

Table of Cases

US Cases

- *Aluminum Company of America v Beazer East Inc*, 124 F 3d 551, 565 (3rd Cir, 1997)
- *AM Properties Corporation v GTE Products Corporation*, 844 F Supp 1007 (D NJ, 1994)
- *Amcast Indus Corp v Detrex Corp*, 2 F 3d 746 (7th Cir, 1993)
- *American Cyanamid Co v Capuano*, 381 F 3d 6, 23 (1st Cir, 2004)
- *Amland Properties Co v Aluminum Company of America*, 711 F Supp 784 (D NJ, 1989)
- *Amoco Oil Co v Borden Inc*, 889 F 2d 664 (5th Cir, 1989)
- *Bedford Affiliates v Sills*, 156 F 3d 416 (2d Cir, 1998)
- *BF Goodrich v Betkoski*, 99 F 3d 505 (2d Cir, 1996)
- *Briggs & Stratton Co v Concrete Sales & Services*, 20 F Supp 2d 1356 (MD Ga, 1998)
- *Browning-Ferris Industries of Illinois Inc v Ter Maat*, 195 F 3d 953 (7th Cir, 1999)
- *Burlington Northern & Santa Fe Railway Company v Consolidated Fiber Inc*, 7 FSupp 2d 822 (ND Tex, 1998)
- *California ex rel Department of Toxic v Neville Chem*, 358 F 3d 661 (9th Cir, 2004)
- *Canadyne-Georgia Co v Bank of America NA*, 174 E Supp 2d 1360 (MD Ga, 2001)
- *Carson Harbor Village Ltd v Unocal Corp*, 270 F 3d 863 (8th Cir, 2001)
- *Catellus Development Corp v United States*, 34 F 3d 748 (9th Cir, 1994)
- *Celanese Corp v Martin K Eby Construction Co*, 620 F 3d 529 (5th Cir, 2010)
- *Chem-Nuclear Systems v Bush*, 292 F 3d 254 (DC Cir, 2002)
- *City of Phoenix v Garbage Services Co*, 816 F Supp 564 (D Ariz, 1993)
- *Commander Oil Co v Barlo Equipment Co*, 215 F 3d 321 (2d Cir, 2000)

- *Concrete Pipe & Products of California Inc v Construction Laborers Pension Trust for Southern California*, 508 US 602 (1993)
- *CP Holdings Inc v Goldberg-Zoino & Associates Inc*, 769 F Supp 432 (D NH, 1991)
- *Edward Hines Lumber Co v Vulcan Materials Co*, 861 F 2d 155 (7th Cir, 1988)
- *EPA v Sequa Corporation (In the Matter of Bell Petroleum Services, Inc)* 3 F 3d 889 (5th Cir, 1993)
- *Florida Power & Light Co v Allis Chalmers Co*, 893 F 2d 1313 (11th Cir, 1990)
- *FMC Corp v Department of Commerce*, 29 F 3d 833, 843 (3d Cir, 1994)
- *Franklin County Convention Facilities Auth*, 240 F 3d 534, 538-39 (6th Cir, 2001)
- *Franklin County Convention Facilities Authority v American Premier Underwriters Inc*, 240 F 3d 534 (6th Cir, 2001)
- *Gen Elec Co v Jackson*, 610 F 3d 110 (DC Cir, 2010)
- *Geraghty & Miller, Inc v Conoco Inc*, 234 F 3d 917 (5th Cir, 2000)
- *GJ Leasing Co v Union Elec Co*, 854 F Supp 539 (SD Ill, 1994)
- *Global Landfill Agreement Group v 280 Development Co*, 992 F Supp 692 (D NJ, 1998)
- *Hof fman-La Roche Inc v The Hartford Group*, 87 (NJ Super Ct Law Div, No W-015519-87, 13 Oct 1989)
- *Idylwoods Associates v Mader Capital Inc*, 915 F Supp 1290 (WD NY, 1996)
- *Independent Petrochemical Corp v Aetna Cas & Sur Co*, 672 F Supp 1 (D DC 1986)
- *Kaiser Aluminum & Chemical Corp v Catellus Development Corp*, 976 F 2d 1338 (9th Cir, 1992)
- *Kelley v Ei De Nemours & Co*, 17 F 3d 836 (6th Cir, 1994)
- *Kelley v Thomas Solvent Co*, 727 F Supp 1532 (WD Mich, 1989)
- *Kelley v US EPA*, 513 US 1110 (1995)
- *Lansford-Coaldale Joint Water Authority v Tonolli Co*, 4 F 3d 1209, 1221 (3d Cir, 1993)
- *Liccardi v Murphy Oil USA Inc*, 111 F 3d 396 (5th Cir, 1997)
- *Lockheed Martin Corporation v United States*, 35 F Supp 3d 92, (DDC, 2014).
- *Long Beach Unified School District v Dorothy B Godwin California Living Trust*, 32 F 3d 1364 (9th Cir, 1994)
- *Morton Inc v AE Staley Mfg Co*, 343 F 3d 669 (3d Cir, 2003)
- *New Castle County v Continental Casualty Co*, 725 Supp 800 (D Del 1989)
- *New York v HSBC USA NA*, (SD NY, 2007)
- *New York v Shore Realty Co*, 759 F 2d 1032 (2d Cir, 1985)
- *Niagara Mohawk Power Corp v Jones Chemical Inc*, 315 F 3d 171 (2d Cir, 2003)
- *North Shore Gas Co v Solomon Inc*, 152 F 3d 642 (7th Cir, 1998)
- *Nurad Inc v William E Hooper & Sons Co*, 966 F 2d 837, 843 (4th Cir, 1992)
- *O'Neill v Piccillo*, 883 F 2d 176 (1st Cir, 1989)
- *Prudential Insurance Co v United States Gypsum Co*, 711 F Supp 1244 (DN J, 1989)
- *Rhodes v County of Darlington*, 833 F Supp 1163 (DSC 1992)

