Attorney, **18:55**

Environmental Quality Review Act, mitigating measures may not displace jurisdiction of another agency, **4:34**

LABELS AND LABELING

Hazardous waste for shipment, 9:24

LABELS AND LABELING—Cont'd

Noise, 17:42

Pesticides and herbicides, 10:24

LAND DISPOSAL RESTRICTIONS

Active hazardous waste management, **9:38-9:41**

LANDFILLS

Solid waste management, 8:17, 9:36

LANDLORD-TENANT LAW

Noise, 17:17

LANDMARKS

Historic preservation, 14:30-14:33, 14:36-14:44, 14:59, 14:79

LAND TRUSTS

Open space conservation, 12:2

LAND USE CONTROLS

Zoning and Land Use Controls, this index

LAWNS

Pesticides and herbicides, 10:20

LEACHING PROCEDURE

Toxicity characteristic, 9:14

LEAKS

Synthetic organic chemical manufacturing facility component leaks, acid rain controls, 5:33

LEGISLATIVE HEARING AND ISSUES CONFERENCE

General discussion, 3:10

LETTER OF RESOLUTION

Historic preservation, 14:23

LIABILITY THEORIES

General discussion, 2:3-2:12

Bankruptcy law as shield against toxic tort liability, using, 2:24

Compensable Injuries Theories, this index

Defenses, this index

Expert witnesses and testimony, 2:25

Fraudulent misrepresentation, 2:11

Identity of torfeasor unknown, 2:12

LIABILITY THEORIES—Cont'd

Insurance coverage for toxic tort claims, 2:26

Misrepresentation

fraudulent, 2:11

negligent, 2:8

Negligence

general discussion, 2:4-2:8

causation, 2:7

contributory negligence, 2:18

duty and standard of care, 2:6

elements of cause of action, 2:5 misrepresentation, negligent, 2:8

Strict liability, 2:10

Warranties, express and implied, 2:9

LICENSES AND PERMITS

Permits, this index

LIMITATION OF ACTIONS

Airport noise law, 17:64

Article 78 proceedings, 3:50

Common law, 1:8

Environmental Quality Review Act, **4:39**

Toxic tort law, 2:17

LISTS AND LISTING

Active Hazardous Waste Management, this index

Chemicals list, Emergency Planning and Community Right-To-Know Act

(EPCRA), 9:66

Delisting, this index

Inactive Hazardous Waste Program, this index

Wildlife and endangered species protection, **16:9**, **16:11**

LITTERING

Penalties for littering on state highways, **8:43**

MAINTENANCE

Historic properties, 14:13, 14:59-14:61

MANIFEST REQUIREMENTS

Active hazardous waste management generators, **9:23**

MANUFACTURERS AND MANUFACTURING

Acid Rain Controls, this index

MAPPING

Freshwater Wetlands Act, 11:10 Tidal wetlands, 11:4

MARINE RESOURCES

Wildlife and endangered species protection, **16:7**

MEASUREMENT OF SOUND

General discussion, 17:2, 17:55

MEDIATION

Office of hearings and mediation services relationship to DEC, **3:6**

MEDICAL MONITORING

Toxic tort recovery theory, 2:15

MEDICAL WASTE

General discussion, 8:24

Criminal Enforcement, this index

Penalties, 8:24, 8:42

Solid waste flow restrictions, 8:13

Solid waste management, 8:24

Solid waste management facilities,

8:15, 8:18, 8:19

MEMORANDUM

Historic preservation, memorandum of agreement, 14:75

MENTAL STATES

Criminal enforcement, culpable mental states, **18:56**, **18:57**

MERCURY-ADDED CONSUMER PRODUCTS

Hazardous wastes and substances, 8:31

METAL CLEANING PROCESSES

Acid rain controls, 5:30

MINERAL RESOURCES

Criminal enforcement, 18:51

MINIMIZING VIOLATIONS

General discussion, 3:29

MISREPRESENTATION

Toxic tort law, 2:8, 2:11

MITIGATION

Environmental Quality Review Act, mitigation of impact, **4:24**, **4:33**-**4:35**

MIXTURE AND DERIVED-FROM RULES

Active hazardous waste management, **9:15**

MOBILE SOURCES

Air Quality, this index

MODIFICATION

Historic preservation, changes requiring certificate of appropriateness, 14:45

Inactive Hazardous Waste Program, this index

Permit hearing under DEC practice, actions involving modification of permit, **3:20**

