

Table of Contents

CHAPTER 1. DEALING WITH AGENCY ORGANIZATIONS

I. INTRODUCTION

- § 1:1 General
- § 1:2 Understanding environmental agencies

II. STATE AGENCIES

- § 1:3 Louisiana Department of Environmental Quality (LDEQ)
- § 1:4 —Environmental Services
- § 1:5 —Environmental Compliance
- § 1:6 —Office of Environmental Assessment
- § 1:7 —Management and Finance
- § 1:8 —Office of the Secretary
- § 1:9 Louisiana Department of Natural Resources (LDNR)
- § 1:10 —Office of Conservation
- § 1:11 —Office of Coastal Restoration and Management
- § 1:12 Department of Agriculture and Forestry (LDAF)
- § 1:13 —Office of Agriculture and Environmental Services
- § 1:14 —Louisiana Advisory Commission on Pesticides
- § 1:15 —Structural Pest Control Commission
- § 1:16 Department of Public Safety and Corrections
- § 1:17 —Office of State Police
- § 1:18 Department of Health and Hospitals (LDHH)
- § 1:19 —Office of Public Health
- § 1:20 Department of Wildlife and Fisheries (LDWF)
- § 1:21 —Office of Wildlife
- § 1:22 —Office of Fisheries
- § 1:23 Louisiana Oil Spill Coordinator
- § 1:24 State Historic Preservation Officer (SHPO)
- § 1:25 Division of Administration, State Land Office

III. FEDERAL AGENCIES

- § 1:26 U.S. Army Corps of Engineers
- § 1:27 U.S. Environmental Protection Agency (U.S. EPA)
- § 1:28 U.S. Department of Transportation (U.S. DOT)
- § 1:29 U.S. Fish and Wildlife Services
- § 1:30 U.S. Coast Guard (U.S.C.G.)

- § 1:31 U.S. Department of Commerce
- § 1:32 —National Marine Fishery Service (NMFS)
- § 1:33 —National Oceanic and Atmospheric Administration (NOAA)
- § 1:34 Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)

IV. DEALING WITH AGENCIES

- § 1:35 Telephonic and electronic contacts
- § 1:36 —LDEQ Telephone Numbers
- § 1:37 — —LDEQ E-mail Addresses
- § 1:38 —LDNR
- § 1:39 —LDAF
- § 1:40 —DPS&C
- § 1:41 Telephonic contacts—LDHH
- § 1:42 Louisiana Oil Spill Coordinator
- § 1:43 U.S. Army Corps of Engineers
- § 1:44 U.S. EPA
- § 1:45 U.S. DOT
- § 1:46 U.S. FWS
- § 1:47 U.S. C.G.
- § 1:48 Agency Information
- § 1:49 Agency Meetings

V. FORMS

- § 1:50 LDEQ Information Request Form
- § 1:51 Sample FOIA Request

CHAPTER 2. AGENCY LAWS AND REGULATIONS

I. INTRODUCTION

- § 2:1 General
- § 2:2 Understanding Environmental Terminology

II. STATUTES AND REGULATIONS

- § 2:3 Air—Federal
- § 2:4 —Clean Air Act
- § 2:5 —The Louisiana Air Control Law
- § 2:6 — —Louisiana Air Quality Regulations
- § 2:7 — — —Air Emission Permits
- § 2:8 Water Discharge and Quality—The Louisiana Water Control Law

