

Index

ABATEMENT

- Air pollution, see California's Air Resources Statutes (this index)
- Porter-Cologne Water Quality Control Act, cleanup and abatement orders, § 7:8
- Superfund litigation, abatement actions under CERCLA, § 3:11

ABNORMALLY DANGEROUS ACTIVITIES

- Personal Injury and Toxic Torts (this index)
- Property-damage toxic torts, strict liability for ultrahazardous or abnormally dangerous activities, § 2:11
- Strict Liability (this index)

ACT OF GOD

- Superfund litigation, act of God defense to cost recovery actions, §§ 3:56, 3:107

ACT OF WAR

- Superfund litigation, act of war defense to cost recovery actions, §§ 3:57, 3:108

AFFIRMATIVE DEFENSES

- California Environmental Quality Act (CEQA) (this index)
- Citizen Suits (this index)
- Personal Injury Toxic Torts (this index)
- Property-Damage Toxic Torts (this index)
- Proposition 65 Litigation (this index)

AFFIRMATIVE DEFENSES

—Cont'd

- Superfund Litigation (this index)

AGRICULTURE

- Air pollution, § 7:68.50

AIDERS AND ABETTORS

- Citizen suits, § 6:13

AIR POLLUTION

- Agricultural sources, § 7:68.50
- California's Air Resources Statutes (this index)

AIR RESOURCES STATUTES

- California's Air Resources Statutes (this index)

ALTERNATIVE LIABILITY

- Personal-injury toxic torts, § 1:23

APPEAL AND REVIEW

- California Environmental Quality Act (CEQA), review by Appellate Courts, § 8:33.50

ARBITRATION

- Hazardous Substance Account Act (this index)
- Superfund Litigation (this index)

ARRANGERS

- Superfund Litigation (this index)

"AS IS" PROVISIONS

- Property-damage toxic torts, § 2:10

ASSUMPTION OF RISK

- Personal-injury toxic torts, § 1:40

ATTORNEY FEES

- California Environmental Quality Act (CEQA), postjudgment proceedings, § 8:39
- Citizen suits, § 6:31
- Insurance coverage litigation, actions against insurers, § 5:46
- Personal-injury toxic torts, § 1:34
- Property-Damage Toxic Torts (this index)
- Superfund litigation, extent of liability of PRPs in federal “Superfund” litigation, § 3:50

BANKRUPTCY

CONSIDERATIONS

- Generally, §§ 10:1 to 10:12
- Abandonment of contaminated property by trustee, § 10:11
- Administrative priorities, § 10:7
- Automatic stay, scope and effect, §§ 10:9, 10:10
- Classification of environmental claims in bankruptcy determining when claim arises, § 10:3
- future claims, § 10:6
- post-petition claims, § 10:5
- pre-petition claims, § 10:4
- Compliance requirements, effect of automatic stay on environmental compliance requirements, § 10:10
- Considerations in equitable actions, § 10:2
- Defining a claim, § 10:2
- Effect of bankruptcy on environmental claim abandonment of contaminated property by trustee, § 10:11
- administrative priorities, § 10:7
- automatic stay, scope and effect, §§ 10:9, 10:10

BANKRUPTCY

CONSIDERATIONS

—Cont’d

- Effect of bankruptcy on environmental claim
- Cont’d
- compliance requirements, effect of automatic stay on environmental compliance requirements, § 10:10
- punitive criminal fines are not administrative expenses that are entitled to priority status, § 10:8
- EPA guidance regarding pursuit of claims against debtors in bankruptcy, § 10:12
- Equitable actions, considerations in, § 10:2
- Future claims, § 10:6
- Goals, conflicting goals of bankruptcy and environmental law, § 10:1
- Post-petition claims, § 10:5
- Pre-petition claims, § 10:4
- Punitive criminal fines are not administrative expenses that are entitled to priority status, § 10:8
- Timing, determining when claim arises, § 10:3

BIFURCATION

- Federal “Superfund” litigation, § 3:80

BOARD OF ENVIRONMENTAL SAFETY

- Generally, § 7:96.50

BROWNFIELDS

- Superfund Litigation (this index)

BULK SUPPLIER DEFENSE

- Personal-injury toxic torts, § 1:44

BURDEN OF PROOF

- Mercury in dental fillings, Proposition 65 enforcement, § 4:12

INDEX

BURDEN OF PROOF—Cont'd

Proposition 65 enforcement,
mercury in dental fillings,
§ 4:12

BURNING

Hazardous Waste Control Act,
§ 7:127

CALIFORNIA COASTAL ACT OF 1976

Cease and desist orders
administrative penalties, see
Administrative enforcement
(this group)
Civil penalties, see Judicial review
and enforcement (this group)
Governing law, see Law, govern-
ing (this group)
Local coastal programs (LCP), see
Planning and regulation (this
group)
Permitting process, see Planning
and regulation (this group)
Writs of mandate, see Judicial
review and enforcement (this
group)

CALIFORNIA CORPORATE CRIMINAL LIABILITY ACT

Criminal penalties and
considerations, § 9:6

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Organizational chart, § 7:183

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Generally, §§ 8:1 to 8:54
Administering agencies, § 8:5
Affirmative defenses, see *Forms*
(this group)

CALIFORNIA

ENVIRONMENTAL QUALITY ACT (CEQA) —Cont'd

Applicability of CEQA, actions
involving
activities defined as projects,
§ 8:7
categorical exemptions, § 8:10
certified regulatory programs,
§ 8:12
discretionary projects, § 8:8
exemptions
categorical exemptions,
§ 8:10
certified regulatory programs,
§ 8:12
notice of exemption, § 8:11
statutory exemptions, § 8:9
housing projects, exemptions,
§ 8:9.50
notice of exemption, § 8:11
projects subject to CEQA
activities defined as projects,
§ 8:7
discretionary projects, § 8:8
projects within areas with
approved sustainable
communities strategies,
Environmental Impact
Reports (EIRs),
§ 8:17.50
statutory exemptions, § 8:9
Attorney fees, postjudgment
proceedings, § 8:39
Certified exempt programs,
checklist, § 8:45
Challenges, specific actions to
challenge CEQA decisions
attorney fees, postjudgment
proceedings, § 8:39
declaratory relief actions,
§ 8:35
injunction during pendency of
actions, § 8:36

CALIFORNIA

**ENVIRONMENTAL
QUALITY ACT (CEQA)**

—Cont'd

- Challenges, specific actions to challenge CEQA decisions
 - Cont'd
 - postjudgment proceedings
 - attorney fees, **§ 8:39**
 - ongoing jurisdiction of court, **§ 8:38**
 - provisional relief during pendency of actions
 - effect on proposed project of action challenging environmental impact report, **§ 8:37**
 - injunction, **§ 8:36**
 - stay, **§ 8:36**
 - stay during pendency of actions, **§ 8:36**
 - temporary restraining during pendency of actions, **§ 8:36**
 - temporary restraining order, **§ 8:36**
 - writ of mandate proceedings
 - contents of writ of mandate, **§ 8:33**
 - other relief, **§ 8:34**
 - petition for ordinary mandamus against government entity challenging entity's decision to carry out project without complying with CEQA, *Form*, **§ 8:47**
 - petition for ordinary mandamus against public agency and applicant challenging agency's approval of project without compliance with CEQA, *Form*, **§ 8:48**
 - standard of review in mandamus actions, **§ 8:32**

CALIFORNIA

**ENVIRONMENTAL
QUALITY ACT (CEQA)**

—Cont'd

- Challenges, specific actions to challenge CEQA decisions
 - Cont'd
 - writ of mandate proceedings
 - Cont'd
 - types of mandamus proceedings, **§ 8:31**
- Checklists
 - certified exempt programs, **§ 8:45**
 - procedural checklist for petitioner in CEQA litigation, **§ 8:46**
- Defenses
 - collateral estoppel, **§ 8:44**
 - failure to exhaust administrative remedies, **§§ 8:43, 8:53**
 - indispensable parties, failure to join, **§ 8:44**
 - laches, **§§ 8:44, 8:54**
 - mootness, **§§ 8:44, 8:52**
 - standing, lack of, **§ 8:42**
 - statutes of limitations, **§§ 8:41, 8:51**
 - waiver, **§ 8:44**
- Environmental impact report
 - requirement, actions involving
- environmental impact reports
 - approval of project, **§ 8:23**
 - contents of report required, **§ 8:19**
 - determination regarding significance of project's environmental effect, **§ 8:17**
 - master and focused reports for subsequent projects, **§ 8:21**
 - notice of determination, **§ 8:24**
 - preparation process, **§ 8:18**

INDEX

CALIFORNIA

ENVIRONMENTAL QUALITY ACT (CEQA)

—Cont'd

- Environmental impact report
 - requirement, actions involving—Cont'd
 - environmental impact reports
 - Cont'd
 - subsequent reports, § 8:20
 - timing of report, § 8:22
 - land use statute litigation, § 8:19.50
 - negative declarations
 - initial study as basis, § 8:13
 - notice of determination, § 8:16
 - preparation and contents of declaration, § 8:14
 - timing of declaration, § 8:15
 - projects within areas with approved sustainable communities strategies, § 8:17.50
- Environmental impact reports (EIRs), projects within areas with approved sustainable communities strategies, § 8:17.50
- Exemptions, see Applicability of CEQA, actions involving (this group)
- Forms*
 - affirmative defenses
 - failure to exhaust administrative remedies, § 8:53
 - laches, § 8:54
 - mootness, § 8:52
 - statute of limitations, § 8:51
 - allegation of inadequacy of environmental impact report, § 8:49
 - petitioner's request for preparation of record, § 8:50
 - petition for ordinary mandamus against government entity

CALIFORNIA

ENVIRONMENTAL QUALITY ACT (CEQA)

—Cont'd

- Forms*—Cont'd
 - challenging entity's decision to carry out project without complying with CEQA, § 8:47
 - petition for ordinary mandamus against public agency and applicant challenging agency's approval of project without compliance with CEQA, § 8:48
- Governing law, see Law, governing (this group)
- Implementing agencies, § 8:6
- Laches, §§ 8:44, 8:54
- Land use statute litigation, program environmental impact reports (EIRs), § 8:19.50
- Law, governing
 - legal effect of CEQA guidelines, § 8:4
 - nature of regulation, § 8:2
 - policies underlying statute, § 8:1
 - relationship to NEPA and other statutes, § 8:3
- "Lead agencies," § 8:6
- Mootness, §§ 8:44, 8:52
- National Environmental Policy Act (NEPA), relation of CEQA, § 8:3
- Negative declarations, see Environmental impact report requirement, actions involving (this group)
- Office of Planning and Research, § 8:5
- Postjudgment proceedings, see Challenges, specific actions to challenge CEQA decisions (this group)

CALIFORNIA

**ENVIRONMENTAL
QUALITY ACT (CEQA)**

—Cont’d

- Procedural considerations and requirements in CEQA actions
 - authority for CEQA actions, **§ 8:25**
 - checklist for petitioner in CEQA litigation, **§ 8:46**
 - hearing request, **§ 8:29**
 - mandatory settlement meeting, **§ 8:28**
 - mediation, **§ 8:25**
 - notification of Attorney General, **§ 8:26**
 - preference in setting, **§ 8:30**
 - record, preparation of, **§ 8:27**
 - service of process, **§ 8:26**
 - setting, preference in, **§ 8:30**
- Projects subject to CEQA, see Applicability of CEQA, actions involving (this group)
- Projects within areas with approved sustainable communities strategies, Environmental Impact Reports (EIRs), **§ 8:17.50**
- Provisional relief during pendency of actions, see Challenges, specific actions to challenge CEQA decisions (this group)
- “Responsible agencies,” **§ 8:6**
- Review by Appellate Courts, **§ 8:33.50**
- Sustainable communities strategies, projects within, Environmental Impact Reports (EIRs), **§ 8:17.50**
- Writ of mandate proceedings, see Challenges, specific actions to challenge CEQA decisions (this group)

CALIFORNIA LAND USE

**REVITALIZATION ACT OF
2004**

- Applicability, **§ 3:85.50**

CALIFORNIA’S AIR

RESOURCES STATUTES

- Generally, **§§ 7:55 to 7:95**
- Abatement orders, see Enforcement by air quality management districts and air pollution control districts (this group)
- Agricultural sources of air pollution, **§ 7:68.50**
- Air quality planning and regulation under statutes, **§ 7:55**
- Civil penalties, **§ 7:84**
- Climate change and global warming, **§§ 7:55.20, 7:55.50**
- Criminal liability, **§ 7:85**
- Districts, California air pollution control and air quality management districts, **§ 7:185**
- Enforcement by air quality management districts and air pollution control districts
 - abatement orders
 - form of abatement order, **§ 7:58**
 - issuance of abatement order, **§ 7:57**
 - assessment of administrative civil liability, **§ 7:78**
 - civil liability, assessment of administrative civil liability, **§ 7:78**
 - civil penalties, **§ 7:84**
 - criminal liability, **§ 7:85**
 - hearings
 - permits (this group)
 - practice and procedure before district hearing boards (this group)
 - injunctive relief, **§ 7:88**