MOTOR VEHICLES

Dismantling facilities, solid waste management, **8:29**

Employee commute option program, 5:55

New Motor Vehicles, Emission Controls, this index

Noise, this index

Tires, solid waste management, 8:26

MULTI-MEDIA ENFORCEMENT

Active hazardous waste management, **9:89 et seq.**

MUNICIPALITIES

Industrial hazardous waste facilities siting, municipal preemption, **9:60**

NATIONAL AND REGIONAL ASSOCIATIONS AND COMMISSIONS

Air quality, 5:4

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

General discussion, 5:9

NATIONAL HISTORIC LANDMARKS

Special requirements, 14:79

NATIONAL HISTORIC PRESERVATION ACT

General discussion, 14:65-14:68

NATURAL GAS

Electric and Natural Gas Facilities, this index

NAVIGATION LAW

Active hazardous waste management, **9:92 et seq.**

NEGLIGENCE

Liability Theories, this index

NEGOTIATIONS

Historic preservation, **14:81** Rulemaking, negotiated, **3:42-3:45**

NEW MOTOR VEHICLES, EMISSION CONTROLS

General discussion, **5:45-5:54**Centrally fueled fleet program, **5:49**Heavy duty vehicles
idling restrictions on, **5:52**inspection of diesel vehicles, **5:51**Idling restrictions on heavy duty
vehicles, **5:52**

Inspection

heavy duty diesel vehicles, 5:51 in-use vehicles, 5:50

In-use vehicles, inspection and maintenance testing of, **5:50**

Litigation, 5:47

Maintenance testing of in-use vehicles, **5:50**

Northeast ozone transport commission LEV program, **5:48**

State's adoption of standards, **5:46** Transportation control measures, **5:48**, **5:53**, **5:54**

NEW YORK CITY

Active hazardous waste management, community right-to-know law, 9:74

Hazardous substances spills and releases, emergency reporting

NEW YORK CITY—Cont'd	NOISE—Cont'd
requirements, 9:84 Watershed protection program, 7:6	Labeling regulations and product noise-emission, 17:42
	Landlord-tenant law, 17:17
NO _x CONTROL MEASURES	Local law
General discussion, 5:36	general discussion, 17:18
NOISE	building construction, noise-re-
General discussion, 17:1 et seq.	lated, 17:26
Advertisements, 17:43	building-related mechanical equipment, 17:27
Airport Noise Law, this index	courts, noise near, 17:24
Alarms, 17:25	enforcement agencies, 17:19
Alcoholic beverages, noise at	hospitals, noise near, 17:24
premises licensed to sell, 17:30	motor vehicle horns and alarms,
Anti-noise laws, generally, 17:23 Building construction requirements,	17:25
17:26	preemption, 17:20
Building-related mechanical equip-	proper promulgation, 17:21
ment, 17:27	protected expression, anti-noise laws affecting, 17:23
Citizen suits	schools, noise near, 17:24
general discussion, 17:46	vagueness, 17:22
airport noise law, 17:56	Measurement of sound, 17:2, 17:55
Coming to nuisance, 17:8	Motor vehicles
Common law public nuisance, 17:12 Compensation	horns and alarms, 17:25
highway noise, 17:66	mufflers and radios, 17:29
workers' compensation, 17:37	snowmobile noise, 17:32
Courts, 17:24	Mufflers and radios, 17:29
Damages	Noise Control Act, 17:41, 17:42
airport noise law, 17:59, 17:63	Nuisance actions
special damages, 17:13	general discussion, 17:4 coming to the nuisance, 17:8
Disorderly conduct, 17:35	criminal sanctions, 17:15, 17:16
Effects of noise, 17:3	damages, 17:10, 17:13
Enforcement agencies, 17:19	defendant's compliance with law,
Federal law	17:7
general discussion, 17:38	injunctive relief, 17:10, 17:14
Housing and Urban Development, 17:40	other statutory prohibitions against noise, 17:16
OSHA of 1970, 17:39	private nuisance, 17:5-17:10
Funding laws, highway noise, 17:65	public nuisance, 17:11-17:15
Hearing loss, 17:37	remedies, 17:10
Highway noise, 17:65, 17:66	special damages, 17:13
Horns and alarms, 17:25	substantial interference, 17:9
Hospitals, 17:24	unreasonable interference, 17:6
Housing and urban development, 17:40	Occupational Safety and Health Act of 1970, 17:39
Injunctive relief, 17:14	Parades on Sundays, 17:36
Interference, 17:6, 17:9	Penalties, 17:43