TABLE OF CONTENTS

§ 2:9	Hazardous and Solid Waste
§ 2:10	—Hazardous Waste Control Law
§ 2:11	—Solid Waste Management and Resource Recovery Law
§ 2:12	—Hazardous Waste
§ 2:13	—Solid Waste
§ 2:14	Wetlands
§ 2:15	Remediation—CERCLA
§ 2:16	—RCRA
§ 2:17	—Summary List of Clean-Up Programs
§ 2:18	Endangered Species
§ 2:19	—Louisiana Threatened and Endangered Species Conservation Act
§ 2:20	Navigation
§ 2:21	Oil Spills
§ 2:22	Spill Plans
§ 2:23	Oil Spills—National Oceanic and Atmospheric Administration
§ 2:24	—Oil Spill Prevention and Response Act
§ 2:25	Hazardous Material Transportation
§ 2:26	—Shippers
§ 2:27	—Package manufacturers
§ 2:28	—Material Codes
§ 2:29	—Labeling
§ 2:30	—Enforcement
§ 2:31	Underground Storage Tanks
§ 2:32	—Defined
§ 2:33	—Registration
§ 2:34	—Miscellaneous Regulations
§ 2:35	—Motor Fuel Underground Tank Trust Fund
§ 2:36	Coastal Wetlands
§ 2:37	—Coastal Zone Management
§ 2:38	—Permits
§ 2:39	—Mitigation
§ 2:40	—Conservation Plan Boundary and Louisiana Coastal Zone Boundary
§ 2:41	Oil and Gas Facilities—NOW
§ 2:42	—Statewide Order No. 29-B
§ 2:43	—NORM
§ 2:44	—Abandoned Oilfield Waste Site Law
§ 2:45	Wild and Scenic Rivers—Regulations
§ 2:46	—Permits
§ 2:47	Pesticide Use and Registration
§ 2:48	—Structural Pest Control Commission
§ 2:49	Community Right to Know

LOUISIANA ENVIRONMENTAL COMPLIANCE

- § 2:50 —Emergency Planning and Notification
- § 2:51 —Hazardous Chemical Reporting
- § 2:52 —Toxic Chemical Reporting
- § 2:53 —Louisiana Department of Public Safety and
Corrections Regulations
- § 2:54 Medical Waste
- § 2:55 Asbestos—Louisiana Regulations
- § 2:56 —OSHA Regulations
- § 2:57 OSHA and Mold
- § 2:58 National Environmental Policy Act (NEPA)

III. WEBSITES

- § 2:59 U.S. EPA
- § 2:60 U.S. Fish and Wildlife Service
- § 2:61 U.S. Army Corps of Engineers, New Orleans District
- § 2:62 U.S. C.G
- § 2:63 U.S. Department of Transportation
- § 2:64 Louisiana Department of Environmental Quality
(LDEQ)
- § 2:65 Louisiana Department of Natural Resources (LDNR)
- § 2:66 Louisiana Department of Wildlife and Fisheries
(LDWF)
- § 2:67 Louisiana Department of Agriculture and Forestry
(LDAF)
- § 2:68 Louisiana Department of Public Safety and
Corrections (DPS&C)
- § 2:69 Louisiana Department of Health and Hospitals
(LDHH)
- § 2:70 Material Safety Data Sheets (MSDS)
- § 2:71 Louisiana Rules

IV. RULEMAKING

- § 2:72 General
- § 2:73 Rulemaking Procedures—Notice to Public
- § 2:74 —Response to Comments
- § 2:75 —LDEQ Procedures
- § 2:76 —Availability of LDEQ Rules
- § 2:77 —Challenge to Rules
- § 2:78 —Declaratory Rulings

V. FORMS

- § 2:79 Rulemaking Comment Format
- § 2:80 Air Emissions Inventory

TABLE OF CONTENTS

§ 2:81	Hazardous Waste Notification
§ 2:82	Sample Hazardous Waste Manifest
§ 2:83	Hazardous Waste Annual Report
§ 2:84	Solid Waste Notification
§ 2:85	Solid Waste Industrial Generator Supplemental Forms
§ 2:86	Wetland Determination Request
§ 2:87	Cease and Desist Order Form
§ 2:88	Corps Tolling Agreement
§ 2:89	Sample Needs and Alternatives Analysis
§ 2:90	Corps Wetlands Appeal Sample Objections
§ 2:91	Corps Wetlands Appeal Form
§ 2:92	Revised Coastal Zone Map (2012)
§ 2:93	Tier Two Form
§ 2:94	Asbestos Notice
§ 2:95	Permit Checklist
§ 2:96	Approved Jurisdictional Determination Form