- *Riverside Market Development Co v Bldg Products Inc*, 931 F 2d 327 (5th Cir, 1991)
- *State of New York v Lashins Arcade Co*, 91 F 3d 353 (2d Cir, 1996)
- *State of New York v Shore Realty Corp*, 759 F 2d 1032 (2d Cir, 1985)
- *Tanglewood East Homeowners v Charles-Thomas Inc*, 849 F 2d 1568 (5th Cir, 1988)
- *The United States v A & F Materials Company*, 582 F Supp 842 (SD Ill, 1984)
- *Town of New Windsor v Tesa Truck Inc*, 919 F Supp 662 (SD NY, 1996)
- *Triangle Publications Inc v Liberty Mut Ins Co*, 703 F Supp 367 (ED Penn 1989)
- *Uniroyal Chemical Company v Deltech Corporation*, 160 F 3d 238 (5th Cir 1998)
- *United States Fidelity & Guar Co v Thomas Solvent Co*, 683 F Supp 1139 (WD Mich, 1988)
- *United States v A & N Cleaners & Launderers Inc*, 788 F Supp 1317 (SD NY, 1992)
- *United States v Alcan Aluminum Co*, 315 F 3d 179 (2d Cir, 2003)
- *United States v Alcan Aluminum Co*, 96 F 3d 1434 (3d Cir, 1996)
- *United States v Alcan Aluminum Co*, 964 F 2d 252 (3d Cir, 1992)
- *United States v Alcan Aluminum Co*, 990 F 2d 711 (2d Cir, 1993)
- *United States v Alcan Aluminum Corporation*, 315 F 3d 179 (2d Cir, 2002)
- *United States v American Colour & Chemical Corp*, 858 F Supp 445 (MD Pa, 1994)
- *United States v Best foods*, 524 US 51 (1998)
- *United States v Bliss*, 667 F Supp 1298, 1303 (ED Mo 1987)
- *United States v Brighton*, 153 F 3d 307, 315-16 (6th Cir, 1998)
- *United States v Burlington Northern & Santa Fe Ry Co*, 520 F 3d 918 (9th Cir, 2008)
- *United States v Carolina Transformer Co*, 978 F 2d 832 (4th Cir, 1992)
- *United States v CDMG Realty Company*, 96 F 3d 706 (3d Cir, 1996)
- *United States v Chem-Dyne Corp*, 572 F Supp 802 (SD Ohio, 1983)
- *United States v Consolidated Rail Co*, 729 F Supp 1461 (D Del, 1990)
- *United States v Dico Inc*, 136 F 3d 572 (8th Cir, 1998)
- *United States v Fleet Factors Co*, 498 US 1046 (1991)
- *United States v Fleet Factors Co*, 901 F 2d 1550 (11th Cir, 1990)
- *United States v Gurley*, 43 F 3d 1188 (8th Cir, 1994)
- *United States v Maryland Bank & Trust Co*, 632 F Supp 573 (D Md, 1986)
- *United States v McLamb*, 5 F 3d 69 (4th Cir, 1993)
- *United States v Monsanto Co*, 858 F 2d 160 (4th Cir, 1988)
- *United States v Mottolo*, 26 F 3d 261 (1st Cir, 1994)
- *United States v Mottolo*, 695 F Supp 615 (DN H, 1988)
- *United States v Northeastern Pharmaceutical & Chemical Co*, 810 F 2d 726 (8th Cir, 1986)
- *United States v Northern Plating Co*, 670 F Supp 742 (WD Mich, 1987)
- *United States v Olin Co*, 927 F Supp 1502 (D Ala, 1996)
- *United States v Olin Cor*, 107 F 3d 1506 (11th Cir, 1997)

- *United States v RW Meyer Inc*, 889 F 2d 1497 (6th Cir, 1989)
- *United States v Shell Oil Company*, 294 F 3d 1045 (9th Cir, 2002)
- *United States v TIC Investment Co*, 118 68 F 3d 1082, 1091-92 (8th Cir, 1995)
- *United States v Township of Brighton*, 153 F 3d 307 (6th Cir, 1998)
- *United States v Wade*, 577 F Supp 1326 (ED Pa, 1983)
- *United States v Washington State Department of Transportation*, 716 F Supp 2d 1099 (WD Wash, 2010)
- *Upjohn Co v New Hampshire Ins Co*, 178 Mich App 706, 444 NW 2d (Mich Cir Ct, 7 Jan 1987)
- *US v Saporito*, 684 F Supp 2d 1043 (ND Ill, 2010)
- *Usery v Turner Elkhorn Mining Co*, 428 US 1 (1976)
- *New York v Adamowicz*, 16 F Supp 3d 123 (ED NY, 2014).

UK Cases

- *Berton v Alliance Economic Investment Company* [1922] 1 KB 742
- *Brown v Minister of Housing & Local Government* [1953] 2 ER 1385
- *Camden London Borough Council v Gunby* [2000] 1 WLR 465
- *Circular Facilities (London) Limited v Sevenoaks District Council* [2005] EWHC 865 (Admin) (10 May 2005)
- *Circular Facilities (London) Ltd v Sevenoaks District Council* [2005] EWHC 865 (Admin) (10 May 2005)
- *City of Westminster Assurance co Ltd v Registrar of Companies* [1997] BCC 960
- *Durham County Council v Darlington Borough Council* [2003] EWHC 2598 (Admin)
- *Environment Agency v Empress Car Co (Abertillery) Ltd*, [1997] Env LR 227
- *Environment Agency v Hillridge Ltd* [2004] LR 633
- *Express Ltd v Environment Agency* [2004] EWHR 1710 (Admin) (15 July 2004)
- *Lord Advocate v Aero Technologies (in receivership)* 1991 SLT 134
- *Madras Electric Supply Corporation Ltd v Boarland* [1955] AC 667
- *Midland Bank Ltd v Conway Corporation* [1965] 1 WLR 1165
- *Price v Cromack* [1975] 1 WLR 988
- *R (National Grid Gas Plc (formerly Transco plc)) v Environment Agency* [2007] UKHL 30 (27 June 2007)
- *Southern Water Authority v Nature Conservancy Council*, [1992] 3 ER 481
- *Stevens v Bromley LBC Court of Appeal (Civil Division)*, [1972] Ch 400
- *Vehicle Inspectorate v Nuttall* [1999] 1 WLR 629, [1999] 3 All ER 833
- *Woodcock v South West Electricity Board* [1975] 2 ER 545
- *Wycharon DC v National Rivers Authority* [1993] 1 WLR125

China Cases

- *Shanjiang Hangtian Real Property Development Ltd v Land Consolidation and Rehabilitation Centre of Wuhan City, China (2010)*(Unreported)
- *Friends of Nature (FON) & China Biodiversity Conservation and Green Development Foundation (CBCGDF) v Jiangsu Changlong Chemical Ltd Co., Changzhou Changyu Chemical Ltd Co., & Jiangsu Huada Group Ltd Co.* [2018] (2017), Suming Zong No. 232), Supreme Court of Jiangsu Province, December 26, 2018.