NOISE—Cont'd	NOISE—Cont'd
Preemption, 17:20, 17:44, 17:49	Workers' compensation, 17:37
Private nuisance, generally, 17:4 , 17:5 , 17:5-17:10	Worship, noise near places of, 17:36
Product noise-emission and labeling regulations, 17:42	NONATTAINMENT AREAS Air quality, new source review in
Prohibitions other than nuisance	nonattainment areas, 5:11
actions, 17:16	NORTHEAST OZONE
Public nuisance, generally, 17:11-	TRANSPORT COMMISSION
17:15	General discussion, 5:48
Quiet Communities Program, 17:45	NOTICE
Radios in cars, 17:29	
Railroads and common carrier noise- emissions, 17:42	Active Hazardous Waste Manage- ment, this index
Recordkeeping, 17:43	Hearing. Notice of Hearing, this
Resolving noise problems, 17:1	index
Review, petitions for, 17:43	Inactive Hazardous Waste Program,
Schools	this index
insulation of public schools, 17:33	Major Electric Generating Facilities,
location, noise near schools, 17:24	this index
Shooting ranges, 17:34	Pesticides and herbicides, 10:20- 10:22
Snowmobile noise, 17:32	
Special damages, 17:13	NOTICE OF HEARING
Sports activities, 17:36	General discussion, 3:33
State law	Historic preservation, 14:39
general discussion, 17:28	Permit hearing under DEC practice,
alcoholic beverages sales premises, 17:30	3:9
churches, 17:36	NUISANCES
disorderly conduct, 17:35	General discussion, 1:2-1:5
motor vehicle sound-level limits,	Airport noise law, 17:57
car radios, 17:29	Common law, 1:2-1:5, 17:12
muffler law, 17:29	Noise, this index
parades on Sundays, 17:36	Summary abatement orders, 3:33
pleasure vessels, 17:31	OCCUPATIONAL SAFETY AND
public schools noise insulation, 17:33	HEALTH ACT OF 1970
shooting ranges, 17:34	Noise, 17:39
snowmobiles, 17:32	OCCUPATIONAL SAFETY AND
sports activities, 17:36	HEALTH ADMINISTRATION
Sunday activities, 17:36	HAZARD COMMUNICATION
watercraft, 17:31	STANDARD (HCS)
worship places, 17:36	General discussion, 9:76
Sunday activities, 17:36	OFFICERS AND DIRECTORS
Testing, 17:43	Access to corporate employees, offic-
Vagueness of local law, 17:22	ers, and directors when respond-
Warranties, 17:43	ing to government investigation,
Watercraft, 17:31	18:71

OFFICERS AND DIRECTORS

—Cont'd

Responsible corporate officer doctrine, **18:61**

OIL

Gas and Oil, this index

ON-SITE MONITORS

Solid waste management, 8:21

OPEN SPACE CONSERVATION

General discussion, 12:1

Adirondack Park Agency, 12:9-12:14

Deed restrictions, 12:3

Easements, 12:4

Forest preserves, 12:8

Income tax benefits, 12:5

Land trusts, 12:2

Options, **12:7**

Real property tax issues, 12:6

Taxation, 12:5, 12:6

OPERATING PERMIT PROGRAM

Air quality, this index

OPTIONS

Open space conservation, 12:7

ORDERS

Hearing, motions for orders without, 3:33

Inactive hazardous waste program, consent orders, **9:153**

OTHER STATE

Solid waste management, penalties, 8:43

"OUTSIDE" WASTE LIMITATIONS

Solid waste management, 8:13

OXYGENATED FUELS

Air quality, **5:41**

OZONE REDUCTION MEASURES

Acid rain controls, ozone and CO reduction measures for specified stationary sources, **5:26**

OZONE TRANSPORT COMMISSION

General discussion, 5:48

PACKAGING AND LABELING

Hazardous waste for shipment, 9:24

PARADES

Sundays, noise, 17:36

PARTIES TO ACTION

Environmental Quality Review Act, this index

Inactive hazardous waste program, parties liable, 9:107-9:112

PCB9

Regulation of, 9:61-9:63

PENALTIES

Active Hazardous Waste Management, this index

Forestry lands, 13:19, 13:20

Historic preservation, 14:62

Noise, 17:43

Pesticides and herbicides, 10:31

Solid waste management, **8:42**, **8:43**, **8:45**

Water supply and stream protection, 7:18, 18:35

Wildlife and endangered species protection, 16:16, 18:14, 18:52

PERC DRY CLEANING FACILITIES

General discussion, 5:15

PERMIT HEARING UNDER DEC PRACTICE

General discussion, 3:4 et seq.

Burden of proof, 3:13

Conduct of hearing, 3:12

Costs, 3:14

Discovery, 3:11

Evidence

general discussion, 3:13

discovery, 3:11

Final decision, 3:16

Legislative hearing and issues conference, **3:10**

Length of permit proceeding, 3:19

Mediation, Office of hearings and mediation services relationship to DEC, **3:6**