CHAPTER 3. ADMINISTRATIVE ENFORCEMENT AND HEARINGS

I. LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)

§ 3:1	LDEQ Enforcement Authority
§ 3:2	Inspections
§ 3:3	—Organizational checklist
§ 3:4	Notices of Violations and Compliance Orders
§ 3:5	Penalties and Supplemental Environmental Projects
§ 3:6	—Factors Considered in Assessing Penalties
§ 3:7	—Regulations for Penalty Assessment
§ 3:8	—Beneficial Environmental Projects
§ 3:9	Requests for Hearings
§ 3:10	Final Enforcement and Permitting Actions
§ 3:11	LDAL Administrative Law Judges
§ 3:12	LDAL Pre-Hearing Conferences
§ 3:13	LDAL Recusal
§ 3:14	LDAL Hearing Procedures
§ 3:15	—Subpoenas
§ 3:16	—Discovery
§ 3:17	—Evidence
§ 3:18	—Pleadings
§ 3:19	—Motions
§ 3:20	—Continuances
§ 3:21	—Briefs and Other Legal Memoranda

LOUISIANA ENVIRONMENTAL COMPLIANCE

- § 3:22 —Records
- § 3:23 Hearing Procedures—Intervention
- § 3:24 LDAL Hearing Procedures—Decisions or Orders
- § 3:25 LDEQ Hearings
- § 3:26 —Subpoenas
- § 3:27 —Discovery
- § 3:28 —Evidence
- § 3:29 —Pleadings
- § 3:30 —Motions
- § 3:31 —Continuances
- § 3:32 —Briefs and Other Legal Memoranda
- § 3:33 —Records
- § 3:34 —Intervention
- § 3:35 —Pre-hearing Order
- § 3:36 —Decisions or Orders
- § 3:37 Defenses
- § 3:38 —Prescription
- § 3:39 —Definitions
- § 3:40 —Lack of Knowledge
- § 3:41 —Mootness
- § 3:42 —Abandonment
- § 3:43 —Factual Dispute
- § 3:44 —Estoppel
- § 3:45 —Scope of Authority or Lack of Authority
- § 3:46 —Vagueness
- § 3:47 —Interpretation of Statute or Regulation
- § 3:48 —Penalty Factors
- § 3:49 —Innocent Landowner
- § 3:50 —Lack of Jurisdiction
- § 3:51 —Impossibility
- § 3:52 Settlement
- § 3:53 Judicial Review
- § 3:54 Overfiling

II. LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY

- § 3:55 Louisiana Administrative Procedure Act
- § 3:56 LDAF Administrative Enforcement
- § 3:57 LDAF Hearing Process

III. LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS (DPS&C)

- § 3:58 LDAF Hearing Process

TABLE OF CONTENTS

IV. LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES (LDWF)

§ 3:59 LDWF Enforcement

V. LOUISIANA DEPARTMENT OF NATURAL RESOURCES

§ 3:60 LDNR Investigations and Adjudicatory Hearings

VI. ETHICAL CONSIDERATIONS

§ 3:61 Ethics

§ 3:62 —Ex Parte Communications

VII. FORMS

§ 3:63 Sample Compliance Order

§ 3:64 Sample Request for Hearing on LDEQ Compliance Order

§ 3:65 Sample Conference Report Before ALJ

§ 3:66 Sample Subpoena Material

§ 3:67 LDEQ Settlement

§ 3:68 LDAF Notice Letters

§ 3:69 LDAF Stipulation—Example 1

§ 3:70 —Example 2

§ 3:71 LDAF Proposed Findings and Conclusions of Law

§ 3:72 LDAF Decision

§ 3:73 DPS&C Notice of Violation

§ 3:74 DPS&C Notice of Hearing

§ 3:75 DPS&C Stipulated Settlement

§ 3:76 LDWF Citation and Notice

§ 3:77 LDWF Notice

§ 3:78 LDAL Regulations (La. Admin. Code 1, III. Chapters 1-7)