New Zealand Case

- *Evans v Waitemata District Pony Club, East Coast Bays Branch* [1972] NZLR 773, affirmed [1974] 1 NZLR 28

Table of Legislation

Legislation in China

- 《中华人民共和国宪法》[*Constitution of the People's Republic of China* 1982]
- 《中华人民共和国刑法》[*Criminal Law of the People's Republic of China* (1997)] (2017 revision)
- 《中华人民共和国民事诉讼法通则》[*General Principles of the Civil Law*](2009 revision)
- 《中华人民共和国民事诉讼法总则》[*General Provisions of the Civil Law of the People's Republic of China*] (2017)
- 《中华人民共和国侵权责任法》[*Tort Law of the People's Republic of China* 2009]
- 《中华人民共和国环境保护法》[*Environmental Protection Law of the People's Republic of China*] (1989)
- 《中华人民共和国水污染防治法》[*Law on the Prevention and Control of Water Pollution*] (2008)
- 《中华人民共和国大气污染防治法》[*Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution*] (2018 revision)
- 《中华人民共和国固体废物污染环境防治法》[*Law on the Prevention and Control of Environmental Pollution by Solid Waste*] (2005 revision)
- 《中华人民共和国海洋环境保护法》 [*Marine Environmental Protection Law* 2000]
- 《中华人民共和国水土保持法》[*Law on Water and Soil Conservation*] (2011)
- 《中华人民共和国农业法》[*Agriculture Law of the People's Republic of China*] (2012)
- 《中华人民共和国放射性污染防治法》[*Law on Radioactive Pollution Prevention and Control*] (2003)
- 《中华人民共和国农产品质量安全法》 [*Law of the People's Republic of China on Agricultural Product Quality Safety*] (2006)

- 《中华人民共和国土地管理法》[*Land Administration Law of the People's Republic of China (2004 Revision)*]
- 《中华人民共和国基本农田保护条例》[*Regulation on the Primary agricultural land Protection*] (1998)
- 《中华人民共和国自然保护区条例》 [Regulations on Nature Reserves of the PRC] (2017 revision)
- 《中华人民共和国水污染防治法实施细则》[*Rules for Implementation of the Law on the Prevention and Control of Water Pollution (2000 revision)*]
- 《矿山地质环境恢复治理专项资金管理办法》[*Administrative Measures for the Special Funds for the Restoration and Management of the Geological Environment of Mines*] (2013)
- 《中华人民共和国无公害农产品管理办法》 [Regulation on Pollution-free Agricultural Product Management] (2002)
- 《污染源监测管理办法》[*Management Measures of Pollution Sources Monitoring*] (1999)
- 《污染地块土壤环境管理办法》(试行) [Measures for the Administration of the Soil Environment of the Contaminated Sites (Trial)] (2016)
- 《农用地土壤环境管理办法(试行)》[*Measures for the Administration of the Soil Environment of Agricultural Land (Trial)*] (2017)
- 《工矿用地土壤环境管理办法(试行)》[*Administrative Measures for Soil Environment of Land for Industrial and Mining Uses (Trial)*] (2018)
- 《中华人民共和国土壤环境质量标准》[*Environmental quality standard for Soils GB15618-1995*], replaced by 《土壤环境质量农用地土壤污染风险管控标准(试行)》[*Soil environmental quality Risk control standard for soil contamination of agricultural land*] (GB 15618-2018)
- 《土壤环境质量 建设用地土壤污染风险管控标准(试行)》[*Soil environmental quality Risk control standard for soil contamination of development land*] (GB36600-2018)
- 《中华人民共和国环境保护标准管理办法》[*Measures on the Management of Environmental Standards*] (1999)
- 《土壤污染防治专项资金管理办法》[*Measures for Soil Contamination Special Fund*] (2016)
- 《中华人民共和国工业企业土壤环境质量风险评价基准》[*Environmental Quality risk Assessment Criteria for Soil at Manufacturing Facilities*] (HJ/T 25-1999)
- 《浙江省固体废物污染环境防治条例》[*Regulation on Solid Waste Pollution Prevention and Control of Zhejiang Province*] (Zhejiang Province 2006)
- 《长江三峡水库库底固体废物清理技术规范》[*Technical Standard of Solid Waste Cleaning for Reservoir Bed of The Three Gorges on Yangtze River*] (2005)
- 《医疗废物微波消毒集中处理工程技术规范(试行)》[*Technical Specifications for Microwave Disinfection Centralized Treatment Engineering on Medical Waste (On Trial)*] (2006)

- 《医疗废物化学消毒集中处理工程技术规范 (试行)》[*Technical Specifications for Chemical Disinfection Centralized Treatment Engineering on Medical Waste (On Trial)*] (2007)
- 《污染场地土壤修复技术导则(征求意见稿)》 [*Guidelines for Soil Remediation of Contaminated Sites Guidelines for Soil Remediation of Contaminated Sites (Draft)*] (2009)
- 《污染场地土壤环境管理暂行办法(征求意见稿)》 [*Interim Measures for the Soil Environment Management of Contaminated Sites (Draft)*] (2009)
- 《污染场地环境监测技术导则(征求意见稿)》 [*Technical Guidelines for Environmental Monitoring of Sites (Draft)*] 2010]
- 《污染场地风险评估技术导则(征求意见稿)》 [*Guidelines for Risk Assessment of Contaminated Site*] (2009)
- 《危险化学品安全管理条例》[*Regulations on the Safety Administration of Dangerous Chemicals*] (2002)
- 《土壤环境监测技术规范》[*Technical Specification for Soil Environmental Monitoring*] (HJ/T 166-2004)
- 《污染场地术语》[*Terms of Contaminated Sites*] (HJ 682-2014)
- 《场地环境调查技术导则》[*Technical guidelines for environmental site investigation*] (HJ 25.1-2014)
- 《场地环境监测技术导则》[*Technical Guidelines for Environmental Site Monitoring*] (HJ 25.2-2014)
- 《污染场地风险评估技术导则》[*Technical Guidelines for Risk Assessment of Contaminated Sites*] (HJ 25.3-2014)
- 《污染场地土壤修复技术导则》[*Technical guidelines for site soil remediation*] (HJ 25.4-2014)
- 《土地复垦条例》[*Rules on Land Reclamation*] (2011)
- 《中华人民共和国国民经济和社会发展第十一个五年规划》 [*The National Twelfth Five-year Plan for Environmental Protection (2006-2010)*]
- 《中华人民共和国国民经济和社会发展第十二个五年规划》[*The National Eleventh Five-year Plan for Environmental Protection (2011-2015)*]
- 《中华人民共和国国民经济和社会发展第十三个五年规划》[*The National Eleventh Five-year Plan for Environmental Protection (2016-2020)*]
- 《沈阳市污染场地环境治理及修复管理办法(试行)》[*Management Measures of Contaminated Sites Remediation and Control of the Shenyang City*] (2007)
- 《山西省太原市政府1.21 苯泄漏污染事故应急处置方案》[*Contingency Plans for 21 January 2006 Benzene Leaking Accident in Taiyuan City Shanxi Province*] (City Council of Taiyuan Shanxi Province) (2006)
- 《农药限制使用管理规定》 [*Provisions on the Restriction Use of Pesticides*] (2002)
- 《废弃危险化学品污染环境防治办法》[*Measures for the Prevention and Control of Environmental Pollution by Discarded Dangerous Chemicals*] (2005)
- 《国务院关于落实科学发展观加强环境保护的决定》[*Decision of the State Council on the Implementation of the Scientific Outlook on Development and Strengthening Environmental Protection*] (2005)