PERMIT HEARING UNDER DEC PESTICIDES AND HERBICIDES PRACTICE—Cont'd -Cont'd Modification of permit, actions Business registration, 10:19 involving, 3:20 Cancellation, suspension, and denial Notice. 3:9 of registration, 10:10 Certification of applicator, 10:18 Office of hearings and mediation services relationship to DEC, 3:6 Commercial and purchase permits, Part 624, applicability of, 3:8 10:15 Reargument, 3:17 Commissioner of department of environmental conservation, Record of hearing, 3:15 powers of, **10:8** Regulatory scheme, 3:5 Criminal enforcement, 10:31, 18:13, Renewal of permit, actions involving, 18:40 Current increased notification, 10:22 Revocation of permit, actions involv-Defined, 10:1, 18:13 ing, 3:20 Enforcement by state Standard of proof, 3:13 general discussion, 10:27 Stipulations of settlement, 3:18 criminal, 10:31, 18:13, 18:40 Suspension of permit, actions involvpolicy of state, 10:32 ing, **3:20** sanctions, 10:31 Uniform permit procedures, 3:7 seizure, 10:33 **PERMITS** unlawful acts under the Active Hazardous Waste Manage-**Environmental Conservation** ment, this index Law, 10:28 Air Ouality, this index unlawful acts under the General Alcoholic beverages, noise at Business Law and FIFRA, premises licensed to sell, 17:30 10:29 Freshwater Wetlands Act, 11:11 who can enforce, 10:30 Hearings. Permit Hearing Under Experimental use permits, 10:17 DEC Practice, this index Federal Insecticide, Fungicide, and Historic districts, issuance of building Rodenticide ACT ("FIFRA") or demolition permit while general discussion, 10:2 designation is pending, 14:44 food tolerances and the Delaney Pesticides and herbicides, 10:15-Clause, **10:6** 10:17 origins of, 10:3 Solid waste management facilities, preemption of state labeling 8:16 regulation by, 10:24 Tidal Wetlands Act, 11:5 registrations of pesticides, 10:4 Water Quality and SPDES Program, relationship to state law, 10:7 this index reregistrations of pesticides, 10:5 Wildlife and Endangered Species unlawful acts under, 10:29 Protection, this index Food tolerances and Delaney Clause, 10:6 PERSONAL WATERCRAFT Labeling regulation, FIFRA's Emissions controls, 5:44 preemption of state, 10:24 PESTICIDES AND HERBICIDES Lawn applications, 10:20

General discussion, 10:1 et seq.

Buildings, applications within, 10:21

Aquatic use permits, 10:16

Notification and posting, 10:20-10:22

Penalties for violations, 10:31

Permits, 10:15-10:17

PESTICIDES AND HERBICIDES

-Cont'd

Preemption

limited preemption by FIFRA, 10:23

local government activities, 10:26 local regulations of pesticide use, of, 10:25

state labeling regulation, 10:24

Recent developments, 10:34

Registration

general discussion, 10:9-10:14

advisory committee, 10:11

business registration, 10:19

cancellation, suspension, and denial of registration, 10:10

Federal Insecticide, Fungicide, and Rodenticide ACT ("FIFRA"), 10:4, 10:5

hearing, **10:12**

restricted use, 10:13, 10:14

Reregistration of pesticides, 10:5 Right-to-know requirements, 10:20-

10:22

Sanctions, 10:31

Seizure, 10:33

PETITIONS

Inactive hazardous waste program, petition for delisting, 9:125
Noise, petitions for review, 17:43

PETROLEUM

Discharges regulation. Active Hazardous Waste Management, this index

Gas and Oil, this index

PHARMACEUTICALS

Acid rain controls, pharmaceutical manufacturing processes, **5:31**

PIERS

General discussion, 7:11-7:14

PIPES AND PIPELINES

Natural Gas Pipelines and Electric Transmission Lines, Siting of, this index

PLANS AND PLANNING

Active Hazardous Waste Management, this index

Environmental Quality Review Act, preliminary planning, **4:4**

PLEADINGS

Article 78 proceedings, 3:50

POISONS

Toxic Tort Law, this index

POLYCHLORINATED BIPHENYLS (PCBs)

Regulation of, 9:61-9:63

POST-CLOSURE REQUIREMENTS

Active hazardous waste management treatment, storage and disposal standards, 9:34

POST-HEARING PROCESS

General discussion, 3:36

POSTING

Pesticides and herbicides, 10:20-10:22

PRECEDENTS

Historic preservation, 14:3

PREEMPTION

Common law claims, of, 1:9

Industrial hazardous waste facilities, siting of, **9:60**

Noise, 17:20, 17:44, 17:49

Pesticides and herbicides, 10:23-10:26

PREFERRED REMEDY SELECTION

Inactive hazardous waste program, 9:132-9:141

PRE-HEARING CONFERENCES

General discussion, 3:34

PRELIMINARY PLANNING

Environmental Quality Review Act, 4:4

PRESUMPTIONS AND BURDEN OF PROOF

Criminal enforcement, hazardous wastes presumptions, **18:20**

Historic preservation, Type I actions presumptively requiring environmental review, **14:89**