§ 3:79 LDEQ Dispute Resolution Agreement

§ 3:80 DPS&C Request for Hearing

CHAPTER 4. REMEDIATION AND COST RECOVERY

I. INTRODUCTION

§ 4:1 General

II. SOLID WASTE: UNAUTHORIZED AND PROMISCUOUS DUMPS

§ 4:2 Notification

- § 4:3 Clean-Up/Closure Procedure and Cost Recovery
- § 4:4 Public Recordation

III. INACTIVE AND ABANDONED HAZARDOUS SUBSTANCE SITE REMEDIATION

- § 4:5 CERCLA—Federal
- § 4:6 CERCLA—Release
- § 4:7 —Hazardous Substance
- § 4:8 —Facility
- § 4:9 —Response Costs
- § 4:10 —Potentially Responsible Parties (“PRPs”)
- § 4:11 —Nature of CERCLA Liability
- § 4:12 Brownfields
- § 4:13 Hazardous Substance Remedial Action—State
- § 4:14 Responsible Parties
- § 4:15 Other Terms
- § 4:16 —Discharge or Disposal
- § 4:17 —Pollution Source or Facility
- § 4:18 —Hazardous Substance
- § 4:19 —Owner or Operator
- § 4:20 Clean-Up Procedures
- § 4:21 LDEQ as Lead Agency and Liens
- § 4:22 Private Party Lead
- § 4:23 Hazardous Waste Sites
- § 4:24 —Abandoned Sites
- § 4:25 Cooperative Agreements
- § 4:26 Lenders and Fiduciaries

IV. UNDERGROUND STORAGE TANKS

- § 4:27 Notification
- § 4:28 —Closure/Change-in-Service
- § 4:29 —Release Detection
- § 4:30 Corrective Action
- § 4:31 Liable Owners and Operators
- § 4:32 Trust Fund Reimbursement and Cost Recovery

V. VOLUNTARY REMEDIATION PROGRAM

- § 4:33 Benefits
- § 4:34 Procedures
- § 4:35 Voluntary Clean-up Agreements

VI. RECAP

- § 4:36 General

TABLE OF CONTENTS

- § 4:37 Screening Levels
- § 4:38 Action Levels
- § 4:39 Management Options
- § 4:40 —Management Option 1
- § 4:41 —Management Option 2
- § 4:42 —Management Option 3
- § 4:43 Restrictions in Use
- § 4:44 Relationship to Other Programs

VII. OILFIELD AND RELATED PROPERTIES

- § 4:45 Procedures for Abandoned Sites
- § 4:46 Plugging and Abandonment
- § 4:47 Naturally Occurring Radioactive Material (NORM)
- § 4:48 Funding and Cost Recovery

VIII. LEAD

- § 4:49 Licensing
- § 4:50 Abatement and Cost Recovery

IX. ASBESTOS IN BUILDINGS

- § 4:51 Removal
- § 4:52 Cost Recovery

X. WASTE TIRES

- § 4:53 Waste Tire Program

XI. MISCELLANEOUS

- § 4:54 Toxic Substances Control Act (TSCA)
- § 4:55 Resource Conservation and Recovery Act (RCRA)
- § 4:56 Oil Pollution Act (OPA)
- § 4:57 Groundwater
- § 4:58 Mercury

XII. CIVIL LAW DAMAGES

- § 4:59 General

XIII. FORMS

- § 4:60 Public Recordation
- § 4:61 Attachment to Public Recordation
- § 4:62 LDEQ Information Request Combined with a Demand
- § 4:63 Cooperative Agreement

- § 4:64 Voluntary Clean-Up Agreement
- § 4:65 Notification of Intent to Perform a UST
Closure/Change-in-Service
- § 4:66 UST Closure/Assessment Form
- § 4:67 UST Reimbursement Form
- § 4:68 LDEQ Demand Letter Under La Rev Stat Ann
§ 30:2275(A)
- § 4:69 Private Demand
- § 4:70 RECAP Submittal Summary (Form 1)
- § 4:71 Private Clean-Up Agreement
- § 4:72 Partial Remediation Agreement
- § 4:73 VRP Application
- § 4:74 Conveyance Notification
- § 4:75 Cooperative Agreement with LDNR

CHAPTER 5. PERMITS

I. INTRODUCTION

- § 5:1 General

II. AIR

- § 5:2 Pre-Construction Review
- § 5:3 Minor Source Permits
- § 5:4 General and Temporary Permits—In General
- § 5:5 —Temporary and Mobile
- § 5:6 Major Source and Part 70 Source Permits
- § 5:7 Operating Permits
- § 5:8 —Exemptions and Insignificant Activities
- § 5:9 —New Source Performance Standards
- § 5:10 —Hazardous Air Pollutants (HAPs)
- § 5:11 —Toxic Air Pollutants
- § 5:12 —Prevention of Significant Deterioration (PSD)
- § 5:13 —Non-Attainment
- § 5:14 —Acid Rain
- § 5:15 —Application Shield
- § 5:16 —Permit Shield
- § 5:17 —Judicial Review