- 《国务院关于印发土壤污染防治行动计划的通知》 [*Circular of the State Council on Issuing the Action Plan for Soil Pollution Control*] (2016)
- 《关于加强土壤污染防治工作的意见》 [*Opinions on Enhancing the Prevention and Control of Soil Pollution*] (2008)
- 《国务院关于机构设置的通知》 [*Notice of the State Council on the Setup of Institutions*] (2018)
- 《关于征求〈污染场地土壤环境管理暂行办法〉(征求意见稿)意见的函》 [*Letter about Soliciting for Opinions for the Technical Guidelines for Environmental Monitoring of Sites (Draft)*] (2010)
- 《关于修订国家环境保护标准〈土壤环境质量标准〉公开征求意见的通知》 [*Announcement about Amending Soil Environmental Quality Standard*] (2009)
- 《关于切实做好企业搬迁过程中环境污染防治工作的通知》 [*Notice on Readying for Preventing Environmental Pollution when Enterprises Make Move*] (2004)
- 《废弃危险化学品污染环境防治办法》 [*The Measures for the Prevention and Control of Environmental Pollution by Discarded Dangerous Chemicals*] (2005)
- 《城市生活垃圾管理办法》 [*Management Method for Municipal Domestic Garbage*] (2007)
- 《本溪市土地开发复垦办法》 [*Measures on Land Reclamation in Benxi City*] (People's Government of Benxi City 1998)
- 《关于加强我市工业企业原址污染场地治理修复工作的通知》 [*Notice on Strengthening Industrial Contaminated Sites Treatment and Remediation*] (Chongqing City Council 2008)
- 《关于印发〈关于开展环境污染责任保险调研报告〉的通知》 [*Notice on the Printing of <about the Implementation of ELI Survey>*] (2007)
- 《关于环境污染责任保险工作的指导意见》 [*Directions for ELI works*] (2007)
- 《安徽省农业生态环境保护条例》 [*the Regulation of Agricultural Ecology Protection of Anhui Province*] (1999)
- 《山东省农业环境保护条例》 [*the Regulation of Agricultural Environment Protection of Shandong province*] (2018)
- 《最高人民法院 最高人民检察院关于办理环境污染刑事案件适用法律若干问题的解释》 [*Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues concerning the Application of Law in the Handling of Criminal Cases of Environmental Pollution*] (2016)
- 《最高人民法院关于审理环境侵权责任纠纷案件适用法律若干问题的解释》 [*Interpretation of the Supreme People's Court of Several Issues on the Application of Law in the Trial of Disputes over Liability for Environmental Torts*] (2015)

US Legislation

- *American Recovery and Reinvestment Act of 2009 (ARRA) (US)*
- *Brownfields Revitalization and Environmental Restoration Act (BRERA) (US)*
- *Clean Air Act (US)*
- *Clean Water Act (US)*
- *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (US)*
- *Energy Improvement and Extension Act of 2008 (US)*
- *Energy Policy Act of 2005 (US)*
- *Final Rule on Lender Liability under CERCLA 1992 (US)*
- *Internal Revenue Code (US)*
- *Resource Conservation and Recovery Act 1976 (US)*
- *Small Business Liability Relief and Brownfields Revitalization Act 2002 (US)*
- *Superfund Amendments and Reauthorization Act (SARA) (US)*
- *Superfund Amendments and Reauthorization Act of 1986 (SARA) (US)*
- *Surface Mining Control and Reclamation Act of 1977 (SMCRA) (US)*
- *Taxpayer Relief Act of 1997 (US)*
- *Toxic Substances Control Act of 1976 (US)*

UK Legislation

- *Companies Act 2006 (UK)*
- *Contaminated land (England) Regulations 2006 (UK)*
- *Control of Pollution Act 1974 (UK)*
- *Defra Circular 01/2006 (UK)*
- *Environment Act 1995 (UK)*
- *Environmental Damage (Prevention and Remediation) Regulations 2009 (UK)*
- *Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance (UK)*
- *Environmental Protection Act 1990 (UK)*
- *Factory and Workshop Act 1891 (UK)*
- *Interpretation Act 1978 (UK)*
- *Local Government Area Changes Regulations 1976 (UK)*
- *Local Government Finance (Supplementary Credit Approvals) Bill 1997 (UK)*
- *Local Government Reorganization (Property etc.) Order 1986 (UK)*
- *Part II of the Environmental Protection Act 1990 (UK)*
- *Regional Development Agencies Act 1998 (UK)*
- *Rivers Pollution Prevention Act 1876 (UK)*
- *Water Act 1989 and the Water Resources Act 1991 (UK)*

Dutch Legislation

- *Wet Bodembescherming [Dutch Soil Protection Act]* (Netherlands) 3 July 1986, Staatsblad No 374

EU Legislation

- *Directive 2004/35/EC of the European Parliament and of the Council on Environmental Liability*

Appendices

Appendix I: Selected Terms and Glossaries for US CERCLA

Following definitions are taken from several sources, including:

1. EPA website. <https://www.epa.gov/superfund/superfund-glossary>. Last updated on 10 April 2019;
2. Thomas W Church and Robert T Nakamura, *Cleaning Up the Mess: Implementation Strategies in Superfund* (Brookings Institution, 1993)
3. Travis Wagner, *The Complete Guide to the Hazardous Waste Regulations: RCRA, TSCA, HMTA, OSHA, and Superfund* (J Wiley, 3rd ed, 1999)

Administrative Order on Consent A voluntary and enforceable agreement pursuant to CERCLA, signed by EPA and potentially responsible parties (PRPs), whereby the PRPs agree to perform and/or pay for some or all of the response costs involved in site cleanup.