Permit hearing under DEC practice, 3:13

PRIVATE NUISANCES

Nuisances, this index

PRIVATIZATION

Solid waste management, 8:46

PRIVILEGED INFORMATION

Confidential Information, this index

PROXIMATE CAUSE

Toxic tort law, 2:7

PUBLIC NUISANCES

Nuisances, this index

PUBLIC UTILITIES

Electric and Natural Gas Facilities, this index

PURCHASES

Sales, this index

QUIET COMMUNITIES PROGRAM

General discussion, 17:45

RADIOS

Automobiles, noise, 17:29

RAILROADS

Noise-emissions, 17:42

READINESS

Statements of, 3:34

REAL PROPERTY TAX

Agriculture, 13:6
Forestry lands, 13:11-13:20
Open space conservation, 12:6

REARGUMENT

Permit hearing under dec practice, 3:17

RECKLESSNESS

Medical wastes, criminal enforcement grounds, **18:43**

RECORDS AND REPORTS

Active Hazardous Waste Management, this index

Failure to report releases of pollutants, criminal liability, **18:53**

Historic districts, 14:37

Inactive Hazardous Waste Program, this index

Noise, 17:43

Permit hearing under DEC practice, 3:15

Water pollution, reporting violation with intent to deceive, **18:34**

Water quality and SPDES program, **6:13**

RECYCLING

General discussion, **8:32**Beneficial use determinations, **8:35**Composting, **8:36**Expanded Bottle Bill, **8:34**Facilities, **8:37**Returnable Container Act, **8:33**

REFORMULATED GASOLINE

Air quality, 5:42

REGIONAL ASSOCIATIONS AND COMMISSIONS

Air quality, 5:4

REGIONAL OFFICES

Historic preservation, 14:26

REGISTRATION AND REGISTRIES

Historic places, register of, **14:6**Inactive hazardous waste site registry, **9:113 et seq.**

Pesticides and Herbicides, this index Solid waste management facilities, 8:16

REID VAPOR PRESSURE

Air quality, 5:40

RELEASE

Active Hazardous Waste Management, this index

RELIGIOUS INSTITUTIONS

Noise pollution, 17:36

REMOVAL

Water supply and stream protection, 7:19

RENEWAL, MODIFICATION, SUSPENSION OR REVOCATION OF PERMIT, ACTIONS INVOLVING

Administrative permit hearing, 3:20

RENEWAL OF PERMIT

Hearing under DEC practice, 3:20

REPORTS

Records and Reports, this index

REQUESTS

Inactive hazardous waste program, requests for information from Department of Environmental Conservation, 9:117

REREGISTRATION

Pesticides, 10:5

RESOURCE CONSERVATION AND RECOVERY ACT

Active hazardous waste management, 9:2, 9:5

RESTITUTION

Common law, 1:7

RESTORATION

Water supply and stream protection, 7:19

RETROFIT TECHNOLOGY

Air quality, mobile sources, 5:43

RETURNABLE CONTAINER ACT

Solid waste management, 8:33

REUSE

Inactive hazardous waste sites, 9:159-9:175

REVIEW

Appeal and Review, this index

REVOCATION OR SUSPENSION

Forestry lands exemption status, 13:19

Historic districts, designation of, 14:43

Permit hearing under DEC practice, 3:20

Pesticides and herbicides, cancellation, suspension, and denial of registration, 10:10

RIGHT-TO-KNOW REQUIREMENTS

Active Hazardous Waste Management, this index

Pesticides and herbicides, 10:20-10:22

RIPARIAN RIGHTS

General discussion, 1:10

RIPENESS

Environmental Quality Review Act, 4:38

ROAD NOISE

General discussion, 17:65, 17:66

ROCK CONCERTS

Air contaminants, 18:11

RODENTICIDES

Pesticides and Herbicides, this index

RULEMAKING

Administrative Agency Relationships, this index

SALES

Alcoholic beverages, noise at premises licensed to sell, **17:30**

Historic preservation, good faith offers to sell, 14:55

Pesticides and herbicides, purchase permits for, 10:15

SANCTIONS.

Penalties, this index

SAPA REQUIREMENTS

General discussion, 3:3

Index-36

SCHOOLS

Noise pollution insulation of public schools, 17:33 location, noise near schools, 17:24

SEARCHES

Criminal enforcement, 18:62

SEGMENTED REVIEW

Environmental Quality Review Act, **4:7**, **4:10**

SEIZURE

Pesticides and herbicides, 10:33

SELF-REPORTING

Inactive hazardous waste program, **9:116**

SEORA

Environmental Quality Review Act, this index

SETTLEMENT

Permit hearing under DEC practice, settlement stipulations, **3:18**

SHIPMENT

Transportation, this index

SHOOTING RANGES

Noise pollution, 17:34

"SIGNIFICANT THREAT TO ENVIRONMENT" STANDARD

Inactive hazardous waste program, **9:122**

SMALL BUSINESSES

Air quality, 5:19

Hazardous waste

active hazardous waste management, **9:87**

inactive hazardous waste program, Small Business Liability Relief and Brownfields Revitalization Act (SB/BRA), 9:102

SMALL BUSINESS LIABILITY RELIEF AND BROWNFIELDS REVITALIZATION ACT (SB/BRA)

Inactive hazardous waste program, 9:102

SMALL QUANTITY HAZARDOUS WASTE GENERATORS

General discussion, 9:27

SNOWMOBILE NOISE

General discussion, 17:32

SOLID WASTE MANAGEMENT

General discussion, 8:1 et seq.