INDEX

CALIFORNIA'S AIR RESOURCES STATUTES

—Cont'd

Enforcement by air quality
management districts and air
pollution control districts
—Cont'd
judicial enforcement
civil penalties, § 7:84
criminal liability, § 7:85
injunctive relief, § 7:88
publication of violations,
penalties, and rewards,
§ 7:87
rewards for informants,
§ 7:86
orders and permits
abatement orders (this group)
permits (this group)
permits
Air Pollution Permit
Streamlining Act, § 7:76
contaminants near school,
public notice required,
§ 7:69
denial, suspension, and revo-
cation hearings, § 7:72
disclosure of information,
§ 7:70
duration of permit, § 7:67
fees, § 7:75
hearings
denial, suspension, and
revocation hearings,
§ 7:72
hearing board powers,
§ 7:74
public hearing to contest
issuance of permit,
§ 7:73
purpose of permit, § 7:67
reinstatement, § 7:71
review of applicant's compli-
ance history, § 7:77

CALIFORNIA'S AIR RESOURCES STATUTES

—Cont'd

Enforcement by air quality
management districts and air
pollution control districts
—Cont'd
permits—Cont'd
suspension and reinstatement,
§ 7:71
temporary permit, § 7:68
practice and procedure before
district hearing boards
decisions, § 7:82
hearing boards and
procedures, § 7:79
notice requirements, § 7:80
witnesses and testimony,
§ 7:81
publication of violations, penal-
ties, and rewards, § 7:87
review of variances by state air
board, § 7:83
rewards for informants, § 7:86
variances
application, § 7:59
criteria for granting variance,
§ 7:62
emergency variance, § 7:61
imposition of additional
requirements, § 7:63
Interim variance, § 7:60
modification, § 7:65
notice and hearing require-
ments, § 7:64
period of variance, § 7:66
review by state air board,
§ 7:83
revocation, § 7:65
writ of mandate proceedings
record on review, § 7:90
timeliness of review, § 7:89
Federal Clean Air Act, relationship
of statutes to, § 7:56

**CALIFORNIA'S AIR
RESOURCES STATUTES
—Cont'd**

- Hearings, see Enforcement by air quality management districts and air pollution control districts (this group)
- Injunctive relief, § 7:88
- Judicial enforcement, see Enforcement by air quality management districts and air pollution control districts (this group)
- Permits, see Enforcement by air quality management districts and air pollution control districts (this group)
- Publication of violations, penalties, and rewards, § 7:87
- Rewards for informants, § 7:86
- Statutory scheme overview
 - air quality planning and regulation under statutes, § 7:55
 - Federal Clean Air Act, relationship of statutes to, § 7:56
- Transportation provisions, § 7:55.50
- Variances, see Enforcement by air quality management districts and air pollution control districts (this group)
- Writ of mandate proceedings, see Enforcement by air quality management districts and air pollution control districts (this group)

**CALIFORNIA STORM WATER
ENFORCEMENT ACT**

- Porter-Cologne Water Quality Control Act (this index)

CASE MANAGEMENT ORDERS

- Federal "Superfund" litigation, § 3:77

CEASE AND DESIST ORDERS

- Porter-Cologne Water Quality Control Act, § 7:7

**CERTIFIED UNIFORM
PROGRAM AGENCIES
(CUPA)**

- Hazardous Waste Control Act, § 7:98

CHEMICALS LIST

- Proposition 65 litigation, § 4:2

CITIZEN SUITS

- Generally, §§ 6:1 to 6:44
- Abstention issues, § 6:35
- Affirmative defenses, see Defenses (this group)
- Aiders and abettors, defendants, § 6:13
- Attorney fees, § 6:31
- CERCLA removal action
 - underway, defense, § 6:34
- Civil penalties, § 6:32
- Collateral estoppel, § 6:36
- Complaints, see *Forms (this group)*
- Consent judgments, limitations, § 6:27
- Costs of suit, § 6:31
- Damages, § 6:30
- Defendants, see Parties to citizen suit (this group)
- Defenses
 - CERCLA removal action
 - underway, § 6:34
 - collateral estoppel, § 6:36
 - diligent prosecution by government, § 6:33
 - estoppel, § 6:40
 - laches, § 6:39
 - lack of intent, § 6:38
 - mootness, § 6:37
 - negligence, § 6:38
 - non-duplication of government prosecution, § 6:33
 - RCRA removal action
 - underway, § 6:34
 - reliance on EPA or state agency, § 6:40

INDEX

CITIZEN SUITS—Cont'd

Defenses—Cont'd

res judicata, § 6:36

self defense, § 6:42

statute of limitations, § 6:41

“upset” defense, § 6:38

Diligent prosecution by government, defense, § 6:33

Estoppel, § 6:40

Grounds for citizen suits, § 6:5

Grounds for citizen suits, establishing
retroactive application of statutory provisions for citizen suits, § 6:6
statutory grounds
generally, § 6:3
specific grounds in specific acts, § 6:4

Injunctive relief, § 6:29

Intervention

officials, right of federal and state officials, § 6:26

requirements for intervention, § 6:25

Jurisdictional issues, § 6:34

Laches, § 6:39

Lack of intent, defense, § 6:38

Mootness, defense, § 6:37

Nature of citizen suits, § 6:1

Negligence, defense, § 6:38

Non-duplication of government prosecution, § 6:33

Notice prior to filing suit. Presuit notices (this group)

Officials, federal and state officials
defendants, federal and state officials as, § 6:10

right of intervention, § 6:26

Parties to citizen suit

aiders and abettors, defendants, § 6:13

defendants, identifying proper aiders and abettors, § 6:13
corporate entities, § 6:9

CITIZEN SUITS—Cont'd

Parties to citizen suit—Cont'd

defendants, identifying proper —Cont'd

officials, federal and state, § 6:10

partnerships, § 6:9

public trust doctrine
defendants in public trust doctrine suits, § 6:12
persons in violation of public trust doctrine, § 6:8

shareholders, § 6:9

states, § 6:11

statutory violations, persons in violation of statutes, § 6:7

Tribes, § 6:11

United States, § 6:11

plaintiffs, establishing proper

“citizens” not limited to citizens, § 6:14

standing, establishing, § 6:15

statutory right to bring suit, establishing, § 6:14

public trust doctrine, see
defendants, identifying proper (this group)

shareholders, defendants, § 6:9

standing, establishing standing of plaintiff, § 6:15

Plaintiffs

checklist, procedural requirements for plaintiff in citizen suit, § 6:43

proper plaintiffs, see Parties to citizen suit (this group)

Pleadings

complaints, see *Forms (this group)*

service of pleadings, § 6:24

sufficiency of pleadings, § 6:23

Presuit notices

generally, § 6:16

CITIZEN SUITS—Cont'd

- Presuit notices—Cont'd
 - consequences of inadequate notice, § 6:20
 - content of notice, § 6:17
 - formality, requirement of formal rather than actual notice, § 6:19
 - Forms (this group)*
 - service of notice, § 6:18
- Procedural considerations
 - checklist, procedural requirements for plaintiff in citizen suit, § 6:43
 - consent judgments, limitations, § 6:27
 - intervention, see Intervention (this group)
 - jurisdiction, subject matter, § 6:21
 - notice prior to filing suit, see Presuit notice (this group)
 - pleadings, see Pleadings (this group)
 - presuit notice, see Presuit notice (this group)
 - venue, § 6:22
- Public trust doctrine, § 6:5
- RCRA removal action underway, defense, § 6:34
- Reliance on EPA or state agency, defense, § 6:40
- Remand, § 6:44
- Remedies
 - attorney fees, § 6:31
 - civil penalties, § 6:32
 - costs of suit, § 6:31
 - damages, § 6:30
 - enforcement nature of remedies, § 6:28
 - injunctive relief, § 6:29
- Res judicata, § 6:36
- Resource Conservation and Recovery Act (RCRA)
 - defenses, RCRA removal action underway, § 6:34

CITIZEN SUITS—Cont'd

- Retroactive application of statutory provisions for citizen suits, § 6:6
- Self defense, § 6:42
- Service of pleadings, § 6:24
- Standing, establishing standing of plaintiff, § 6:15
- Statute of limitations, § 6:41
- Statutes containing citizen suit provisions, § 6:2
- Statutory grounds, see Grounds for citizen suits, establishing (this group)
- Subject matter jurisdiction, § 6:21
- “Upset” defense, § 6:38
- Venue, § 6:22

CIVIL PENALTIES

- Citizen suits, § 6:32
- Hazardous Substance Account Act, § 7:164
- Judicial enforcement
 - Hazardous Waste Control Act (this index)
- Superfund litigation, extent of liability of PRPs in federal “Superfund” litigation, § 3:51
- Underground storage tanks, administrative civil penalties, local agency enforcement, § 7:50

CIVIL RIGHTS AND DISCRIMINATION

- Prisons and prisoners, toxic torts, § 1:25.50

CLASS ACTIONS

- Personal injury and toxic torts, § 1:51.50

CLEAN WATER ACT

- Porter-Cologne Water Quality Control Act, relationship to federal Clean Water Act, § 7:5

INDEX

CLEAN WATER ACT—Cont'd

Wetlands Regulation Under
Federal Clean Water Act (this
index)

CLIMATE CHANGE

Regulatory proceedings,
§§ 7:55.20, 7:55.50

COLLATERAL ESTOPPEL

Citizen suits, § 6:36

COMMON LAW

Citizen suits, grounds for, § 6:5

COMPARATIVE NEGLIGENCE

Personal-injury toxic torts, § 1:39
Property-damage toxic torts,
§§ 2:29, 2:46

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

Private rights to sue under, § 3:5
Superfund Litigation (this index)

COMPREHENSIVE GENERAL LIABILITY (CGL) INSURANCE

Insurance Coverage Litigation
(this index)

CONCERT OF ACTION LIABILITY

Personal-injury toxic torts, § 1:24

CONSENT

Property-damage toxic torts,
defense of consent, §§ 2:26,
2:48

CONSENT DECREES

Citizen suits, limitations on
consent judgments, § 6:27
Superfund Litigation (this index)

CONSOLIDATION OF CIVIL ACTIONS

Underground storage tanks, § 7:54

“CONTIGUOUS PROPERTY” DEFENSE

Superfund litigation, cost recovery
actions in federal
“Superfund” litigation,
§ 3:63

CONTRACTS

Superfund litigation, contract
defenses to actions by other
PRPs, § 3:65

CONTRACTUAL RIGHTS

Property-damage toxic torts,
§§ 2:8, 2:10

CONTRIBUTION

Hazardous Substance Account Act
(this index)
Superfund Litigation (this index)

CORRECTIVE ACTION ORDERS

Hazardous Substance Account Act
(this index)
Hazardous Waste Control Act (this
index)
Underground storage tanks, local
agency enforcement, practice
note, § 7:49

COSTS OF SUIT

Citizen suits, § 6:31

CRIMINAL PENALTIES AND CONSIDERATIONS

Generally, §§ 9:1 to 9:10
California Corporate Criminal
Liability Act, § 9:6
Checklist of considerations for
practitioner whose client may
be subject to criminal
liability, § 9:10
Consequences of criminal liability
penalties, other liabilities, § 9:7

**CRIMINAL PENALTIES AND
CONSIDERATIONS**

—Cont'd

Consequences of criminal liability

—Cont'd

sentencing guidelines, § 9:8

Elements of and theories for
imposing criminal liability
California Corporate Criminal
Liability Act, § 9:6

respondeat superior liability,
§ 9:4

responsible corporate officer
doctrine, § 9:5

state of mind, § 9:3

Penalties and other liabilities,
§ 9:7

Porter-Cologne Water Quality
Control Act, § 7:28

Respondeat superior liability,
§ 9:4

Sentencing guidelines, § 9:8

Significance of criminal
considerations for
environmental litigator, § 9:1

State of mind, § 9:3

Statute of limitations, § 9:9

Statutes, environmental statutes
giving rise to potential criminal
liability, § 9:2