Administrative Record A file which is maintained and contains all information used by the lead agency to make its decision on the selection of a response action under CERCLA. This file is to be available for public review and a copy is to be established at or near the site, usually at one of the information repositories. Also, a duplicate file is held in a central location, such as a Regional or State office.

Alternative Dispute Resolution (ADR) A technique in which a neutral party helps organize negotiations, facilitates deliberations, and/or provides negotiating parties with an impartial opinion.

ARAR CERCLA section 121 requires cleanups to meet ‘ARARs’: any ‘legally applicable or relevant and appropriate standard, requirement, criteria or limitation’ that has been promulgated under federal or state environmental laws. The ARARs include such things as the Clean Water Act’s water quality criteria, the Solid Waste Disposal Act’s land disposal restrictions, and some states’ ground water anti-

degradation provisions that require cleanup to background levels. EPA can waive the ARARS in some situations.

Brownfields Abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by real or perceived environmental contamination.

CERCLA *Comprehensive Environmental Response, Compensation, and Liability Act*, (Pub L No 96-510; commonly known as Superfund). This law, enacted by Congress on 11 December 1980, created the Superfund program. Specifically, CERCLA (1) established prohibitions and requirements concerning closed and abandoned hazardous waste sites, (2) provided for liability of persons responsible for releases of hazardous waste at these sites, and (3) established a trust fund to provide for cleanup when no responsible party could be identified.

CERCLIS Comprehensive Environmental Response, Compensation, and Liability Information System. CERCLIS is an automated inventory of site information for all potential or confirmed Superfund sites.

Comfort/Status Letters Letters that provide any releasable information EPA has about a site, what that information means, and the likelihood that EPA will take Federal Superfund action. Comfort/status letters are used when (1) they may facilitate cleanup and redevelopment of brownfields, (2) there is a realistic perception or probability of incurring Superfund liability, and (3) no other mechanism could adequately address a party's concerns.

Community Advisory Group (CAG) A committee, task force, or board comprised of citizens affected by a hazardous waste site. CAGs provide a public forum for community members to present and discuss their needs and concerns about the decision-making process at sites affecting them.

Cost Recovery A legal proceeding, authorized under CERCLA, which allows the government to proceed against PRPs for recovery of both administrative and actual cleanup costs expended in either emergency removal or remedial activities at hazardous waste sites.

Containment A remediation method that seals off all possible exposure pathways between a hazardous disposal site and the environment, which generally includes capping and institutional controls.

Contribution A legal doctrine that enables parties sued under joint and several liability to obtain compensation from other parties who may have been legally liable, but who were not proceeded against in the original court action.

De Micromis Party Party whose contribution is equal to or less than (1) 0.002% of total volume or 110 gallons (such as two 55-gallon drums) or 200 pounds of materials containing hazardous substances, whichever is greater, or (2) 0.2% of total volume, if the party sent only municipal solid waste. EPA will not pursue a

de micromis party for recovery costs, and if a private party threatens a small party with litigation, EPA will settle with that *de micromis* party for US\$0.

De Minimis Party Party whose contribution of hazardous substances to a facility is minimal, both in terms of volume and toxicity (or other hazardous effects) relative to the other hazardous substances at the site. EPA will often offer small settlements to *de minimis* parties.

Delisting The process by which a Superfund site is removed from the National Priorities List (NPL) after it has been completely cleaned up.

Ecological Risk Assessment The application of a formal framework, analytical process, or model to estimate the effects of human actions(s) on a natural resource and to interpret the significance of those effects in light of the uncertainties identified in each component of the assessment process. Such analysis includes initial hazard identification, exposure and dose-response assessments, and risk characterization.

Environment As defined by CERCLA §101(8): ‘(A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.’

Environmental Assessment An environmental analysis prepared pursuant to the National Environmental Policy Act to determine whether a federal action would significantly affect the environment and thus require a more detailed environmental impact statement.

Feasibility Study (See RI/FS).

Future Liability Potentially responsible parties’ obligations to pay for additional response activities beyond those specified in the Record of Decision or Consent Decree.

Hazard Ranking System (HRS) A scoring system used to evaluate potential relative risks to public health and the environment from releases or threatened releases of hazardous substances. EPA and states use the HRS to calculate a site score (0-100) based on the actual or potential release of hazardous substances from a site through air, surface water or ground water. A score of 28.5 places the site on the National Priorities List.

Hazardous Substance As defined by CERCLA §101(14), any substance designated or listed under the Federal Water Pollution Control Act, CERCLA, the Resource Conservation and Recovery Act, the Clean Air Act, and the Toxic Substances Control Act. The term excludes petroleum, or any fraction thereof, unless it is specifically listed under one of the mentioned laws; it also excludes natural gas, natural gas liquids.

Hazardous Wastes Those wastes that are regulated under the Resource Conservation and Recovery Act (40 CFR Part 261) either because they are ‘listed’ or because they are ignitable, corrosive, chemically reactive, or toxic. As such, they are hazardous substances under CERCLA.

Health Assessment An evaluation of available data on existing or potential risks to human health posed by a Superfund site. The Agency for Toxic Substances and Disease Registry (ATSDR) of the Department of Health and Human Services (DHHS) is required to perform such an assessment at every site on the National Priorities List.

Information Repository A file containing current information, technical reports, and reference documents regarding a Superfund site. The information repository is usually located in a public building that is convenient for local residents, such as a public school, city hall, or library.

Innovative Technologies New or inventive methods to treat hazardous waste effectively, and reduce risks to human health and the environment.

Institutional Controls Measures, such as access restrictions and deed restrictions that separate people from the source of contamination. More than one institutional control may be used at a site.

Joint and Several Liability A concept which dictates that parties who contribute to a site’s pollution are each liable as if they alone polluted that site. Under this concept any one party may be held liable for all cleanup costs. In such a case, this one party may be responsible for identifying others to share the liability.

Lead Agency The federal agency (or state agency operating pursuant to a contract or cooperative agreement) that has primary responsibility for coordinating response actions under the National Contingency Plan. A federal lead agency provides the On-Scene Coordinator (OSC) or Remedial Project Manager (RPM). A state lead agency carries out the same responsibilities delineated for OSCs/RPMs except coordinating and directing federal agency response actions (40 CFR 300.5).

Maximum Contaminant Level (MCL) Under the Safe Drinking Water Act, the maximum permissible level of a contaminant in water delivered to any user of a public water system.

Maximum Contaminant Level Goal (MCLG) Under the Safe Drinking Water Act, the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on human health would occur, and which includes an adequate margin of safety.

Municipal Solid Waste (MSW) Common garbage or trash generated by industries, businesses, institutions, and homes.