Amendments of 1984, **9:4**

Asbestos, 8:23

"Bad actor" policy, 8:44

Beneficial use determinations, 8:35

Composting, 8:36

Construction and demolition debris, 8:25, 8:42

Criminal enforcement, **8:42**, **8:43**, **18:28**

Definition of solid waste, 8:2

Demolition debris, 8:25, 8:42

Dumpsters, 8:41

Electronic waste, 8:30

Enforcement of solid waste requirements

general discussion, 8:40-8:45

bad actor policy, 8:44

criminal, 8:42, 8:43, 18:28

penalties, environmental conservation law, **8:42**

penalties, other state waste law, **8:43**

penalties, state penalty policy and enforcement memoranda, 8:45

trash dumpsters, 8:41

Environmental justice, 8:47

Expanded Bottle Bill, 8:34

Facilities

general discussion, 8:14-8:21

host community benefit programs, 8:20

incinerators, 8:18, 9?36

landfills, 8:17

on-site monitors, 8:21

Part 360 facilities, 8:15-8:19

permitting and registration, 8:16

Recycling, 8:37

vehicle dismantling facilities, 8:29

SOLID WASTE MANAGEMENT SOLID WASTE MANAGEMENT -Cont'd —Cont'd Flow restrictions Trash dumpsters, 8:41 general discussion, 8:10-8:13 Used oil, 8:27 flow control, 8:11 Vehicle dismantling facilities, 8:29 interstate shipment, 8:12 SOLVENT METAL CLEANING limitations on "outside" waste, **PROCESSES** 8:13 Acid rain controls, 5:30 Host community benefit programs, 8:20 **SONIC BOOMS** Household hazardous waste, 8:28 General discussion, 17:54 Identification of solid waste, 9:10 SOPHISTICATED USER DEFENSE Incinerators, 8:18, 9:36 Toxic tort law, 2:22 Interstate shipment, 8:12 Landfills, 8:17 SOUND Littering on state highways, penal-Noise, this index ties, 8:43 **SPDES PROGRAM** Medical waste, 8:24, 8:42 Water Quality and SPDES Program, Mercury-added consumer products, this index 8:31 On-site monitors, 8:21 **SPECIAL DAMAGES** Other state waste law penalties, 8:43 Noise, 17:13 "Outside" waste limitations, 8:13 **SPILLS** Penalties, 8:42, 8:43, 8:45 Active hazardous waste management, Permits and registration, 8:16 9:78-9:84, 9:92 et seq. Policy **SPORTS** general discussion, 8:3-8:9 Noise, 17:36 bad actor policy, 8:44 local laws, 8:9 STANDARD OF CARE local solid waste management Toxic tort law, 2:6 plans, 8:7 STANDARD OF PROOF New York State Solid Waste Permit hearing under dec practice. Management Board, 8:8 3:13 state penalty policy and enforcement memoranda, 8:45 STANDARD OF REVIEW State Solid Waste Management Article 78 proceedings, 3:48 Act, 8:4 **STANDING** state solid waste management hier-Article 78 proceedings, 3:50 archy, 8:5 state solid waste management plan, STATE ACID DEPOSITION 8:6 REDUCTION TRADING Privatization, 8:46 **PROGRAMS** Recycling, this index General discussion, 5:23 Returnable Container Act, 8:33 STATE ENVIRONMENTAL Special wastes, **8:22-8:31 QUALITY REVIEW ACT** Tires, 8:26 (SEQRA) Transfer stations, 8:38 Environmental Quality Review Act,

this index

Transportation, 8:38, 8:39

STATE GLOBAL WARMING INITIATIVES

Air quality, 5:57

STATE OF THE ART DEFENSE

Toxic tort law, 2:20

STATE WATER SUPPLY PROGRAM

General discussion, 7:2
DEC regulatory program, 7:3
DOH regulatory program, 7:4

STATIONARY COMBUSTION INSTALLATIONS

Air quality, **5:14**

STATIONARY SOURCES

Air quality, 5:7-5:14, 5:26

STATUTE OF LIMITATIONS

Limitation of Actions, this index

STIPULATIONS

Permit hearing under DEC practice, settlement stipulations, **3:18**

STORAGE

Acid rain control, petroleum and volatile organic liquid, 5:28
Active Hazardous Waste Management, this index