III. WATER

- § 5:18 General Permits
- § 5:19 Industrial Permits
- § 5:20 Municipal Permits
- § 5:21 Point Sources

TABLE OF CONTENTS

§ 5:22	—Animal Feeding Operations
§ 5:23	—Aquatic Animal Production
§ 5:24	—Aquaculture
§ 5:25	—Silviculture
§ 5:26	—Oil and Gas Exploration and Production, Etc
§ 5:27	Storm Water Permits
§ 5:28	Storm Water Discharges Associated with Industrial Activity
§ 5:29	Storm Water Discharges Associated with Construction Activity
§ 5:30	Water Quality Certification
§ 5:31	Judicial Review

IV. COASTAL USE PERMITS

§ 5:32	Application Procedures
§ 5:33	Exemptions
§ 5:34	General Permits
§ 5:35	Parish Programs
§ 5:36	Judicial Review

V. 404 PERMITS

§ 5:37	Applications
§ 5:38	Public Notice
§ 5:39	404(b)(1) Guidelines
§ 5:40	Public Interest Review
§ 5:41	Endangered Species Consultation
§ 5:42	National Historic Preservation Coordination
§ 5:43	Coastal Zone Coordination
§ 5:44	Decision Document
§ 5:45	Permit Mitigation
§ 5:46	Appeals
§ 5:47	General Permits
§ 5:48	Nationwide Permits
§ 5:49	Judicial Review

VI. WILD AND SCENIC RIVER PERMITS

§ 5:50	Permit Process
§ 5:51	Judicial Review

VII. REGISTRATION OF USTS

§ 5:52	Registration Process
--------	----------------------

VIII. ENDANGERED SPECIES

§ 5:53	Incidental Use Permit
--------	-----------------------

IX. RADIATION AND NORM

§ 5:54 Licensing

X. GROUNDWATER CERTIFICATION

§ 5:55 General

XI. PUBLIC TRUST

§ 5:56 IT Analysis

XII. FORMS

§ 5:57 Supplement to Permit Application

§ 5:58 Title V Application

§ 5:59 LPDES Application

§ 5:60 DMR

§ 5:61 Storm Water Notice of Intent

§ 5:62 Permit application for (CSW-G) Stormwater discharges
associated with construction activity 5 acres or
greater

§ 5:63 Sample Water Quality Certificate

§ 5:64 Coastal Use Permit/404 Application

§ 5:65 Coastal Use Permit/404—Application Checklist

§ 5:66 Public Notice

§ 5:67 Corps Sample Decision Document

§ 5:68 Wetland Checklist

§ 5:69 Wild and Scenic River Application

§ 5:70 UST Registration

§ 5:71 Incidental Taking Permit Application

§ 5:72 LDEQ Groundwater Advisory (2007)

§ 5:73 LDEQ IT Outline

§ 5:74 LDEQ Sample Decision Document

§ 5:75 Permit Transfer Checklist

§ 5:76 Annual Compliance Certification Forms

§ 5:77 LDEQ Notification of Change Form

CHAPTER 6. WASTE MANAGEMENT

I. INTRODUCTION

§ 6:1 General

II. LARGE QUANTITY HAZARDOUS WASTE GENERATORS

§ 6:2 Waste Classification

TABLE OF CONTENTS

§ 6:3	—Generator
§ 6:4	—Determinations
§ 6:5	Listed Waste
§ 6:6	Characteristic Waste
§ 6:7	Land Bans
§ 6:8	Exemptions
§ 6:9	Mixture Rule
§ 6:10	Derived From Rule
§ 6:11	Contained In Policy
§ 6:12	Exit Rules
§ 6:13	Contained in Determination
§ 6:14	Storage—Temporary On-Site Storage
§ 6:15	—Satellite Storage
§ 6:16	Transportation
§ 6:17	Records
§ 6:18	Contingency Plans
§ 6:19	Preparedness and Prevention
§ 6:20	Taxes and Fees
§ 6:21	Waste Minimization
§ 6:22	Universal Waste
§ 6:23	Training
§ 6:24	Recycling
§ 6:25	Used Oil