CUMIS COUNSEL

Insurance carrier duties, § 5:25

DAMAGES

Citizen suits, § 6:30

Personal Injury and Toxic Torts
(this index)

Property-Damage Toxic Torts (this
index)

DECLARATORY RELIEF

Insurance Coverage Litigation
(this index)

Property-damage toxic torts,
§§ 2:24, 2:37, 2:39

DEFAMATION

Personal injury, § 1:26.50

DEFENSES

California Environmental Quality
Act (CEQA) (this index)

Personal Injury and Toxic Torts
(this index)

Property-Damage Toxic Torts (this
index)

Superfund Litigation (this index)

**DEPARTMENT OF TOXIC
SUBSTANCE CONTROL
(DTSC)**

Hazardous Substance Account Act
(this index)

Hazardous Waste Control Act (this
index)

**DIMINUTION OF PROPERTY
VALUE**

Property-damage toxic torts, dam-
ages, § 2:19

DISCHARGE PROHIBITION

Proposition 65 Litigation (this
index)

EIRs

Environmental Impact Reports
(this Index)

ELEMENTS OF LIABILITY

Mercury in dental fillings, Propo-
sition 65 enforcement, § 4:12

EMOTIONAL DISTRESS

Personal Injury and Toxic Torts
(this index)

**ENHANCED RISK OF HEALTH
PROBLEMS**

Personal-injury toxic torts, dam-
ages, § 1:32

ENJOYMENT

Personal-injury toxic torts, dam-
ages for loss of enjoyment,
§ 1:29

INDEX

ENVIRONMENTAL IMPACT REPORTS

California Environmental Quality Act (CEQA) (this index)
Land use statute litigation, § 8:19.10

ENVIRONMENTAL IMPAIRMENT LIABILITY (EIL) INSURANCE

Insurance Coverage Litigation (this index)

EPIDEMIOLOGICAL STUDIES

Personal-injury toxic torts, evidentiary issues, § 1:49

ESTOPPEL

Citizen suits, § 6:40

EVIDENCE

Personal Injury and Toxic Torts (this index)

EXEMPLARY DAMAGES

Punitive Damages (this index)

EXPERIMENTAL EVIDENCE

Personal-injury toxic torts, § 1:48

FORUM SELECTION

Property-damage toxic torts, § 2:16

FRAUD AND MISREPRESENTATION

Property-damage toxic torts, §§ 2:9, 2:35

GASOLINE SERVICE SYSTEMS

Superfund litigation, defense to cost recovery actions, §§ 3:62, 3:113

GLOBAL WARMING

Regulatory proceedings, § 7:55.50

GOOD FAITH AND FAIR DEALING

Insurance coverage litigation, insurance carrier's duty on

GOOD FAITH AND FAIR DEALING—Cont'd

third party claims, § 5:24

GOVERNMENT CONTRACTOR DEFENSE

Personal-injury toxic torts, § 1:42

HAZARDOUS SUBSTANCE ACCOUNT ACT

Generally, §§ 7:133 to 7:182

Administrative enforcement

agreement for remedial action, § 7:147

authority to gather relevant information, § 7:139

city or county, remedial action by, § 7:152

cleanup orders, procedures and protective considerations, § 7:150

disclosure of records, § 7:137

endangerment orders, § 7:140

fees for remedial action, § 7:154

financial assurance requirement, § 7:145

inspection of property, § 7:137

notice of hazardous substances on property, § 7:138

notice of remedial action by DTSC, § 7:151

order for remedial action, § 7:147

penalties, administrative proceeding to recover penalties, § 7:142

permit requirements, exclusion of remedial action from permit requirements, § 7:153

preparation of remedial action plan, § 7:144

remedial actions, see removal and remedial actions (this group)

HAZARDOUS SUBSTANCE

ACCOUNT ACT—Cont'd

- Administrative enforcement—Cont'd
 - removal and remedial actions generally, § 7:143
 - agreement for remedial action, § 7:147
 - city or county, remedial action by, § 7:152
 - cleanup orders, procedures and protective considerations, § 7:150
 - fees for remedial action, § 7:154
 - financial assurance requirement, § 7:145
 - notice of remedial action by DTSC, § 7:151
 - order for remedial action, § 7:147
 - permit requirements, exclusion of remedial action from permit requirements, § 7:153
 - preparation of remedial action plan, § 7:144
 - scope of remedial action by DTSC, § 7:148
 - timing of remedial action by DTSC, § 7:149
 - scope of remedial action by DTSC, § 7:148
 - secure site orders, § 7:141
 - timing of remedial action by DTSC, § 7:149
- Apportionment of costs, actions to recover costs and expenses, § 7:170
- Arbitration proceedings
 - apportionment of liability, § 7:157
 - good faith, evidence of, § 7:159
 - release from liability, § 7:160
 - remedies, additional, § 7:161
 - request for arbitration, § 7:155

HAZARDOUS SUBSTANCE

ACCOUNT ACT—Cont'd

- Arbitration proceedings—Cont'd
 - satisfaction of liability, § 7:158
 - selection and powers of arbitrators, § 7:156
- Attorney General, action by, § 7:162
- Civil penalties, § 7:164
- Compensation for losses
 - generally, § 7:173
 - compensable losses, § 7:175
 - conditions for recovery, § 7:174
 - filing claim, § 7:176
 - hearing and determination, § 7:177
- Contribution and indemnity
 - contribution defendant, treble damages from, § 7:166
- Costs and expenses, actions to recover, see Judicial enforcement (this group)
- Definitions, § 7:134
- Department of Toxic Substance Control (DTSC)
 - enforcement, see Administrative enforcement (this group)
 - sites, selection and ranking of sites, § 7:135
- Good faith, evidence of good faith in arbitration, § 7:159
- “Hazardous substance,” definition, § 7:134
- Injunctive relief, § 7:163
- Judicial enforcement
 - apportionment of costs, actions to recover costs and expenses, § 7:170
- Attorney General, action by, § 7:162
- civil penalties, § 7:164
- contribution defendant, treble damages from, § 7:166
- costs and expenses, actions to recover
 - apportionment of costs, § 7:170

INDEX

HAZARDOUS SUBSTANCE

ACCOUNT ACT—Cont'd

Judicial enforcement—Cont'd

costs and expenses, actions to recover—Cont'd

lien on responsible party's real property, § 7:172

limitations periods, § 7:168

nature and scope, § 7:167

residential property owners, restriction on liability, § 7:169

statute of limitations, § 7:168

injunctive relief, § 7:163

lien on responsible party's real property, actions to recover costs and expenses, § 7:172

limitations periods, actions to recover costs and expenses, § 7:168

residential property owners, restriction on liability of residential property owners in actions to recover costs and expenses, § 7:169

statute of limitations, actions to recover costs and expenses, § 7:168

treble damages

contribution defendant, treble damages from, § 7:166

failure to provide remedial action, § 7:165

Lien on responsible party's real property, actions to recover costs and expenses, § 7:172

Liens

lien on responsible party's real property in actions to recover costs and expenses, § 7:172

Orphan Share Reimbursement Trust Fund, payment from Fund constitutes lien, § 7:182

HAZARDOUS SUBSTANCE

ACCOUNT ACT—Cont'd

Limitations periods, actions to recover costs and expenses, § 7:168

Nature and scope of statute, § 7:133

Orphan Share Reimbursement Trust Fund

generally, § 7:178

determination of orphan share, § 7:180

filing claim for orphan share, § 7:179

lien, payment from Fund constitutes lien, § 7:182

recovery of costs expended from Fund, § 7:181

"Release," definition, § 7:134

Remedial actions, see Administrative enforcement (this group)

Removal and remedial actions, see Administrative enforcement (this group)

Residential property owners, restriction on liability of residential property owners in actions to recover costs and expenses, § 7:169

Sites

community survey and advisory group following selecting and ranking of sites, § 7:136

secure site orders, § 7:141

selection and ranking of sites, § 7:135

Statute of limitations, actions to recover costs and expenses, § 7:168

Treble damages, see Actions to recover costs and expenses (this group)

HAZARDOUS SUBSTANCES

Prisons and prisoners, civil rights and discrimination, torts, § 1:25.50

**HAZARDOUS WASTE
CONTROL ACT**

Generally, §§ 7:96 to 7:132

Administrative enforcement

administrative penalties,
§ 7:103

corrective action orders

corrective action by DTSC,
§ 7:109

nature and scope, § 7:107

notice, statement, hearing,
and review, § 7:108

disclosure to local officials,
required, § 7:101

DTSC, see Department of Toxic
Substance Control (DTSC)
(this group)

enforcers, who may enforce
standards and regulations,
§ 7:99

information, authority of DTSC
to gather relevant informa-
tion, § 7:102

inspections

adjacent property, inspection
of, § 7:106

nature and scope, § 7:105

minor violations, § 7:104

monitoring and testing orders,
§§ 7:110, 7:111

notices to comply, § 7:104

permit actions

disclosure statement, § 7:116

grounds for suspension, revo-
cation, or denial, § 7:114

procedure, § 7:115

report of convictions, judg-
ments, and settlements,
§ 7:117

quarantine orders, §§ 7:112,
7:113

Administrative penalties, § 7:103

Board of Environmental Safety,
§ 7:96.50

**HAZARDOUS WASTE
CONTROL ACT—Cont'd**

Burning and incinerating, offense,
§ 7:127

Certified Uniform Program Agen-
cies (CUPA), § 7:98

Corrective action orders, see

Administrative enforcement
(this group)

Definitions, § 7:97

Department of Toxic Substance
Control (DTSC)

generally, § 7:96

administrative enforcement,
§ 7:100

corrective action by DTSC,
§ 7:109

information, authority of DTSC
to gather relevant informa-
tion, § 7:102

Disposal, treatment, and storage,
offense, § 7:126

Document and reporting viola-
tions, offense, § 7:129

“Hazardous waste,” definition,
§ 7:97

“Hazardous waste of concern,”
definition, § 7:97

Inspections, see Administrative
enforcement (this group)

Interference with official duties,
offense, § 7:131

Judicial enforcement

burning and incinerating,
offense, § 7:127

civil penalties

intentional or negligent acts,
§ 7:123

liability for costs and
expenses, § 7:125

multiple violations,
additional penalties,
§ 7:123.50

nature and scope of provi-
sions, § 7:122

INDEX

HAZARDOUS WASTE

CONTROL ACT—Cont'd

Judicial enforcement—Cont'd

civil penalties—Cont'd

unintentional or non-negligent acts, § 7:124

disposal, treatment, and storage, offense, § 7:126

document and reporting violations, offense, § 7:129

injunctive relief, § 7:119

interference with official duties, offense, § 7:131

misdemeanor violations, offense, § 7:132

offenses

burning and incinerating, § 7:127

disposal, treatment, and storage, § 7:126

document and reporting violations, § 7:129

interference with official duties, § 7:131

misdemeanor violations, § 7:132

reckless acts, § 7:130

transportation, § 7:128

procedure, § 7:118

reckless acts, offense, § 7:130

report of proceedings to Attorney General, § 7:121

reward for informants, § 7:120

transportation, offense, § 7:128

Management plan, § 7:97.50

Minor violations, § 7:104

Misdemeanor violations, offense, § 7:132

Monitoring and testing orders, §§ 7:110, 7:111

Nature and scope of statute, § 7:96

Notices to comply, § 7:104

Penalties, administrative, § 7:103

Permit actions, see Administrative enforcement (this group)

HAZARDOUS WASTE

CONTROL ACT—Cont'd

Quarantine orders, §§ 7:112, 7:113

Reckless acts, offense, § 7:130

Reward for informants, § 7:120

Transportation, offense, § 7:128

Unified hazardous waste and hazardous materials management regulatory program, § 7:98

HOUSING

California Environmental Quality Act (CEQA), exemptions, § 8:9.50

INCINERATING

Hazardous Waste Control Act, § 7:127

INDEMNIFICATION

Insurance coverage litigation, insurance carrier's duty to indemnify third party claims, § 5:21

INJUNCTIVE RELIEF

Air pollution, California's air resources statutes, § 7:88

Citizen suits, § 6:29

Hazardous Substance Account Act, § 7:163

Personal-injury toxic torts, § 1:35

Porter-Cologne Water Quality Control Act, § 7:25

Property-damage toxic torts, § 2:23

Proposition 65 litigation, § 4:9

Underground storage tanks, § 7:51

INNOCENT LANDOWNERS

Superfund litigation, defense to cost recovery actions in federal "Superfund" litigation, §§ 3:59, 3:110