STORMWATER REGULATION

General discussion, 6:18

STREAMS

Water Supply and Stream Protection, this index

STREET NOISE

General discussion, 17:65, 17:66

STRICT LIABILITY

Medical wastes criminal enforcement, **18:42**

Toxic tort law, 2:10

SUMMARY ABATEMENT ORDERS

General discussion, 3:33

SUNDAY PARADES

Noise, 17:36

SUPERFUND OF STATE

Inactive hazardous waste program, 9:156-9:158, 9:176

SUPERSEDING AND INTERVENING CAUSE

DEFENSE

Toxic tort law, 2:23

SUPPLEMENTAL EIS

Environmental Quality Review Act, **4:29**

SURFACE COATING PROCESSES

Acid rain controls, 5:29, 5:37

SURFACE IMPOUNDMENTS

Active hazardous waste management, **9:36**

SURFACE WATER TREATMENT RULE

General discussion, 7:5

SURVEYS

Historic properties, 14:12

SUSPENSION

Revocation or Suspension, this index

SYNTHETIC ORGANIC

CHEMICAL
MANUFACTURING
FACILITY COMPONENT
LEAKS

Acid rain controls, 5:33

TANKS AND TANK SYSTEMS

Active hazardous waste management general discussion, **9:36** property owner liability for underground storage tanks, **9:100**

TAXATION

Agriculture, 13:6, 13:8

Historic preservation, tax incentives, 14:92, 14:93

Open space conservation, **12:5**, **12:6** Real Property Tax, this index

TAXPAYER'S ACTIONS

Citizen Suits, this index

TENANTS

Noise, 17:17

TERMINATION

Forestry, 13:19

TESTS AND TESTING

Economic hardship test, **14:52**, **14:53** Noise, **17:43**

TIDAL WETLANDS ACT

General discussion, 11:3-11:8 De facto taking, 11:8 Enforcement, 11:7, 18:37 Judicial review, 11:6 Mapping and inventory, 11:4 Permit program, 11:5

TIME

Environmental Quality Review Act, this index Historic Preservation, this index Limitation of Actions, this index Permit hearing under DEC practice, length of permit proceeding, 3:19

TIRES

Solid waste management, 8:26

TORTS

Toxic Tort Law, this index

TOXIC TORT LAW

General discussion, 2:1 et seq.
Assumption of risk the defense, 2:18
Bankruptcy law used as shield
against toxic tort liability, 2:24
Bulk seller defense, 2:21
Causation, 2:7
Comparative fault defense, 2:18
Compensable injuries, 2:13-2:16
Construction of statutory language,
insurance coverage, 2:26
Contributory negligence, assumption
of risk and comparative fault,
2:18

Defenses, 2:17-2:23

Duty and standard of care, 2:6
Examples of toxic tort litigation, 2:2
Expertise and methodologies of
expert witness, 2:25

TOXIC TORT LAW-Cont'd

Expert witnesses and testimony, 2:25
Express and implied warranties, 2:9
Fear of future injury, recovery for,
2:16

Fraudulent misrepresentation, 2:11 Government contractor defense, 2:19 Increased risk of disease, recovery for, 2:14

Insurance coverage for toxic tort claims, 2:26

Liability theories, **2:3-2:12**Medical monitoring, recovery for, **2:15**

Misrepresentation, 2:8, 2:11
Negligence, contributory, 2:18
Negligence, generally, 2:4-2:7
Negligent misrepresentation, 2:8
Sophisticated user defense, 2:22
Standard and duty of care, 2:6
State of the art defense, 2:20
Statute of limitations, 2:17
Strict liability, 2:10
Superseding and intervening cause defense, 2:23
Unknown identity of tortfeasor, 2:12
What is a toxic tort, 2:1

TOXIC WASTE

Hazardous Waste, this index

TRANSFER

Petroleum and volatile organic liquid, acid rain control, **5:28**Solid waste management, transfer stations, **8:38**

TRANSMISSION LINES

Natural Gas Pipelines and Electric Transmission Lines, Siting of, this index

TRANSPORTATION

Active Hazardous Waste Management, this index
Historic preservation, Transportation
Act, 14:83-14:86
Motor Vehicles, this index
Solid waste management, 8:38, 8:39

INDEX

TRAPPING LICENSES

General discussion, 16:4

TRASH DUMPSTERS

Solid waste management, 8:41

TRESPASS

General discussion, 1:6

TRUSTS AND TRUSTEES

Open space conservation, land trusts, 12:2

UNDERTAKING

Historic preservation, properties discovered during undertaking, 14:80

UNIFORM FIRE PREVENTION AND BUILDING CODE

Historic preservation, 14:91

UNIFORM PERMIT PROCEDURES

General discussion, 3:7

UNKNOWN IDENTITY

Tortfeasor, 2:12

"UNSUITABILITY" STATUTE

Active hazardous waste management, **9:50**

URBAN DEVELOPMENT

Noise, 17:40

USED OIL

Solid waste management, 8:27

UTILITIES

Electric and Natural Gas Facilities, this index

VAGUENESS OF LOCAL LAW

Noise, 17:22

VEHICLES

Motor Vehicles, this index Watercraft, this index

VOC CONTROL MEASURES

Acid Rain Controls, this index

VOLATILE ORGANIC LIQUID

Acid rain control, petroleum and volatile organic liquid storage and transfer, 5:28

WARRANTIES

Noise, 17:43

Toxic tort law, 2:9

WASTE MATTER

Hazardous Wastes and Substances, this index

Medical Waste, this index

Solid Waste Management, this index

WASTE PILES

Active hazardous waste management, **9:36**

WATERCRAFT

Emissions controls on personal watercraft, 5:44
Noise pollution, 17:31

WATERFRONT

REVITALIZATION AND COASTAL RESOURCES ACT

General discussion, 11:19

WATER POLLUTION

Criminal Enforcement, this index

WATER QUALITY AND SPDES PROGRAM

General discussion, 6:1 et seq.