III. SMALL QUANTITY HAZARDOUS WASTE GENERATORS

§ 6:26	Duties
§ 6:27	PFAS-containing materials

IV. TRANSPORTERS

§ 6:28	Duties
--------	--------

V. TSDFS

§ 6:29	Duties
§ 6:30	Corrective Actions

VI. SOLID WASTE

§ 6:31	Generator and Facility Duties
§ 6:32	Recycling Tax Credits

VII. FORMS

§ 6:33	Sample Land Ban Notice Form
--------	-----------------------------

- § 6:34 Solid Waste Annual Report Form
- § 6:35 U.S. DOT Registration
- § 6:36 Checklist
- § 6:37 TSDF Checklist
- § 6:38 Revised Manifest
- § 6:39 Annual Solid Waste Certification of Compliance

CHAPTER 7. SPILL/RELEASE REPORTING REQUIREMENTS

I. INTRODUCTION

- § 7:1 The Nature of Reporting Duties

II. FEDERAL

- § 7:2 CERCLA
- § 7:3 —Releases
- § 7:4 —RQs
- § 7:5 —Federally Permitted Releases
- § 7:6 —Contents of Notification
- § 7:7 —Continuous Releases
- § 7:8 —Mixtures
- § 7:9 —Past Releases
- § 7:10 —Exemptions
- § 7:11 —Sanctions
- § 7:12 Emergency Planning and Community Right-to-Know Act
- § 7:13 —Planning Requirements
- § 7:14 —Off-Site Releases
- § 7:15 —SDS
- § 7:16 —Inventories
- § 7:17 —Toxic Releases
- § 7:18 —Sanctions
- § 7:19 CWA/OPA
- § 7:20 —Oil
- § 7:21 —Hazardous Substances
- § 7:22 —Wetlands
- § 7:23 —Sanctions
- § 7:24 Toxic Substances Control Act (TSCA)
- § 7:25 —PCBs
- § 7:26 —Section 8(e) of TSCA
- § 7:27 —Emergencies
- § 7:28 —Sanctions
- § 7:29 RCRA

TABLE OF CONTENTS

§ 7:30 Hazardous Materials Transportation Uniform Safety Act (HMTUSA)

§ 7:31 Permits

III. STATE

§ 7:32 Emergencies and RQs—Unauthorized discharges under LDEQ regulations

§ 7:33 Air—Reporting Requirements

§ 7:34 —Discharge Reporting Requirements

§ 7:35 NORM

§ 7:36 Surface Water

§ 7:37 Hazardous Waste

§ 7:38 Solid Waste

§ 7:39 Groundwater

§ 7:40 USTs

§ 7:41 Oil

§ 7:42 Right to Know

§ 7:43 —MSDS

§ 7:44 —Release Reporting

§ 7:45 —Inventory Reporting

§ 7:46 —Transportation Incidents

§ 7:47 Hazardous Material

§ 7:48 Permits

§ 7:49 E & P Waste

§ 7:50 Sanctions

IV. ETHICAL CONSIDERATIONS

§ 7:51 Reporting Issues

V. FORMS

§ 7:52 DOT Hazardous Material Incident Report Form and Instructions

§ 7:53 LDEQ Incident Report Form

§ 7:54 Sample Written Report

§ 7:55 Uniform Hazardous Materials Reporting Form

§ 7:56 DEQ Single Point of Contract Procedure

§ 7:57 Reporting checklist

CHAPTER 8. THE PUBLIC AND THE ENVIRONMENT

I. INTRODUCTION

§ 8:1 “Private Attorney Generals” and Beyond

II. ROLES

- § 8:2 Dealing with Agencies
- § 8:3 Rulemaking
- § 8:4 Permits
- § 8:5 Violations

III. CITIZEN SUITS

- § 8:6 General
- § 8:7 Standing
- § 8:8 Pre-suit Notice of Violations
- § 8:9 Ongoing Violations
- § 8:10 Remedies
- § 8:11 —Penalties
- § 8:12 —Injunctive Relief
- § 8:13 —Attorney Fees and Costs
- § 8:14 Defenses