INSURANCE COVERAGE LITIGATION

Generally, §§ 5:1 to 5:54

**INSURANCE COVERAGE
LITIGATION—Cont'd**

- Absolute pollution exclusion, third party claims, § 5:16
- Actions against insurers
 - attorney fees, § 5:46
 - declaratory judgment, §§ 5:44, 5:51
 - jurisdiction, § 5:43
 - procedural requirements
 - generally, § 5:40
 - complaint, §§ 5:42, 5:51
 - jurisdiction, § 5:43
 - notice, § 5:41
 - remedies
 - attorney fees, § 5:46
 - damages, § 5:47
 - declaratory judgment, §§ 5:44, 5:51
 - order to pay defense costs, § 5:45
 - tactical considerations
 - consultants, environmental and scientific, § 5:38
 - developing plan, § 5:37
 - discovery strategy, § 5:39
 - policy review, § 5:36
- Alienated Premises Exclusion, third party claims, § 5:18
- Attorney fees, actions against insurers, § 5:46
- Complete pollution exclusion, third party claims, § 5:16
- Comprehensive General Liability (CGL) insurance, see Third party claims (this group)
- Cooperation, insured's duty to cooperate on third-party claim, § 5:20
- Coverage, checklist for insured seeking coverage from insurer, § 5:48
- Cumis counsel, insurance carrier duties on third party claims, § 5:25

**INSURANCE COVERAGE
LITIGATION—Cont'd**

- Declaratory judgment actions, see *Forms*
- Defense, duty to defend, see Third party claims (this group)
- Discovery, notice of deposition from insured to insurer, *Form*, § 5:53
- Environmental Impairment Liability (EIL) insurance, see Third party claims (this group)
- Environmental insurance coverage issues, generally, § 5:1
- First party claims
 - "all risk" policies, property insurance, §§ 5:28, 5:32
 - causation, property insurance, § 5:34
 - conditions, property insurance, § 5:35
 - covered peril, property insurance, § 5:31
 - covered property, property insurance, § 5:30
 - debris removal clause, property insurance, § 5:33
 - direct physical loss, property insurance, § 5:29
 - exclusions, property insurance
 - all-risk policy exclusions, § 5:32
 - "named peril" policies, property insurance, § 5:28
- property insurance
 - "all risk" policies, §§ 5:28, 5:32
 - causation, § 5:34
 - conditions, § 5:35
 - covered peril, § 5:31
 - covered property, § 5:30
 - debris removal clause, § 5:33
 - direct physical loss, § 5:29
 - exclusions, all-risk policy exclusions, § 5:32

INDEX

INSURANCE COVERAGE LITIGATION—Cont'd

- First party claims—Cont'd
 - property insurance—Cont'd
 - “named peril” policies,
§ 5:28
 - third party claims, difference
between first party and
third party claims, § 5:26
 - trigger of coverage, § 5:27
- Forms*
 - allegations, see complaints and
allegations (this group)
 - appendix, insurance services
office standard policy
language, § 5:54
 - complaints and allegations
 - insured’s declaratory judg-
ment action, complaint
by insured for declara-
tory judgment establish-
ing insurer’s duty to
defend and indemnify
insured against third
party claim, § 5:51
 - insurer’s declaratory judg-
ment action, complaint
by insurer for declara-
tory judgment establish-
ing that insurer has no
duty to defend or
indemnify insured
against third party claim,
§ 5:50
 - joint and several liability,
insured’s allegations of
joint and several liability
on part of multiple
insurers, § 5:52
- declaratory judgment actions
 - insured’s declaratory judg-
ment action, complaint
by insured for declara-
tory judgment establish-
ing insurer’s duty to
defend and indemnify
insured against third

INSURANCE COVERAGE LITIGATION—Cont'd

- Forms*—Cont'd
 - declaratory judgment actions
—Cont'd
 - party claim, § 5:51
 - insurer’s declaratory judg-
ment action, complaint
by insurer for declara-
tory judgment establish-
ing that insurer has no
duty to defend or
indemnify insured
against third party claim,
§ 5:50
 - discovery, notice of deposition
from insured to insurer,
§ 5:53
 - joint and several liability,
insured’s allegations of
joint and several liability
on part of multiple insur-
ers, § 5:52
 - notice from insured to insurer of
claim or action against
insured under occurrence
type policy, § 5:49
- Good faith and fair dealing, insur-
ance carrier’s duty on third
party claims, § 5:24
- Indemnification, insurance car-
rier’s duty to indemnify third
party claims, § 5:21
- Joint and several liability,
insured’s allegations of joint
and several liability on part
of multiple insurers, *Form*,
§ 5:52
- Judicial interpretation of insurance
contracts, § 5:3
- Jurisdiction, actions against insur-
ers, § 5:43
- Standard ISO pollution exclusion,
third party claims, § 5:14
- Third party claims
 - absolute pollution exclusion,
§ 5:16

INSURANCE COVERAGE

LITIGATION—Cont'd

Third party claims—Cont'd

Alienated Premises Exclusion,
§ 5:18

complete pollution exclusion,
§ 5:16

Comprehensive General
Liability (CGL) insurance
known loss doctrine, § 5:10
“legally obligated to pay as
damages,” interpreta-
tion, § 5:5

occurrence, interpretation of,
§ 5:9

policy language, appendix,
§ 5:54

policy period, damage within,
§ 5:8

property damage, bodily
injury, or personal
injury, requirement that
claim be because of,
§ 5:7

requirement that party be an
insured, § 5:4

trigger of coverage, § 5:8

willful acts of insured, § 5:6
cooperation, insured's duty to
cooperate, § 5:20

Cumis counsel, insurance car-
rier duties, § 5:25

defense, duty to defend, see
insurance carrier duties
(this group)

duties

insurance carrier duties (this
group)

insured's duties, see policy
conditions and duties of
insured (this group)

Environmental Impairment

Liability (EIL) insurance
nature of EIL policies, § 5:11
“neither expected nor
intended” clause, inter-

INSURANCE COVERAGE

LITIGATION—Cont'd

Third party claims—Cont'd

Environmental Impairment

Liability (EIL) insurance
—Cont'd
pretation, § 5:12

exclusions

absolute pollution exclusion,
§ 5:16

alienated premises exclusion,
§ 5:18

Alienated Premises Exclu-
sion, § 5:18

complete pollution exclusion,
§ 5:16

insuring clause, claim falling
without, § 5:13

Owned Property Exclusion,
§ 5:17

Standard ISO pollution
exclusion, § 5:14

Traveler's Pollution Exclu-
sion, § 5:15

good faith and fair dealing,
insurance carrier's duty,
§ 5:24

indemnification, insurance car-
rier's duty to indemnify,
§ 5:21

insurance carrier duties

Cumis counsel, § 5:25

defense, duty to defend
primary insurer, § 5:22

secondary and umbrella
insurers, § 5:23

good faith and fair dealing,
duty of, § 5:24

indemnification, duty to
indemnify, § 5:21

insuring clause, claim falling
without, § 5:13

notice

duty to notify insurer, § 5:19
notice from insured to insurer
of claim or action

INDEX

INSURANCE COVERAGE

LITIGATION—Cont'd

Third party claims—Cont'd
notice—Cont'd

 against insured under
 occurrence type policy,
 Form, § 5:49

Owned Property Exclusion,
§ 5:17

policy conditions and duties of
insured

 cooperation, insured's duty to
 cooperate, § 5:20

 duty to notify insurer, § 5:19

Standard ISO pollution exclu-
sion, § 5:14

Traveler's Pollution Exclusion,
§ 5:15

Traveler's Pollution Exclusion,
third party claims, § 5:15

Types of insurance policies, gener-
ally, § 5:2

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Personal Injury and Toxic Torts
(this index)

INTERVENTION

Citizen Suits (this index)

JOINT AND SEVERAL LIABILITY

Insurance coverage litigation,
insured's allegations of joint
and several liability on part
of multiple insurers, *Form*,
§ 5:52

JUDICIAL ENFORCEMENT

Air pollution, see California's Air
Resources Statutes (this
index)

California's Air Resources
Statutes (this index)

Hazardous Substance Account Act
(this index)

JUDICIAL ENFORCEMENT

—Cont'd

Hazardous Waste Control Act (this
index)

Porter-Cologne Water Quality
Control Act (this index)

Underground Storage Tanks (this
index)

Water, see Porter-Cologne Water
Quality Control Act (this
index)

JURISDICTION

Citizen suits, § 6:34

Insurance coverage litigation,
actions against insurers,
§ 5:43

Personal-injury toxic torts, affir-
mative defense, § 1:46

Superfund Litigation (this index)

JURY TRIAL

Superfund litigation, right to jury
trial in cost recovery actions
in federal "Superfund" litiga-
tion, § 3:81

"KELLY-FRYE"

Personal-injury toxic torts, eviden-
tiary issues, § 1:47

LACHES

California Environmental Quality
Act (CEQA), §§ 8:44, 8:54

Citizen suits, § 6:39

Superfund litigation, *Form*,
§ 3:120

LANDLORD AND TENANT

Property-damage toxic torts, lease
enforcement, §§ 2:8, 2:30 to
2:37

LAND USE STATUTE LITIGATION

Generally, §§ 8:1 to 8:54

California Environmental Quality
Act (CEQA) (this index)

LAND USE STATUTE

LITIGATION—Cont'd

Endangered Species Acts (this index)

Guidelines, practice note, § 8:4

Program environmental impact reports (EIRs), § 8:19.10

Wetlands Regulation Under Federal Clean Water Act (this index)

LENDERS

Superfund litigation, liability under CERCLA for lenders acting as lenders, § 3:40

LIENS

Hazardous Substance Account Act (this index)

LIMITATIONS

Statute of Limitations (this index)

MANUFACTURING DEFECTS

Personal-injury toxic torts, strict products liability, § 1:13

MAPS

California air pollution control and air quality management districts, § 7:185

California water quality regions, § 7:184

MARKET SHARE LIABILITY

Personal-injury toxic torts, § 1:22

MEDICAL MONITORING

Personal-injury toxic torts, damages for future medical monitoring, § 1:31

METHANE CONTROL SYSTEMS

Superfund litigation, defense to cost recovery actions against operators in federal “Superfund” litigation, §§ 3:61, 3:112

MOOTNESS

California Environmental Quality Act (CEQA), §§ 8:44, 8:52

Citizen suits, § 6:37

MOTIONS IN LIMINE

Forms (this group)

MUNICIPALITIES

Superfund litigation, liability under CERCLA, § 3:35

NATIONAL CONTINGENCY PLAN

Superfund Litigation (this index)

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

California Environmental Quality Act (CEQA), relation of CEQA to NEPA, § 8:3

NATURAL RESOURCES DAMAGES

Superfund Litigation (this index)

NECESSITY DEFENSE

Property-damage toxic torts, § 2:28

NEGLIGENCE

Citizen suits, defense of negligence, § 6:38

Personal Injury and Toxic Torts (this index)

Property-Damage Toxic Torts (this index)

NEGLIGENCE PER SE

Personal Injury and Toxic Torts (this index)

Property-damage toxic torts, §§ 2:4, 2:40

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

Personal Injury and Toxic Torts (this index)

INDEX

NUISANCE

- Personal Injury and Toxic Torts (this index)
- Property-Damage Toxic Torts (this index)

OFFICE OF PLANNING AND RESEARCH

- California Environmental Quality Act (CEQA), § 8:5

OIL-SPILLS

- Personal-injury toxic torts, strict liability, § 1:21

ORPHAN SHARE REIMBURSEMENT TRUST FUND

- Hazardous Substance Account Act (this index)

PAIN AND SUFFERING

- Personal-injury toxic torts, damages, § 1:28

PARENT COMPANIES

- Superfund litigation, liability under CERCLA, § 3:37

PARTIES

- California Environmental Quality Act (CEQA), failure to join indispensable parties, § 8:44
- Citizen Suits (this index)
- Superfund Litigation (this index)

PERSONAL INJURY AND TOXIC TORTS

- Generally, §§ 1:1 to 1:55
- Abnormally dangerous activities
 - allegation of strict liability for abnormally dangerous activity for use in complaint alleging personal injury from toxic tort, *Form*, § 1:52
 - liability, see Theories of liability (this group)