National Priorities List (NPL) EPA’s list of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action under the Superfund program. The NPL, which EPA is required to update at least

once a year, is based primarily on the score a site receives from EPA's Hazard Ranking System. A site must be on the NPL to receive money from the Superfund Trust Fund for remedial action.

National Response Team (NRT) Representatives of 13 Federal agencies that coordinate Federal responses to nationally significant incidents of pollution (*e.g.*, an oil spill, a major chemical release, or a Superfund response action) and provide advice and technical assistance to the responding agency (or agencies) before and during a response action.

No Further Remedial Action Planned (NFRAP) Decision made by EPA following a preliminary assessment that a site does not pose a significant risk and requires no further activity under CERCLA.

NPL-Caliber Sites Sites with the potential for NPL listing that are not currently on the NPL.

Off-Site Facility A hazardous waste treatment, storage, or disposal area located away from the generating site.

Ombudsman An appointee within each of EPA's ten Regions who serves as a direct point of contact for the public on Superfund issues. The ten Superfund Regional Ombudsmen (1) serve as facilitators to help resolve stakeholder concerns, (2) actively promote the concepts of alternative dispute resolution and facilitation to all Superfund stakeholders, and (3) provide Superfund stakeholders ready access to information so they may fully participate in the entire Superfund process.

On-Site Facility A hazardous waste treatment, storage, or disposal area located on the generating site.

Orphan Share The financial responsibility assigned to a potentially responsible party (PRP) who is insolvent or defunct and unaffiliated with other viable liable PRPs. Orphan share compensation provides a major incentive for responsible parties to perform cleanups and settle claims quickly without litigation, and reduces transaction costs by wholly or partly resolving the question of who should bear the burden of orphan shares.

Pilots Approved tests of a new initiative or idea to identify potential problems prior to full-scale implementation. Many of the Superfund Reforms have used pilot sites to test new technologies and processes.

Potentially Responsible Party (PRP) An individual or company (*e.g.*, an owner, operator, transporter, or generator of hazardous waste) that is potentially responsible for the contamination problems at a Superfund site. Whenever possible, EPA requires PRPs to clean up hazardous waste sites they have contaminated.

Preliminary Assessment (PA) The process of collecting and reviewing available information about a known or suspected waste site or release.

Proposed Plan A site cleanup plan that is available for public comment.

Prospective Purchaser Agreement (PPA) A legal agreement that protects the prospective buyer of a hazardous waste site from the liability associated with pre-existing contamination at the site. In return for liability protection, the buyer must advance environmental and/or community benefits (*i.e.*, performing cleanup activities, reimbursing EPA for a portion of their cleanup costs, creating jobs, rehabilitating the property, participating in community revitalization). PPAs often enable redevelopment plans to be integrated into the cleanup activities at the site and ensure the long-term maintenance and operation of the cleanup.

Record of Decision (ROD) The primary legal document at a site, which sets forth EPA's selected remedy as well as the factors that led to its selection.

Remedial Design A phase of remedial action that follows the remedial investigation/feasibility study and includes development of engineering drawings and specifications for site cleanup.

Remedial Investigation and Feasibility Study (RI/FS) Stage of cleanup that involves a remedial investigation and a feasibility study. The remedial investigation is an in-depth study to (1) determine the nature and extent of contamination at a Superfund site, (2) establish site cleanup criteria, (3) identify preliminary alternatives for remedial action, and (4) support technical and cost analyses of alternatives. The feasibility study is an analysis of the practicability of a proposal (e.g., a description and analysis of potential cleanup alternatives), which usually recommends selection of a cost-effective alternative. It usually starts as soon as the remedial investigation is underway. Together they are called an 'RI/FS.'

Remedial Project Manager (RPM) The EPA or State official responsible for overseeing on-site remedial action.

Remedial Response Long-term action that stops or substantially reduces a release or threat of a release of hazardous substances that is serious but not an immediate threat to public health.

Remediation Cleanup or other methods used to remove or contain a toxic spill or hazardous materials from a Superfund site.

Removal Action Short-term immediate actions that address releases of hazardous substances that require expedited responses.

Response Action A CERCLA-authorized action involving either a short-term removal action or a long-term removal response. This may include but is not limited to removing hazardous materials, containing or treating the waste on-site, and identifying and removing the sources of ground water contamination and halting further migration of contaminants.

Risk Assessment Qualitative and quantitative evaluation of the risk posed to human health and/or the environment by the actual or potential presence and/or use of specific pollutants.

Relevant and Appropriate Requirements Those federal or state cleanup requirements that, while not ‘applicable,’ address problems sufficiently similar to those encountered at the CERCLA site that their use is appropriate. Requirements may be relevant and appropriate if they would be ‘applicable’ except for jurisdictional restrictions associated with the requirement (40 CFR 300.5).

Science Advisory Board (SAB) A group established by Congress to provide independent scientific and engineering advice to the EPA Administrator on the technical basis for EPA regulations. Expressed in terms of the current parlance of the risk assessment/risk management paradigm of decision making, the SAB deals with risk assessment issues (hazard identification, dose-response assessment, exposure assessment and risk characterization) and only that portion of risk management that deals strictly with the technical issues associated with various control options.

SARA Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499).

Site Assessment A means of evaluating hazardous waste sites through preliminary assessments and site inspections to develop a Hazard Ranking System score.

Site Inspection (SI) The collection of information from a Superfund site to determine the extent and severity of hazards posed by the site. This phase follows and is more extensive than a preliminary assessment. The purpose is to gather information necessary to score the site using the Hazard Ranking System, and to determine if the site presents an immediate threat requiring prompt removal.

Stakeholder Any organization, governmental entity, or individual that has a stake in or may be impacted by the Superfund program.

Strict, Joint and Several Liability The liability scheme imposed by CERCLA (see strict liability and joint and several liability).

Strict Liability The assessment of liability for damages without requiring proof of negligence.

Superfund 1. The program operated under the legislative authority of CERCLA and SARA that funds and carries out EPA solid waste emergency and long-term removal and remedial activities. These activities include establishing the National Priorities List, investigating sites for inclusion on the list, determining their priority, and conducting and/or supervising cleanup and other remedial actions. 2. A fund set up under CERCLA to help pay for cleanup of hazardous waste sites and to take legal action to force those responsible for the sites to clean them up. The Superfund consists of funds from taxes imposed upon the petroleum and chemical industries, an environmental tax on corporations, and from general tax revenues (*also known as* Trust Fund, *and* Hazardous Waste Superfund).