IV. INTERFACE BETWEEN THE REGULATED COMMUNITY AND THE REST OF THE PUBLIC

- § 8:15 General
- § 8:16 Urban Sprawl
- § 8:17 Environmental Justice
- § 8:18 Crisis Management
- § 8:19 Dealing with the Threat of Toxic Torts

V. FORMS

- § 8:20 Sample Affidavit of Standing
- § 8:21 Citizen Suit Notice
- § 8:22 Public Involvement Plan

CHAPTER 9. COMPLIANCE

I. INTRODUCTION

- § 9:1 Compliance Obligations

II. OPERATIONS

- § 9:2 Operational Due Diligence
- § 9:3 —Compliance Audits
- § 9:4 —ASTM Guidance
- § 9:5 —Responsibilities
- § 9:6 —Stages

TABLE OF CONTENTS

- § 9:7 — —Follow-Up
- § 9:8 —Questionnaire
- § 9:9 —EPA Audit Guidelines
- § 9:10 — —Audit Privileges
- § 9:11 —Environmental Management Systems

III. TRANSACTIONS

- § 9:12 Types of Transactional Due Diligence
- § 9:13 —Stock Sale
- § 9:14 —Asset Acquisition
- § 9:15 —Merger
- § 9:16 —Share Exchange
- § 9:17 —Leases or Purchases
- § 9:18 —Varying Due Diligence
- § 9:19 —ASTM Phase I
- § 9:20 —ASTM Phase I Revisions (2000–2013)
- § 9:21 All Appropriate Inquiry (U.S. EPA and U.S.C.G.)
- § 9:22 Types of Transactional Due Diligence—Transactional Screens
- § 9:23 —ASTM Phase II
- § 9:24 —Phase III
- § 9:25 Wetland Issues
- § 9:26 Lead Issues
- § 9:27 Asbestos and Indoor Air Issues
- § 9:28 Terms and Conditions—General
- § 9:29 —Preliminary Requirements
- § 9:30 —Definitions
- § 9:31 —Conditions
- § 9:32 — —Termination
- § 9:33 —Representations and Warranties
- § 9:34 —Exculpatory and Inculpatory Clauses—Caveat Emptor
- § 9:35 — —“As Is” Clauses
- § 9:36 — —Releases
- § 9:37 —Risk Allocation and Indemnities
- § 9:38 — —Old Leases
- § 9:39 — — —Compliance with Law Clause
- § 9:40 — — —Good Order and Repair Clause
- § 9:41 — — —Surrender in Good Condition Clause
- § 9:42 — — —Miscellaneous
- § 9:43 Insurance
- § 9:44 Permit Transfers
- § 9:45 Plant Closing
- § 9:46 Financial Disclosure Requirements

- § 9:47 Ethical Considerations—Confidentiality Obligations in Transactions
- § 9:48 —Conflicts in Business Transactions
- § 9:49 —Litigating Matters From Same Firm’s Transactions

IV. LIABILITY

- § 9:50 Personal and Imputed Liabilities
- § 9:51 —Responsible Corporate Officers
- § 9:52 —Shareholders
- § 9:53 —Lenders
- § 9:54 —Trustees
- § 9:55 —Innocent Landowners
- § 9:56 —Lessees and Easement Holders
- § 9:57 —Brokers and Agents
- § 9:58 —Consultants
- § 9:59 —Parent and Subsidiary Corporations and Corporate Officers
- § 9:60 —Successors
- § 9:61 Internal Company Investigations
- § 9:62 —Ethical Considerations
- § 9:63 Conclusions

V. FORMS

- § 9:64 Purchaser’s Checklist
- § 9:65 Landlord/Tenant Checklist
- § 9:66 Industrial Site Checklist
- § 9:67 Bank Checklist
- § 9:68 Compliance Program Checklist
- § 9:69 Lease Extract
- § 9:70 Sample Definitions, Representations and Warranties and Indemnities
- § 9:71 Waiver of Warranty
- § 9:72 Sample Lender Due Diligence/Indemnity Agreement
- § 9:73 Permit Transfer Agreement
- § 9:74 Facility Shutdown Checklist
- § 9:75 Sample Site Access Agreement
- § 9:76 Joint Defense Agreement
- § 9:77 AAI Checklist
- § 9:78 LEED “Green Building” Process Outline

Table of Laws and Rules

Table of Cases

Index