PERSONAL INJURY AND TOXIC TORTS—Cont'd

- Affirmative defenses
 - assumption of risk, § 1:40
 - bulk supplier defense, § 1:44
 - comparative negligence, § 1:39
 - government contractor defense, § 1:42
 - jurisdictional issues, § 1:46
 - preemption, § 1:45
 - qualified immunity, § 1:41
 - single cause of action principle, § 1:37
 - sophisticated user defense, § 1:44
 - sovereign immunity, § 1:41
 - state-of-the-art defense, § 1:43
 - statute of limitations, § 1:36
 - workers' compensation as exclusive remedy, § 1:38
- Allegations, see *Forms* (this group)
- Alternative liability, § 1:23
- Assumption of risk, § 1:40
- Attorney fees, § 1:34
- Bulk supplier defense, § 1:44
- Class actions, § 1:51.50
- Comparative negligence, § 1:39
- Complaints, see *Forms* (this group)
- Concert of action liability, § 1:24
- Damages, see Remedies (this group)
- Defamation, § 1:26.50
- Defenses, see Affirmative defenses (this group)
- Emotional distress
 - damages, § 1:30
 - liability, see Theories of liability (this group)
- Enhanced risk of health problems, damages, § 1:32
- Enjoyment, damages for loss of enjoyment, § 1:29

**PERSONAL INJURY AND
TOXIC TORTS—Cont’d**

Epidemiological studies, evidentiary issues, § **1:49**
 Evidentiary issues
 epidemiological studies, § **1:49**
 experimental evidence, § **1:48**
 expert-testimony admissibility, § **1:47**
 “Kelly-Frye” issues, § **1:47**
 motions in limine, § **1:50**
 Experimental evidence, § **1:48**
 Expert-testimony admissibility, § **1:47**

Forms

abnormally dangerous activity, allegation of strict liability for abnormally dangerous activity for use in complaint alleging personal injury from toxic tort, § **1:52**
 allegations, see complaints and allegations (this group)
 complaint by residents of building against building owner and contractor for damages caused by exposure to asbestos, § **1:51**
 motions in limine
 defendant’s motion in limine to exclude testimony of plaintiff’s expert on product design or inadequate warning, § **1:53**
 memorandum of points and authorities in support of motion in limine to exclude testimony, § **1:54**
 order excluding testimony of plaintiff’s expert on product design or inadequate warning, § **1:55**
 Government contractor defense, § **1:42**

**PERSONAL INJURY AND
TOXIC TORTS—Cont’d**

Hazardous substances, prisons and prisoners, civil rights and discrimination, § **1:25.50**
 Inadequate warning, strict products liability, § **1:15**
 Injunctions, § **1:35**
 Intentional infliction of emotional distress
 complaint by residents of building against building owner and contractor for damages caused by exposure to asbestos, *Form*, § **1:51**
 liability, see Theories of liability (this group)
 Jurisdictional issues, affirmative defense, § **1:46**
 “Kelly-Frye” issues, evidentiary issues, § **1:47**
 Liability theories, see Theories of liability (this group)
 Manufacturing defect, strict products liability, § **1:13**
 Market share liability, § **1:22**
 Medical monitoring, damages for future medical monitoring, § **1:31**
 Motions in limine
 generally, § **1:50**
 Forms (this group)
 Negligence
 complaint by residents of building against building owner and contractor for damages caused by exposure to asbestos, *Form*, § **1:51**
 liability, see Theories of liability (this group)
 Negligence per se
 complaint by residents of building against building owner and contractor for damages caused by exposure to asbestos, *Form*, § **1:51**

INDEX

PERSONAL INJURY AND TOXIC TORTS—Cont'd

- Negligence per se—Cont'd
 - liability, see Theories of liability (this group)
- Negligent infliction of emotional distress, see Theories of liability (this group)
- Nuisance, see Theories of liability (this group)
- Oil-spills, strict liability, § 1:21
- Pain and suffering damages, § 1:28
- Preemption, § 1:45
- Punitive damages, § 1:33
- Qualified immunity, § 1:41
- Quality-of-life damages, § 1:29
- Racketeer Influenced and Corrupt Organizations Act (RICO), § 1:26
- Remedies
 - attorney fees, § 1:34
 - damages
 - emotional distress, § 1:30
 - enhanced risk of health problems, § 1:32
 - future medical monitoring, § 1:31
 - loss of enjoyment, § 1:29
 - measuring damages, § 1:27
 - medical monitoring, damages for future medical monitoring, § 1:31
 - pain and suffering, § 1:28
 - punitive damages, § 1:33
 - quality of life, § 1:29
 - emotional distress, damages, § 1:30
 - enhanced risk of health problems, § 1:32
 - enjoyment, damages for loss of enjoyment, § 1:29
 - future medical monitoring, § 1:31

PERSONAL INJURY AND TOXIC TORTS—Cont'd

- Remedies—Cont'd
 - medical monitoring, damages for future medical monitoring, § 1:31
 - pain and suffering, damages, § 1:28
 - punitive damages, § 1:33
 - quality-of-life damages, § 1:29
- Risk, damages for enhanced risk of health problems, § 1:32
- Single cause of action principle, § 1:37
- Sophisticated user defense, § 1:44
- Sovereign immunity, § 1:41
- Spoliation of evidence, § 1:20
- State-of-the-art defense, § 1:43
- Statute of limitations, § 1:36
- Strict liability for abnormally dangerous activities, see Theories of liability (this group)
- Strict liability for oil spills, § 1:21
- Strict products liability, see Theories of liability (this group)
- Successor liability, § 1:25
- Theories of liability
 - abnormally dangerous activities, see strict liability for abnormally dangerous activities (this group)
 - alternative liability, § 1:23
 - asbestos-containing material (ACM), strict products liability, § 1:12
 - concert of action liability, § 1:24
 - emotional distress
 - intentional infliction of emotional distress (this group)
 - negligent infliction of emotional distress (this group)
 - inadequate warning, strict products liability, § 1:15

PERSONAL INJURY AND

TOXIC TORTS—Cont'd

Theories of liability—Cont'd

intentional infliction of emotional distress

elements of cause of action, § 1:18

relationship to negligent infliction of emotional distress, § 1:19

manufacturing defect, strict products liability, § 1:13

market share liability, § 1:22

negligence

applicability of negligence in toxic tort cases, § 1:2

custom as evidence, § 1:5

elements of cause of action, § 1:3

foreseeability, § 1:4

negligence per se

elements of cause of action, § 1:7

statutory basis, § 1:6

nuisance

definition, § 1:8

elements of cause of action, § 1:8

public nuisance, advantages of action for, § 1:9

oil spills, strict liability, § 1:21

physical impact or injury not required, § 1:17

Racketeer Influenced and Corrupt Organizations Act (RICO), § 1:26

relationship to negligence, § 1:16

spoliation of evidence, § 1:20

strict liability for abnormally dangerous activities

activities that are abnormally dangerous, determining, § 1:11

PERSONAL INJURY AND

TOXIC TORTS—Cont'd

Theories of liability—Cont'd

strict liability for abnormally dangerous activities

—Cont'd

elements of cause of action, § 1:10

strict liability for oil spills, § 1:21

strict products liability

asbestos-containing material (ACM), § 1:12

design defect, § 1:14

elements of cause of action, § 1:12

inadequate warning, § 1:15

manufacturing defect, § 1:13

unavoidably safe, yet socially desirable products, exception for, § 1:14

successor liability, § 1:25

unavoidably safe, yet socially desirable products, exception from strict products liability for, § 1:14

Toxic torts overview, § 1:1

Warnings, strict products liability based on inadequate warning, § 1:15

Workers' compensation as exclusive remedy, § 1:38

PETROLEUM EXCLUSION

Superfund Litigation (this index)

PORTER-COLOGNE WATER

QUALITY CONTROL ACT

Generally, §§ 7:1 to 7:185

Assessment of administrative civil liability, see enforcement by state and regional boards (this group)

Boards

enforcement, see enforcement by state and regional boards (this group)

INDEX

PORTER-COLOGNE WATER QUALITY CONTROL ACT —Cont'd

- Boards—Cont'd
 - review, see review by state board (this group)
- California Storm Water Enforcement Act
 - generally, § 7:37
 - enforcement, § 7:38
- Cease and desist orders, § 7:7
- Checklist of events in proceedings before water boards, § 7:33
- Civil monetary remedies, § 7:26
- Criminal liability, § 7:28
- Enforcement by state and regional boards
 - assessment of administrative civil liability
 - amount of assessment, § 7:11
 - defenses to administrative civil liability based on discharge of hazardous waste, § 7:12
 - grounds for assessment of liability, § 7:9
 - procedure for assessing liability, § 7:10
 - recovery of contribution from third party, § 7:13
 - regional board hearing panels, § 7:13.50
- cease and desist orders, § 7:7
- civil liability, see assessment of administrative civil liability (this group)
- cleanup and abatement orders, § 7:8
- liability, see assessment of administrative civil liability (this group)
- orders
 - cease and desist orders, § 7:7
 - cleanup and abatement orders, § 7:8

PORTER-COLOGNE WATER QUALITY CONTROL ACT —Cont'd

- Enforcement by state and regional boards—Cont'd
 - orders—Cont'd
 - time schedule orders, § 7:6
 - practice and procedure in adjudicatory proceedings before boards
 - evidentiary considerations, § 7:15
 - prehearing conferences, § 7:14
 - procedure, see practice and procedure in adjudicatory proceedings before boards (this group)
 - time schedule orders, § 7:6
 - “waste,” § 7:4
- Federal Clean Water Act, relationship to, § 7:5
- Forms*
 - citizen group’s petition to state board for review of regional board’s action or inaction, § 7:35
 - discharger’s petition to state board for review of order from regional board to discharger, § 7:34
- state board
 - citizen group’s petition to state board for review of regional board’s action or inaction, § 7:35
 - discharger’s petition to state board for review of order from regional board to discharger, § 7:34
- superior court, petition for writ of mandate pursuant to Code Civ. Proc. 1094.5, § 7:36
- Injunctive relief, § 7:25

**PORTER-COLOGNE WATER
QUALITY CONTROL ACT
—Cont’d**

Judicial enforcement of statute
civil monetary remedies, § 7:26
criminal liability, § 7:28
injunctive relief, § 7:25
procedural considerations in
civil enforcement actions,
§ 7:27

Map of California water quality
regions, § 7:184

Orders, see enforcement by state
and regional boards (this
group)

Procedure
checklist of events in proceed-
ings before water boards,
§ 7:33
procedural considerations in
civil enforcement actions,
§ 7:27
state and regional boards, see
enforcement by state and
regional boards (this
group)

Regional boards, see enforcement
by state and regional boards
(this group)

Regions, map of California water
quality regions, § 7:184

Review by state board
contents of petition for review,
§ 7:18
final action by state board with
regard to regional board’s
action or failure to act,
§ 7:22
grounds for review, § 7:16
powers of board to affirm or
modify order setting
administrative civil
liability, § 7:23
record on review, § 7:21
response to petition for review,
§ 7:19

**PORTER-COLOGNE WATER
QUALITY CONTROL ACT
—Cont’d**

Review by state board—Cont’d
stay of regional board’s action,
§ 7:20
timeliness of review, § 7:17
workshop meetings before final
action by state board,
§ 7:24

State board
enforcement, see enforcement
by state and regional
boards (this group)
forms (this group)
review, see review by state
board (this group)

Stormwater, laws relating to,
§ 7:38.50

Workshop meetings before final
action by state board, § 7:24

Writ of mandate proceedings
actions subject to review, § 7:28
effect on availability of chal-
lenge to administrative
order in judicial proceed-
ings to enforce order,
§ 7:32
independent judgment standard
of review, § 7:31
petition for writ of mandate
pursuant to Code Civ.
Proc. 1094.5, *Form*, § 7:36
record on review, § 7:30
timeliness of judicial review,
§ 7:29

PREEMPTION

Personal-injury toxic torts, § 1:45
Proposition 65 litigation, warning
requirement, §§ 4:8, 4:18

PRESCRIPTIVE RIGHTS

Property-damage toxic torts,
prescriptive right to discharge
pollutant, *Form*, § 2:49

INDEX

PRISONS AND PRISONERS

Civil rights and discrimination,
toxic torts, § 1:25.50

PROCEDURE

Porter-Cologne Water Quality
Control Act (this index)

Property-damage Toxic Torts (this
index)

Property-Damage Toxic Torts (this
index)

Superfund Litigation (this index)

PROGRAM ENVIRONMENTAL IMPACT REPORTS (EIRs)

Land use statute litigation,
§ 8:19.10

PROPERTY-DAMAGE TOXIC TORTS

Generally, §§ 2:1 to 2:49

Abnormally dangerous activities,
strict liability for ultrahazard-
ous or abnormally dangerous
activities, § 2:11

Affirmative defenses, see
Defenses (this group)

“As is” provisions, effect of,
§ 2:10

Attorney fees, see Remedies (this
group)