Superfund Amendments and Reauthorization Act (SARA) Legislation that amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) on October 17, 1986. SARA reflected EPA’s experience in administering the complex Superfund program during its first 6 years and made several

important changes and additions to the program. SARA stressed the importance of permanent remedies and innovative treatment technologies; required Superfund actions to consider the standards and requirements found in other State and Federal environmental laws and regulations; provided new enforcement authorities and settlement tools; increased State involvement; increased the focus on human health problems; encouraged greater citizen participation; and increased the size of the Trust Fund to US\$8.5 billion.

Superfund Enterprise Management System (SEMS) The national database and management system used by EPA to track activities at hazardous waste sites considered for cleanup under the CERCLA. SEMS contains the official inventory of Superfund sites and supports EPA's site planning and tracking functions.

Technical Assistance Grant (TAG) Grants provided to citizens' groups to obtain assistance in interpreting information related to cleanups at Superfund sites or those proposed for the National Priorities List. Grants are used by such groups to hire technical advisors to help them understand the site-related technical information for the duration of response activities.

Unilateral Administrative Orders (UAOs) A legal document issued by EPA directing a potentially responsible party to perform site cleanup. A UAO sets forth the liability of the party for the cleanup, describes actions to be taken, and subjects the recipient to penalties and damages for noncompliance. Unilateral orders may be enforced in court. A UAO is EPA's most potent enforcement tool and a powerful settlement incentive. EPA usually only issues them to parties that are the largest contributors of waste to a site, are financially viable, and against whom there is strong evidence of liability.

Appendix II: Terms and Glossaries for UK Contaminated Land Law

Following definitions are taken from several sources, including:

1. *Environmental Protection Act 1990* (UK) c 43
2. Trevor Hellawell, *Blackstone's Guide to Contaminated Land* (Blackstone, 2000)
3. Defra, *Defra Circular 01/2006 Environmental Protection Act 1990: Part 2A Contaminated Land* (Defra, 2006)

Appropriate Person Defined in section 78A(9) as: 'any person who is an appropriate person, determined in accordance with section 78F. . .to bear responsibility for anything which is to be done by way of remediation in any particular case.'

Class A Person A person who is an appropriate person by virtue of section 78F (2) (that is, because he has caused or knowingly permitted a pollutant to be in, on or under the land).

Class B Person A person who is an appropriate person by virtue of section 78F (4) or (5) (that is, because he is the owner or occupier of the land in circumstances where no Class A person can be found with respect to a particular remediation action).

Contaminant A substance which is in, on or under the land and which has the potential to cause harm or to cause pollution of controlled waters

Contaminated Land Defined in section 78A(2) as ‘any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

- (a) significant harm is being caused or there is a significant possibility of such harm being caused, or
- (b) pollution of controlled waters is being, or is likely to be caused.

Controlled Waters Defined in section 78A (9) by reference to Part III (section 104) of the Water Resources Act 1991; this embraces territorial and coastal waters, inland fresh waters and ground waters.

Current Permitted Use Any use which is currently being made, or is likely to be made, of the land and which is consistent with any existing planning permission (or is otherwise lawful under town and country planning legislation). This definition is subject to the following qualifications:

- (a) the current use should be taken to include any temporary use, permitted under town and country planning legislation, to which the land is, or is likely to be, put from time to time;
- (b) the current use includes future uses or developments which do not require a new or amended grant of planning permission;
- (c) the current use should, nevertheless, be taken to include any likely informal recreational use of the land, whether authorized by the owners or occupiers or not, (for example, children playing on land), however, in assessing the likelihood of any such informal use, the local authority should give due attention to measures taken to prevent or restrict access to the land; and
- (d) in the case of agricultural land, however, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land.

Harm Defined in section 78A(4) as: ‘harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property.’

Pathway One or more routes or means by, or through, which a receptor:

- (a) is being exposed to, or affected by, a contaminant, or
- (b) could be so exposed or affected.

Pollutant A contaminant which forms part of a pollutant linkage.

Pollutant Linkage The relationship between a contaminant, a pathway and a receptor.

Pollution of Controlled Waters Defined in section 78A (9) as: ‘the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste mater.’

Receptor Either:

- (a) a living organism, a group of living organisms, an ecological system or a piece of property which:
 - (i) is in a category listed in Table A in Chapter A as a type of receptor, and
 - (ii) is being, or could be, harmed, by a contaminant; or
- (b) controlled waters which are being, or could be, polluted by a contaminant.

Register The public register maintained by the enforcing authority under section 78R of particulars relating to contaminated land.

Remediation Defined in section 78A (7) as:

- (a) the doing of anything for the purpose of assessing the condition of:
 - (i) the contaminated land in question;
 - (ii) any controlled waters affected by that land; or
 - (iii) any land adjoining or adjacent to that land;
- (b) the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose:
 - (i) of preventing or minimizing, or remedying or mitigating the effects of any significant harm, or any pollution of controlled waters, by reason of which the contaminated land is such land: or
 - (ii) of restoring the land or waters to their former state; or
- (c) the making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters.

Remediation Notice Defined in section 78E(1) as a notice specifying what an appropriate person is to do by way of remediation and the periods within which he is required to do each of the things so specified.

Remediation Statement Defined in section 78H (7). It is a statement prepared and published by the responsible person detailing the remediation actions which are being, have been, or are expected to be, done as well as the period within which these things are being done.

Risk The combination of:

- (a) the probability, or frequency, of occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and
- (b) the magnitude (including the seriousness) of the consequences.

Significant Harm Defined in section 78A (5). It means any harm which is determined to be significant in accordance with the statutory guidance in Chapter A (that is, it meets one of the descriptions of types of harm in the second column of Table A of that chapter.

Significant Pollutant Linkage A pollutant linkage which forms the basis for a determination that a piece of land is contaminated land.

Significant Possibility of Significant Harm A possibility of significant harm being caused which, by virtue of section 78A (5), is determined to be significant in accordance with the statutory guidance in Chapter A.

Special Site Defined by section 78A (3) as: any contaminated land:

- (a) which has been designated as such a site by virtue of section 78C(7) or 78D(6); and
- (b) whose designation as such has not been terminated by the appropriate Agency under section 78Q(4).

The effect of the designation of any contaminated land as a special site is that the Environment Agency, rather than the local authority, becomes the enforcing authority for the land.