Certifications, 6:17

Citizen suits, 6:16

Enforcement, 6:15

FWPCA amendments of 1972, 6:3

Indirect discharges, regulation of,

6:14

Overview

Clean Water Act, of, 6:4

FWPCA amendments of 1972, 6:3

Prior enactments, 6:2

state program, 6:5

Permit program, SPDES

general discussion, 6:6-6:13

monitoring, 6:13

other requirements, 6:12

process, 6:8

reporting, 6:13

WATER QUALITY AND SPDES WATER SUPPLY AND STREAM PROGRAM—Cont'd PROTECTION—Cont'd Permit program, SPDES—Cont'd Stream disturbance protection requirement for permit, 6:7 —Cont'd federal disturbance and dredging requirements, permit, 6:9 program, 7:9 technology-based effluent limitations, 6:10 practice and procedure, 7:10 water quality-based effluent limitastate disturbance and dredging tions, 6:11 program, 7:8 Prior enactments, 6:2 Surface water treatment rule, 7:5 Reporting and monitoring, 6:13 Tidal Wetlands Act, this index Stormwater, regulation of, 6:18 Watershed protection program, New York City's, 7:6 WATERSHED PROTECTION Wetlands and Coastal Zones, this **PROGRAM** index New York City, 7:6 WETLANDS AND COASTAL WATER SUPPLY AND STREAM ZONES **PROTECTION** General discussion, 11:1 et seq. General discussion, 7:1 et seq. Clean Water Act, relationship with, Criminal enforcement, 18:5-18:9, 18:29-18:38 Criminal enforcement, 18:36, 18:37 Dams Erosion hazard areas, coastal federal program, 7:16 general discussion, 11:15 practice and procedure, 7:17 judicial review, 11:17 state program, 7:15 state and local regulation, 11:16 Docks Flood hazard and area regulation federal program, 7:12 general discussion, 11:22 local programs, 7:13 flood insurance program, 11:24 practice and procedure, 7:11 land use controls, 11:23 state program, 7:11 Freshwater Wetlands Act, this index Dredging, 7:8, 7:9 Insurance, floods, 11:24 Enforcement Land use controls, 11:23 criminal enforcement, 18:5-18:9. Protection of coastal zone 18:29-18:38 general discussion, 11:18 penalties, 7:18, 18:35 local regulation, 11:21 removal and restoration, 7:19 relationship with Coastal Zone Freshwater Wetlands Act, this index Management Act, 11:20 New York City's watershed protec-Waterfront Revitalization and tion program, 7:6 Coastal Resources Act, 11:19 Penalties, 7:18, 18:35 Tidal Wetlands Act, this index Restoration and removal. 7:19 Waterfront Revitalization and Coastal State water supply program

WHARVES

General discussion, 7:11-7:14

protection, 16:7

Resources Act. 11:19

Wildlife and endangered species

general discussion, 7:2

Stream disturbance protection

general discussion, 7:7

DEC regulatory program, 7:3

DOH regulatory program, 7:4

INDEX

WILDLIFE AND ENDANGERED SPECIES PROTECTION

General discussion, 16:1 et seq. Captivity, species held in, 16:15 Criminal enforcement, 16:16, 18:14, 18:52

Delisting species, 16:11
Enforcement. Penalties and enforcement, below
Federal endangered species legislation, overview of, 16:8-16:20

Fish and wildlife regulation, generally, **16:1-16:7**

Harassment, 16:13

Licenses and permits
general discussion, 16:18
hunting, fishing, and trapping, 16:4
Listing of species, 16:9, 16:11
Marine and coastal resources, 16:7
Other federal responsibilities, 16:17

16:20, 18:14, 18:52

Permits, 16:18
Preserves and conservation areas,
16:6

Penalties and enforcement, 16:16,

WILDLIFE AND ENDANGERED SPECIES PROTECTION

—Cont'd

Prohibited actions, 16:12 State endangered species law, 16:19, 16:20

WORKERS

Employer and Employee, this index

WORKERS' COMPENSATION

Noise, 17:37

WORSHIP

Noise, 17:36

ZONE OF INTEREST REQUIREMENT

Environmental Quality Review Act, 4:42

ZONING AND LAND USE CONTROLS

Airport noise law, 17:51 Historic preservation, 14:32 Wetlands and coastal zones, 11:23