Causes of action

common law, see Common law
causes of action (this
group)

statutory causes of action, see
Statutory causes of action
(this group)

Common law causes of action

abnormally dangerous activi-
ties, strict liability for
ultrahazardous or
abnormally dangerous
activities, § 2:11

“as is” provisions, effect of,
§ 2:10

PROPERTY-DAMAGE TOXIC TORTS—Cont’d

Common law causes of action

—Cont’d

contractual rights enforcement,
§ 2:8

fraud and misrepresentation,
§ 2:9

negligence

generally, § 2:3

negligence per se, § 2:4

negligence per se, § 2:4

nuisance

applicability of nuisance the-
ory, § 2:5

continuing nature of
nuisance, § 2:6

definition, § 2:5

permanent nuisance, § 2:6

strict liability for ultrahazardous
or abnormally dangerous
activities, § 2:11

trespass, § 2:7

ultrahazardous activities, strict
liability for ultrahazardous
or abnormally dangerous
activities, § 2:11

Comparative negligence, §§ 2:29,
2:46

Consent, defense of, §§ 2:26, 2:48

Contractual rights enforcement,
§§ 2:8, 2:10

Damages, see Remedies (this
group)

Declaratory relief, §§ 2:24, 2:37,
2:39

Defenses

CERCLA discovery rule,
preemption, statute of limi-
tations, § 2:25

comparative negligence, § 2:29

consent, § 2:26

necessity, § 2:28

statute of limitations, § 2:25

statutory authorization, § 2:27

**PROPERTY-DAMAGE TOXIC
TORTS—Cont'd**

Defenses—Cont'd
zoning regulation authorization,
§ 2:27

Diminution of property value,
damages, § 2:19

Examples of property damage and
kinds issues and claims that
arise, § 2:1

Forms

affirmative defenses
comparative negligence,
§ 2:46

consent, § 2:48

prescriptive right, § 2:49

statute of limitations, § 2:45

statutory and regulatory
authorization, § 2:47

allegations, see complaints and
allegations (this group)

complaints and allegations

declaratory relief

cause of action for declara-
tory relief in action by
lessor against lessee
for contamination of
leased property,
§ 2:37

release, allegation for
declaratory relief in
landowner's action
against former owner
where landowner had
released former owner
from liability without
knowledge of the
contamination, § 2:39

fraud, cause of action alleg-
ing fraud in action by
lessor against lessee for
contamination of leased
property, § 2:36

hazardous substances, les-
sor's complaint for
property damage caused

**PROPERTY-DAMAGE TOXIC
TORTS—Cont'd**

Forms—Cont'd

complaints and allegations
—Cont'd

by lessee's release of
hazardous substances
into soil, § 2:30

indemnity, cause of action
alleging indemnity in
action by lessor against
lessee for contamination
of leased property,
§ 2:35

negligence, cause of action
alleging negligence in
action by lessor against
lessee for contamination
of leased property,
§ 2:33

nuisance, cause of action
alleging nuisance in
action by lessor against
lessee for contamination
of leased property,
§ 2:31

prior owner, property
owner's complaint
against prior owner for
property damage caused
by prior owner's release
of hazardous substances
into soil, § 2:38

regulation, cause of action
alleging negligence in
action by lessor against
lessee for contamination
of leased property when
the release of toxic
materials violates statute
or regulation, § 2:34

trespass, cause of action
alleging trespass in
action by lessor against
lessee for contamination
of leased property,
§ 2:32

INDEX

PROPERTY-DAMAGE TOXIC TORTS—Cont'd

Forms—Cont'd

- jury instructions
 - damages, instructions regarding measure of damages, § 2:44
 - negligence per se, instructions regarding negligence per se for violation of environmental statute, § 2:40
 - nuisance, § 2:42
 - trespass, § 2:43
 - waste, § 2:41
- prescriptive right to discharge pollutant, affirmative defense, § 2:49
- Forum selection, § 2:16
- Fraud and misrepresentation, §§ 2:9, 2:35
- Injunctive relief, § 2:23
- Necessity, defense of, § 2:28
- Negligence
 - cause of action alleging negligence in action by lessor against lessee for contamination of leased property, *Form*, § 2:33
 - liability, see Common law causes of action (this group)
- Negligence per se, §§ 2:4, 2:40
- Nuisance
 - cause of action alleging nuisance in action by lessor against lessee for contamination of leased property, *Form*, § 2:31
 - jury instructions, *Form*, § 2:42
 - liability, see Common law causes of action (this group)
- Prescriptive right to discharge pollutant, *Form*, § 2:49

PROPERTY-DAMAGE TOXIC TORTS—Cont'd

Procedure

- discovery considerations, § 2:17
- forum selection, § 2:16
- Relationships and interactions of state and federal laws, § 2:2
- Remedies
 - attorney fees
 - California law, § 2:20
 - federal law, § 2:21
 - damages
 - diminution of property value, § 2:19
 - jury instruction, *Form*, § 2:44
 - repair costs, § 2:18
 - declaratory relief, § 2:24
 - diminution of property value, damages, § 2:19
 - injunctive relief, § 2:23
 - repair costs, damages, § 2:18
- Repair costs, damages, § 2:18
- Statute of limitations, §§ 2:25, 2:45
- Statutory authorization, § 2:27
- Statutory causes of action
 - California statutes
 - underground storage tanks, § 2:13
 - waste, § 2:12
 - federal statutes, generally, § 2:14
 - underground storage tanks, California statutes, § 2:13
 - waste, California statutes, § 2:12
- Strict liability for ultrahazardous or abnormally dangerous activities, § 2:11
- Trespass, §§ 2:7, 2:35, 2:43
- Ultrahazardous activities, strict liability for ultrahazardous or abnormally dangerous activities, § 2:11

PROPERTY-DAMAGE TOXIC TORTS—Cont’d

Underground storage tanks, California statutory causes of action, § 2:13

Waste

California statutory causes of action, § 2:12

jury instruction, *Form*, § 2:41

Zoning regulation authorization, § 2:27

PROPOSITION 65 LITIGATION

Generally, §§ 4:1 to 4:20

Applicability of statute, § 4:3

Burden of proof, enforcement of Proposition 65, § 4:12

Chemicals list, § 4:2

Complaints, see *Forms* (*this group*)

Course of doing business, applicability to persons in course of doing business, § 4:3

Discharge prohibition

generally, § 4:4

definition, § 4:4

exemptions, § 4:4

Forms (*this group*)

“knowingly,” meaning of, § 4:5

“no observable effect level,” § 4:5

potential litigation issues, § 4:5

“significant amount,” meaning of, § 4:5

Doing business, applicability to persons in course of doing business, § 4:3

Elements of liability, enforcement of Proposition 65, § 4:12

Enforcement of Proposition 65 generally, § 4:1

burden of proof, § 4:12

elements of liability, § 4:12

examples of enforcement actions, § 4:11

PROPOSITION 65 LITIGATION —Cont’d

Enforcement of Proposition 65

—Cont’d

injunctions, § 4:9

mercury in dental fillings, burden of proof, § 4:12

penalties, § 4:9

private enforcement, § 4:10

remedial statute, broadly enforced, § 4:1

safe use determinations, effects, § 4:13

Exemptions

discharge prohibition, § 4:4

noncarcinogenic chemical, warning requirement, § 4:6

warning requirement, § 4:6

Forms

affirmative defenses

discharge prohibition exemptions

discharge occurred within 20 months of listing, § 4:16

discharge was not significant and was in conformity with other laws, § 4:17

warning requirement exemptions

exposure occurred within 12 months of listing, § 4:19

exposure poses no significant risk, § 4:20

preemption, § 4:18

complaints

discharge prohibition, complaint against manufacturer who discharges chemical into drinking water, § 4:14

warning requirement, complaint based on manufacturer’s failure to

INDEX

PROPOSITION 65 LITIGATION

—Cont'd

Forms—Cont'd

complaints—Cont'd

warn of exposure to lead
from product, § 4:15

discharge prohibition

affirmative defenses (this
group)

complaint against

manufacturer who
discharges chemical into
drinking water, § 4:14

warning requirement

affirmative defenses (this
group)

complaint based on

manufacturer's failure to
warn of exposure to lead
from product, § 4:15

Implementation and enforcement
of Proposition 65, generally,
§ 4:1

Injunctions, enforcement of Prop-
osition 65, § 4:9

"Knowingly," meaning of, § 4:5

Mercury in dental fillings, burden
of proof, enforcement of
Proposition 65, § 4:12

"No observable effect level,"
§ 4:5

Penalties, enforcement of Proposi-
tion 65, § 4:9

Preemption, warning requirement,
§§ 4:8, 4:18

Private enforcement of Proposi-
tion 65, § 4:10

Safe harbor warnings, § 4:7

Safe use determinations, effect on
enforcement of Proposition
65, § 4:13

"Significant amount," meaning of,
§ 4:5

Warning requirement

generally, § 4:6

exemptions, § 4:6

PROPOSITION 65 LITIGATION

—Cont'd

Warning requirement—Cont'd

Forms (this group)

noncarcinogenic chemical,
§ 4:6

preemption, § 4:8

safe harbor warnings, § 4:7

PRPS

Superfund Litigation (this index)

PUNITIVE DAMAGES

Personal-injury toxic torts, § 1:33

Superfund litigation, extent of
liability of PRPs in federal
"Superfund" litigation,
§ 3:52

QUALITY-OF-LIFE DAMAGES

Personal-injury toxic torts, § 1:29

QUARANTINE ORDERS

Hazardous Waste Control Act,
§§ 7:112, 7:113

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (RICO)

Personal-injury toxic torts, § 1:26

REGULATORY PROCEEDINGS

Generally, §§ 7:1 to 7:185

Air, see California's Air Resources
Statutes (this index)

California Environmental Protec-
tion Agency, organizational
chart, § 7:183

California's Air Resources
Statutes (this index)

Hazardous Substance Account Act
(this index)

Hazardous Waste Control Act (this
index)

Orders

administrative review of orders,
§ 7:2

REGULATORY PROCEEDINGS

—Cont’d

- Orders—Cont’d
 - issuance of orders for compliance, § 7:1
- Porter-Cologne Water Quality Control Act (this index)
- Underground storage tanks, regulatory proceedings pursuant to statutes governing, see Underground Storage Tanks (this index)
- Waste control, see Hazardous Waste Control Act (this index)
- Water, see Porter-Cologne Water Quality Control Act (this index)
- Writ of mandate proceedings, § 7:3

RELEASES

- Superfund litigation, federally permitted releases to cost recovery actions, § 3:60

REMEDIES

- California “Superfund” litigation, § 3:94
- Citizen Suits (this index)
- Personal Injury and Toxic Torts (this index)
- Property-Damage Toxic Torts (this index)

REPAIR COSTS

- Property-damage toxic torts, damages, § 2:18

RESIDENTIAL PROPERTY OWNERS

- Hazardous Substance Account Act, restriction on liability of residential property owners in actions to recover costs and expenses, § 7:169
- Superfund litigation, liability under CERCLA, § 3:42

RES JUDICATA

- Citizen suits, § 6:36

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

- Citizen Suits (this index)

RESPONDEAT SUPERIOR LIABILITY

- Criminal penalties and considerations, § 9:4

RESPONSE COSTS

- Superfund Litigation (this index)

RESPONSIBLE CORPORATE OFFICER DOCTRINE

- Criminal penalties and considerations, § 9:5

REWARDS FOR INFORMANTS

- California’s air resources statutes, § 7:86
- Hazardous Waste Control Act, § 7:120

RISK

- Personal-injury toxic torts, damages for enhanced risk of health problems, § 1:32

SENTENCING GUIDELINES

- Criminal penalties and considerations, § 9:8

SERVICE OF PLEADINGS

- Citizen suits, § 6:24

SETTLEMENTS AND CONSENT DECREES

- Superfund Litigation (this index)

SHAREHOLDERS

- Superfund litigation, liability under CERCLA, § 3:37

SINGLE CAUSE OF ACTION PRINCIPLE

- Personal-injury toxic torts, § 1:37

INDEX

SOPHISTICATED USER DEFENSE

Personal-injury toxic torts, § 1:44

STANDING

Citizen suits, establishing standing
of plaintiff, § 6:15

STATE OF MIND

Criminal penalties and
considerations, § 9:3

STATE-OF-THE-ART DEFENSE

Personal-injury toxic torts, § 1:43

STATUTE OF LIMITATIONS

Citizen suits, § 6:41

Criminal penalties and
considerations, § 9:9

Hazardous Substance Account
Act, actions to recover costs
and expenses, § 7:168

Personal-injury toxic torts, § 1:36

Property-damage toxic torts,
§§ 2:25, 2:45

CERCLA discovery rule,
preemption, § 2:25

Superfund Litigation (this index)

STATUTORY AUTHORIZATION

Property-damage toxic torts,
defense of statutory authori-
zation, § 2:27

STORMWATER

Regulatory proceedings pursuant
to Porter-Cologne Water
Quality Control Act,
§ 7:38.50

STRICT LIABILITY

Abnormally dangerous activities
personal injuries, see Personal
Injury and Toxic Torts (this
index)
products liability, see Strict
Products Liability (this
index)

STRICT LIABILITY—Cont'd

Abnormally dangerous activities
—Cont'd

property-damage toxic torts,
strict liability for ultrahaz-
ardous or abnormally
dangerous activities, § 2:11

Oil spills, personal-injury toxic
torts, § 1:21

Property-damage toxic torts, strict
liability for ultrahazardous or
abnormally dangerous activi-
ties, § 2:11

STRICT PRODUCTS LIABILITY

Personal Injury and Toxic Torts
(this index)

SUCCESSOR LIABILITY

Personal-injury toxic torts, § 1:25

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT (SARA)

Superfund litigation, § 3:1

SUPERFUND LITIGATION

Generally, §§ 3:1 to 3:121

Abatement actions under
CERCLA, § 3:11

Act of God, defense to cost
recovery actions, §§ 3:56,
3:107

Act of war, defense to cost
recovery actions, §§ 3:57,
3:108

Affirmative defenses, see *Forms*
(this group)

Allocations among parties liable
under CERCLA, § 3:43

Arbitration

California “Superfund” litiga-
tion, arbitration to appor-
tion liability, § 3:98

federal “Superfund” litigation,
§ 3:79

SUPERFUND LITIGATION

—Cont’d

- Arrangers, see Federal “Superfund” litigation (this group)
- Bifurcation, federal “Superfund” litigation, § 3:80
- Brownfields
 - California “Superfund” litigation, § 3:85
 - federal, see Federal “Superfund” litigation (this group)
- Brownfields Amendments, see Federal “Superfund” litigation (this group)
- California Land Use Revitalization Act of 2004, § 3:85.50
- California “Superfund” litigation
 - arbitration to apportion liability, § 3:98
 - brownfields, § 3:85
 - checklist for plaintiff in HSAA contribution or indemnity action, § 3:102
 - consent decrees, see Settlements and consent decrees (this group)
 - defenses
 - generally, § 3:95
 - residential property owner, § 3:96
 - statutes of limitations, § 3:97
 - legal actions under HSAA
 - abatement actions, § 3:87
 - private actions, § 3:89
 - right to sue, § 3:86
 - state cost recovery actions, § 3:88
 - liability, nature and elements
 - generally, § 3:90
 - petroleum exclusion, § 3:92
 - release of hazardous substance, § 3:91
 - petroleum exclusion, § 3:92

SUPERFUND LITIGATION

—Cont’d

- California “Superfund” litigation
 - Cont’d
 - remedies, overview, § 3:94
 - residential property owner, defense, § 3:96
 - settlements and consent decrees
 - authority to enter into agreements, § 3:99
 - effect of settlements, § 3:100
 - statute overview
 - brownfields, § 3:85
 - California Hazardous Substances Account Act, § 3:83
 - Carpenter-Presley-Tanner Hazardous Substances Account Act (HSAA), § 3:83
 - management of cleanups, § 3:85
 - nature and scope of statute, § 3:83
 - Orphan Share Reimbursement Trust Fund, § 3:84
 - site identification, listing and ranking, § 3:84
 - statutes of limitations, § 3:97
- Case management orders, federal “Superfund” litigation, § 3:77
- Civil penalties, extent of liability of PRPs in federal “Superfund” litigation, § 3:51
- Combination suits, suits combining CERCLA and other remedies, § 3:17
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), § 3:5
- Comprehensive Environmental Response, Compensation and Liability Information System,

INDEX

SUPERFUND LITIGATION

—Cont'd

- placement of site on, § 3:8
- Consent decrees
 - California “Superfund” litigation (this group)
 - federal. Federal “Superfund” litigation (this group)
- “Contiguous Property” defense, cost recovery actions in federal “Superfund” litigation, § 3:63
- Contracts, defenses to actions by other PRPs, § 3:65
- Contribution, § **Environ** § 3:53
- Contribution actions under CERCLA, see Federal “Superfund” litigation (this group)
- Cost recovery actions, § **Environ** § 3:53
- Cost recovery actions, see Federal “Superfund” litigation (this group)
- Defenses
 - California “Superfund” litigation (this group)
 - federal, see Federal “Superfund” litigation (this group)
 - Forms (this group)*
- Federal “Superfund” litigation
 - abatement actions under CERCLA, § 3:11
 - act of God, defense to cost recovery actions, §§ 3:56, 3:107
 - act of war, defense to cost recovery actions, §§ 3:57, 3:108
 - allocations among parties liable under CERCLA, § 3:43
 - arbitration, § 3:79
 - arrangers, see Parties liable under CERCLA (this group)

SUPERFUND LITIGATION

—Cont'd

- Federal “Superfund” litigation
 - Cont'd
 - attorney fees, extent of liability of PRPs, § 3:50
 - bifurcation, § 3:80
 - brownfields
 - amendments to CERCLA, see Brownfields Amendments (this group)
 - definition, § 3:12
 - Brownfields Amendments
 - generally, § 3:1
 - “Contiguous Property” defense, § 3:63
 - De Micromis exemption under the 2002 Brownfield Amendments, § 3:32
 - case management orders, § 3:77
 - civil penalties, extent of liability of PRPs, § 3:51
 - claims against Superfund under CERCLA, § 3:16
 - combination suits, suits combining CERCLA and other remedies, § 3:17
 - Comprehensive Environmental Response, Compensation and Liability Information System, placement of site on, § 3:8
 - consent decrees, see settlements and consent decrees (this group)
 - “Contiguous Property” defense, cost recovery actions, § 3:63
 - contracts, defenses to actions by other PRPs, § 3:65
 - contribution actions under CERCLA
 - generally, § 3:14
 - statute of limitations, § 3:55

SUPERFUND LITIGATION

—Cont'd

Federal “Superfund” litigation
 —Cont'd
 cost recovery actions
 checklist for plaintiff in
 CERCLA cost recovery
 action, § 3:101
 defenses (this group)
 EPA actions under CERCLA,
 § 3:12
 statute of limitations, § 3:53
 current owners and operators,
 liability under CERCLA,
 § 3:29
 defenses
 actions by other PRPs
 contracts, § 3:65
 settlements, § 3:66
 act of God, defense to cost
 recovery actions, § 3:56
 act of war, defense to cost
 recovery actions, § 3:57
 “Contiguous Property”
 defense, cost recovery
 actions, § 3:63
 contracts, defenses to actions
 by other PRPs, § 3:65
 cost recovery actions
 act of God, § 3:56
 act of war, § 3:57
 “Contiguous Property”
 defense, § 3:63
 equitable defenses to
 liability, § 3:64
 gasoline service systems,
 § 3:62
 landowners and would-be
 purchasers, § 3:59
 methane control systems,
 operators, § 3:61
 releases, federally permit-
 ted releases, § 3:60
 statute of limitations,
 § 3:53

SUPERFUND LITIGATION

—Cont'd

Federal “Superfund” litigation
 —Cont'd
 defenses—Cont'd
 cost recovery actions
 —Cont'd
 third-party defense, § 3:58
 equitable defenses to liability,
 cost recovery actions,
 § 3:64
 Forms (this group)
 gasoline service systems,
 defense to cost recovery
 actions, § 3:62
 landowners and would-be
 purchasers, defense to
 cost recovery actions,
 § 3:59
 limitations, see statute of lim-
 itations (this group)
 methane control systems,
 defense to cost recovery
 actions against opera-
 tors, § 3:61
 releases, federally permitted
 releases to cost recovery
 actions, § 3:60
 settlements, defenses to
 actions by other PRPs,
 § 3:66
 statute of limitations (this
 group)
 directors of company, liability
 under CERCLA, § 3:37
 elements of liability
 generally, § 3:20
 environment, § 3:27
 facility, § 3:26
 hazardous substances, § 3:23
 petroleum exclusion, § 3:24
 products in buildings, exclu-
 sion for, § 3:25
 release, § 3:22
 response costs incurred,
 § 3:28

INDEX

SUPERFUND LITIGATION

—Cont'd

- Federal “Superfund” litigation
 - Cont'd
 - environment, elements of liability, § 3:27
 - equitable defenses to liability, cost recovery actions, § 3:64
 - exclusions
 - petroleum exclusion, § 3:24
 - products in buildings, exclusion for, § 3:25
 - extent of liability of PRPs
 - attorney fees, § 3:50
 - civil penalties, § 3:51
 - health assessment or health effects study, § 3:49
 - National Contingency Plan, consistency with, § 3:47
 - natural resources damages, § 3:48
 - punitive damages, § 3:52
 - response costs, § 3:46
 - facility, elements of liability, § 3:26
 - federal government, liability under CERCLA, § 3:34
 - former owners and operators, liability under CERCLA, § 3:30
 - gasoline service systems, defense to cost recovery actions, §§ 3:62, 3:113
 - generators, see Parties liable under CERCLA (this group)
 - government rights to sue under CERCLA, § 3:4
 - hazardous substances, elements of liability, § 3:23
 - health assessment or health effects study, extent of liability of PRPs, § 3:49
 - individuals, liability under CERCLA, § 3:36

SUPERFUND LITIGATION

—Cont'd

- Federal “Superfund” litigation
 - Cont'd
 - initial site identification, § 3:7
 - jurisdiction
 - exclusive federal court jurisdiction, § 3:6
 - supplemental jurisdiction, § 3:76
 - jury trial, right to jury trial in cost recovery actions, § 3:81
 - landowners and would-be purchasers, defense to cost recovery actions, §§ 3:59, 3:110
 - lenders acting as lenders, liability under CERCLA, § 3:40
 - liability
 - elements of liability (this group)
 - extent of liability of PRPs (this group)
 - parties liable under CERCLA (this group)
 - theories of liability under CERCLA (this group)
 - liability scheme under CERCLA, § 3:3
 - limitations, see statute of limitations (this group)
 - methane control systems, defense to cost recovery actions against operators, §§ 3:61, 3:112
 - municipalities, liability under CERCLA, § 3:35
 - National Contingency Plan
 - generally, § 3:1
 - extent of liability of PRPs, consistency with National Contingency Plan, § 3:47

SUPERFUND LITIGATION

—Cont’d

Federal “Superfund” litigation
 —Cont’d
 National Priorities List, placement of site on, §§ **3:9**, **3:10**
 natural resources damages
 extent of liability of PRPs, § **3:48**
 statute of limitations, § **3:54**
 notice of potential liability
 Section 104 letters, § **3:44**
 special notice letters, § **3:45**
 notice of private cost recovery action, § **3:75**
 officers of company, liability under CERCLA, § **3:37**
 overview of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
 generally, § **3:1**
 Brownfields Amendments, § **3:1**
 government rights to sue under CERCLA, § **3:4**
 jurisdiction, exclusive federal court jurisdiction, § **3:6**
 liability scheme under CERCLA, § **3:3**
 National Contingency Plan, § **3:1**
 private rights to sue under CERCLA, § **3:5**
 PRPs, § **3:3**
 purpose of CERCLA, § **3:2**
 Superfund Amendments and Reauthorization Act (SARA), § **3:1**
 parent companies, liability under CERCLA, § **3:37**
 parties liable under CERCLA allocations, § **3:43**

SUPERFUND LITIGATION

—Cont’d

Federal “Superfund” litigation
 —Cont’d
 parties liable under CERCLA
 —Cont’d
 arrangers
 generally, § **3:31**
 De Micromis exemption under the 2002 Brownfield Amendments, § **3:32**
 generators, § **3:31**
 current owners and operators, § **3:29**
 directors of company, § **3:37**
 federal government, § **3:34**
 former owners and operators, § **3:30**
 generators, see arrangers (this group)
 individuals, § **3:36**
 lenders acting as lenders, § **3:40**
 municipalities, § **3:35**
 officers of company, § **3:37**
 parent companies, § **3:37**
 partnerships, § **3:39**
 potentially liable parties, § **3:42.50**
 residential property owners, § **3:42**
 shareholders, § **3:37**
 states, § **3:35**
 successors, § **3:38**
 transporters, § **3:33**
 trusts and trustees, § **3:41**
 partnerships, liability under CERCLA, § **3:39**
 petroleum exclusion, § **3:24**
 preemption, statute of limitations, personal injury, property damages, § **3:55.50**

INDEX

SUPERFUND LITIGATION

—Cont'd

- Federal “Superfund” litigation
 - Cont'd
 - private cost recovery actions under CERCLA, § 3:13
 - private rights to sue under CERCLA, § 3:5
 - procedural considerations
 - arbitration, § 3:79
 - bifurcation, § 3:80
 - case management orders, § 3:77
 - jurisdiction, supplemental jurisdiction, § 3:76
 - jury trial, right to jury trial in cost recovery actions, § 3:81
 - notice of private cost recovery action, § 3:75
 - special masters, use of, § 3:78
 - standards of judicial review, § 3:82
 - supplemental jurisdiction, § 3:76
- products in buildings, exclusion for, § 3:25
- PRPs
 - generally, § 3:3
 - liability, see Extent of liability of PRPs (this group)
 - parties, see Parties liable under CERCLA (this group)
- punitive damages, extent of liability of PRPs, § 3:52
- release, elements of liability, § 3:22
- releases, federally permitted
 - releases to cost recovery actions, § 3:60
- residential property owners, liability under CERCLA, § 3:42

SUPERFUND LITIGATION

—Cont'd

- Federal “Superfund” litigation
 - Cont'd
 - response costs
 - element of liability, § 3:28
 - extent of liability of PRPs, § 3:46
 - Section 104 letters, notice of potential liability, § 3:44
 - settlements and consent decrees
 - defenses to actions by other PRPs, settlements, § 3:66
 - de micromis settlements, § 3:71
 - de minimis landowners, § 3:70
 - de minimis settlements generally, § 3:68
 - de minimis waste contributors, § 3:69
 - effects of settlement, § 3:72
 - general authority for settlements and consent decrees, § 3:67
 - public comment on proposed settlements and consent decrees, § 3:74
 - stipulated penalties, § 3:73
 - shareholders, liability under CERCLA, § 3:37
 - sites, identifying Superfund sites
 - Comprehensive Environmental Response, Compensation and Liability Information System, placement on, § 3:8
 - initial site identification, § 3:7
 - National Priorities List, placement on, §§ 3:9, 3:10
 - special masters, use of, § 3:78

SUPERFUND LITIGATION

—Cont’d

Federal “Superfund” litigation
 —Cont’d
 special notice letters, notice of potential liability, § **3:45**
 standards of judicial review, § **3:82**
 states, liability under CERCLA, § **3:35**
 statute of limitations
 contribution actions, § **3:55**
 cost recovery actions, § **3:53**
 natural resources damages, actions for, § **3:54**
 preemption, personal injury, property damages, § **3:55.50**
 successors, liability under CERCLA, § **3:38**
 Superfund Amendments and Reauthorization Act (SARA), § **3:1**
 theories of liability under CERCLA
 joint and several liability, § **3:19**
 retroactivity, § **3:20**
 strict liability, § **3:18**
 third-party defense, cost recovery actions, §§ **3:58, 3:109**
 transporters, liability under CERCLA, § **3:33**
 trusts and trustees, liability under CERCLA, § **3:41**
 types of litigation under CERCLA
 abatement actions, § **3:11**
 claims against Superfund, § **3:16**
 combination suits, suits combining CERCLA and other remedies, § **3:17**
 contribution actions, § **3:14**

SUPERFUND LITIGATION

—Cont’d

Federal “Superfund” litigation
 —Cont’d
 types of litigation under CERCLA—Cont’d
 cost recovery actions brought by EPA, § **3:12**
 private cost recovery actions, § **3:13**

Forms

act of God, § **3:107**
 act of war, § **3:108**
 affirmative defenses
 act of God, § **3:107**
 act of war, § **3:108**
 estoppel, § **3:119**
 innocent landowner, § **3:110**
 laches, § **3:120**
 mitigation, failure to mitigate damages, § **3:121**
 permitted release under federal or state law, § **3:111**
 service station dealer, § **3:113**
 settlement with United States, § **3:114**
 single family residence of five acres or less, § **3:115**
 third-party defense, § **3:109**
 unclean hands, § **3:117**
 unknowing transportation of hazardous waste to solid waste facility, § **3:116**
 waiver, § **3:118**
 complaint by private party seeking cost recovery and contribution from private party under CERCLA and HSAA, § **3:103**
 defenses, see affirmative defenses (this group)
 estoppel, § **3:119**
 innocent landowner, § **3:110**

INDEX

SUPERFUND LITIGATION

—Cont'd

Forms—Cont'd

- interrogatories submitted to PRP by plaintiff or other defendant in CERCLA action involving disposal of hazardous waste, § 3:105
- lashes, § 3:120
- mitigation, failure to mitigate damages, § 3:121
- notice to Director of Department of Toxic Substances Control of action pursuant to California Superfund statute, § 3:104
- permitted release under federal or state law, § 3:111
- service station dealer, § 3:113
- settlement with United States, § 3:114
- single family residence of five acres or less, § 3:115
- third-party defense, § 3:109
- unclean hands, § 3:117
- unknowing transportation of hazardous waste to solid waste facility, § 3:116
- waiver, § 3:118
- Gasoline service systems, defense to cost recovery actions, §§ 3:62, 3:113
- Identification, correct claims, § 3:15
- Jurisdiction, see Federal “Superfund” litigation (this group)
- Jury trial, right to jury trial in cost recovery actions in federal “Superfund” litigation, § 3:81
- Laches, *Form*, § 3:120
- Landowners and would-be purchasers, defense to cost recovery actions in federal

SUPERFUND LITIGATION

—Cont'd

- “Superfund” litigation, §§ 3:59, 3:110
- Lenders acting as lenders, liability under CERCLA, § 3:40
- Methane control systems, defense to cost recovery actions against operators in federal “Superfund” litigation, §§ 3:61, 3:112
- Municipalities, liability under CERCLA, § 3:35
- National Contingency Plan, see Federal “Superfund” litigation (this group)
- Natural resources damage, § *Environ* § 3:53
- Natural resources damages, see Federal “Superfund” litigation (this group)
- Parent companies, liability under CERCLA, § 3:37
- Parties liable under CERCLA, see Federal “Superfund” litigation (this group)
- Partnerships, liability under CERCLA, § 3:39
- Petroleum exclusion
 - California “Superfund” litigation, § 3:92
 - federal “Superfund” litigation, § 3:24
- Private cost recovery actions under CERCLA, § 3:13
- Private rights to sue under CERCLA, § 3:5
- Procedural considerations, see Federal “Superfund” litigation (this group)
- Products in buildings, exclusion for, § 3:25
- PRPs, see Federal “Superfund” litigation (this group)
- Punitive damages, extent of liability of PRPs in federal

SUPERFUND LITIGATION

—Cont’d

- “Superfund” litigation,
§ **3:52**
- Releases, federally permitted
releases to cost recovery
actions, § **3:60**
- Remedies, overview of California
“Superfund” litigation,
§ **3:94**
- Residential property owners,
liability under CERCLA,
§ **3:42**
- Response costs, see Federal
“Superfund” litigation (this
group)
- Section 104 letters, notice of
potential liability in federal
“Superfund” litigation,
§ **3:44**
- Settlements and consent decrees
California “Superfund” litiga-
tion (this group)
federal. Federal “Superfund”
litigation (this group)
federal “Superfund” litigation
(this group)
- Shareholders, liability under
CERCLA, § **3:37**
- Sites
California “Superfund” litiga-
tion, site identification,
listing and ranking, § **3:84**
federal, see Federal
“Superfund” litigation
(this group)
- Statute of limitations
California “Superfund” litiga-
tion, § **3:97**
federal, see Federal
“Superfund” litigation
(this group)
- Successors, liability under
CERCLA, § **3:38**
- Superfund Amendments and
Reauthorization Act (SARA),
§ **3:1**

SUPERFUND LITIGATION

—Cont’d

- Third-party defense, cost recovery
actions, §§ **3:58, 3:109**
- Transporters, liability under
CERCLA, § **3:33**
- Trusts and trustees, liability under
CERCLA, § **3:41**
- Unclean hands, *Form*, § **3:117**
- Waiver, affirmative defense, *Form*,
§ **3:118**

SUSTAINABLE COMMUNITIES STRATEGIES

- California Environmental Quality
Act (CEQA), § **8:17.50**

THIRD-PARTY DEFENSE

- Superfund litigation, cost recovery
actions, §§ **3:58, 3:109**

TOXIC TORTS

- Personal Injury and Toxic Torts
(this index)
- Property-Damage Toxic Torts (this
index)

TRANSPORTERS AND TRANSPORTATION

- Climate change and global warm-
ing law, special transportation
provisions, § **7:55.50**
- Superfund litigation, liability
under CERCLA, § **3:33**

TREBLE DAMAGES

- Hazardous Substance Account Act
(this index)

TRESPASS

- Property-damage toxic torts,
§§ **2:7, 2:35, 2:43**

TRUSTS AND TRUSTEES

- Superfund litigation, liability
under CERCLA, § **3:41**

ULTRAHAZARDOUS ACTIVITIES

- Property-damage toxic torts, strict
liability for ultrahazardous or

INDEX

ULTRAHAZARDOUS

ACTIVITIES—Cont'd

abnormally dangerous activities, § 2:11

UNCLEAN HANDS

Superfund litigation, affirmative defense of unclean hands, *Form*, § 3:117

UNDERGROUND STORAGE TANKS

Administrative civil penalties, local agency enforcement, § 7:50

Agencies, implementing and enforcing agencies, § 7:40

Consolidation of civil actions, § 7:54

Corrective action orders, local agency enforcement, § 7:49

Cost recovery actions, § 7:53

Injunctive relief, § 7:51

Judicial enforcement, see Regulatory proceedings pursuant to statutes governing underground storage tanks (this group)

Local agency enforcement, see Regulatory proceedings pursuant to statutes governing underground storage tanks (this group)

Penalties, § 7:52

Property-damage toxic torts, California statutory causes of action, § 2:13

Regulatory proceedings pursuant to statutes governing underground storage tanks generally, §§ 7:39 to 7:54
administrative civil penalties, local agency enforcement, § 7:50

agencies, implementing and enforcing agencies, § 7:40

UNDERGROUND STORAGE TANKS—Cont'd

Regulatory proceedings pursuant to statutes governing underground storage tanks—Cont'd

consolidation of civil actions, § 7:54

corrective action orders, local agency enforcement, § 7:49

cost recovery actions, § 7:53

injunctive relief, § 7:51

judicial enforcement
consolidation of civil actions, § 7:54

cost recovery actions, § 7:53

injunctive relief, § 7:51

penalties, § 7:52

venue, § 7:54

local agency enforcement
administrative civil penalties, § 7:50

corrective action orders, § 7:49

penalties, § 7:52

regulatory program

closure, § 7:48

construction and design standards, § 7:44

financial responsibility requirements, § 7:47

monitoring, inspection, and reporting requirements, § 7:46

operating requirements, § 7:45

permit process, § 7:42

upgrade compliance certificate, § 7:43

upgrade compliance certificate, repeal, § 7:43

statutory overview

applicability, § 7:41

definitions, § 7:41

UNDERGROUND STORAGE

TANKS—Cont'd

Regulatory proceedings pursuant to statutes governing underground storage tanks —Cont'd

statutory overview—Cont'd implementing and enforcing agencies, § 7:40 relevant state and federal statutes, § 7:39

venue, § 7:54

Venue, regulatory proceedings pursuant to statutes governing underground storage tanks, § 7:54

“UPSET” DEFENSE

Citizen suits, § 6:38

VENUE

Citizen suits, § 6:22

Underground storage tanks, regulatory proceedings pursuant to statutes governing underground storage tanks, § 7:54

WAIVER

Superfund litigation, affirmative defense of waiver, *Form*, § 3:118

WARNINGS

Personal-injury toxic torts, strict products liability based on inadequate warning, § 1:15

Proposition 65 Litigation (this index)

WASTE

Property-Damage Toxic Torts (this index)

WASTE CONTROL

Hazardous Waste Control Act (this index)

WORKERS' COMPENSATION

Personal-injury toxic torts, workers' compensation as exclusive remedy, § 1:38

WRIT OF MANDAMUS PROCEEDINGS

California Environmental Quality Act (CEQA) (this index)

California's Air Resources Statutes (this index)

Porter-Cologne Water Quality Control Act (this index)

ZONING REGULATIONS

Property-damage toxic torts, zoning regulation authorization, § 2:27