Index

A

Accidental loss, 225
Action Plan, 73–74, 76, 306
Adjacent property, 233
Administrative documents, 45
Administrative regulations, 45, 46, 48, 49, 54, 87, 283
Administrative rules, 45, 46, 49, 244
Affordable premium, 225
Agency for Toxic Substances and Disease Registry (ATSDR), 191, 193, 312
Agricultural land, 10–14, 18, 28, 31, 32, 57, 58, 60, 63, 70, 73–76, 81, 85, 86, 89, 90, 93–97, 102, 246, 285–287, 304, 317
Agricultural lands need prior protection, 85
Alternative dispute resolution (ADR), 309
Animals, 19, 51, 107, 212, 286, 317
Applicable/Relevant and Appropriate Requirements (ARARs), xvii, 206–208
Appropriate person, 148, 150–154, 156–158, 161, 163, 165–168, 170, 172–175, 178, 254, 260, 270, 285, 316–318
Arranger, 116–117
Arsenic, 76, 90, 91
Atmospheric pollution, 55, 68, 69, 303

B

Basic laws, 46
Biodiversity, 50, 220, 260
Bioremediation treatment, 197
Blood lead levels (BLLs), 35
Brownfields, 140, 226, 252, 261–263, 266–270, 273–275, 284, 288, 310

Brownfields Revitalization Act 2002, 274, 307
Bundtland Report, 179

C

Cadmium, 21, 22, 90, 91
Calculable loss, 225
Chemical treatment, 197
China Biodiversity Conservation and Green Development Fund, 294
China's 12th Five-Year Plan, 72, 210
China's 13th Five-Year Plan, 74
Chinese central government, 5, 70, 72, 75, 100, 272, 279
Chromium (Cr), 33, 35, 90, 91
Class A person, 153, 155–158, 160, 169, 172, 173, 316, 317
Class B person, 156, 157, 161, 169, 171, 173, 317
Classification system, 85, 93
Clean Air Act (CAA), xvii, 127, 206, 307, 311
Cleanups, 109, 129, 132, 135, 136, 140, 184, 200, 209, 212, 264, 265, 269, 275, 309, 313, 316
Clean Water Act (CWA), xvii, 107, 127, 206, 207, 261, 307, 309
Code of Federal Regulations (CFR), xvii, 119, 184–186, 188–192, 197, 198, 201, 207, 208, 284, 312, 315
Commission for the Protection of Environmental and Natural Resources (ENRPC), 46
Communist Party of China (CPC), xvii
Community Advisory Group (CAG), 310

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), xvii, 3, 7, 105–136, 138, 140, 178, 184, 186–193, 198, 200, 203, 205–208, 211, 214, 221, 228, 252, 261–263, 289, 290, 307, 309–316
- Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), xvii, 5, 187–189, 284, 310
- Comprehensive General Liability (CGL), 221, 228
- Compulsory reactions, 87
- Congressional Research Service (CRS), 206
- Constitution of the People's Republic of China*, 46, 303
- Construction land, 74, 86, 89, 90, 92, 93, 95–97, 285
- Contaminants, 11, 72, 89, 96, 111, 127, 147, 153, 162, 163, 166, 175, 182, 197, 204, 206, 208, 209, 228, 233, 264, 269, 286, 314
- Contaminated land, vii, 2–7, 10, 29, 36, 43, 45, 49, 52–54, 58, 61, 62, 64–66, 72, 73, 75, 76, 79–87, 92, 97, 99–102, 106, 135, 136, 138, 140, 141, 143–160, 162–171, 173–175, 177, 178, 180–182, 184, 194, 202, 203, 205, 210, 212, 214, 215, 219–221, 226, 229, 231, 236, 238, 247, 248, 251–255, 258–260, 270–275, 280–295, 318, 319
- Contaminated land redevelopment, 253
- Contaminated property, 109, 120, 125, 133, 226, 230, 245
- Contract, 29, 116, 159, 172, 219, 222, 224, 225, 233, 244, 284, 312
- Controlled waters, 86, 146, 147, 165, 194, 283, 317, 318
- Cost-benefit analysis, 136, 139, 180, 183, 287
- Cost-effective, 13, 191, 200, 205, 208, 209, 258, 314
- CPC Central Committee, 71, 93, 242
- Criminal Law of the People's Republic of China*, 69, 70, 97, 98, 303
- Cultivable lands, 93
- D**
- Decision-making, 86, 200, 209, 213, 274, 293, 310
- Deep pockets*, 106, 169, 170
- Definite loss, 225
- De minimis* settlements, 214
- Department of Health and Human Services (DHHS), 191, 312
- Department of Interior (DOI), 193, 269
- Department of Justice (DOJ), 108, 109, 193
- Department of Trade and Industry (DTI), 256
- Department of Veterans Affairs (DVA), 193
- Detailed Soil Contamination Survey, 84, 88, 89
- Direct use value, 182
- E**
- Easement holder, 112
- Ecological civilization, 242
- Ecological damage, 243
- Ecological risk assessments, 207
- Ecological systems, 147, 149, 317
- Economic development, 102, 252, 256, 260, 274, 288
- Endangered species, 220
- English Cities Fund, 256
- English partnerships, 253–256
- Enterprise Management System, xviii, 5, 184, 188–189, 284, 316
- Environmental authorities, 59, 62, 77, 81, 82, 96, 103, 183, 246, 292
- Environmental damage, 71, 170, 181, 220, 221, 233, 237, 290
- Environmental Impact Assessment (EIA), 60, 64
- Environmental Impairment Liability (EIL), 221
- Environmental insurance, 220–223, 226–234, 236, 238, 241, 244, 246–248, 274, 292
- Environmental liability insurance, 4, 5, 7, 223, 229, 231, 239–242, 244, 246–248, 292
- Environmentally impacted property, 226
- Environmental policy, vii, 46, 48, 220, 293
- Environmental Protection Act 1990*, 3, 7, 143–146, 149, 151–154, 156, 158, 160–165, 168–175, 178, 194, 214, 221, 254–255, 273, 282, 283, 285, 286, 289, 290, 307, 316
- Environmental Protection Agency (EPA), xvii, 7, 46, 82, 108, 109, 118, 119, 125, 129–132, 134–136, 140, 144, 178, 182, 184–193, 197, 198, 200–202, 206–209, 213, 214, 228, 252, 254, 259, 261–264, 266, 269, 270, 274, 291, 298, 309–316
- Environmental Protection Bureaus (EPBs), xvii, 49, 50, 63, 77, 82, 85–87, 90, 95, 97, 98, 239, 243, 284, 285
- Environmental Protection Law of the People's Republic of China, 51, 52, 87, 210, 211, 303

Environmental Response, Compensation, and Liability Information System, xvii, 187, 284, 310

Environment standard, 83
European Union (EU), xvii
EU Single Regeneration Budget, 253
Ex situ, 177, 213
Existence value, 183

F

Facility, 89, 98, 105, 107, 111–115, 118, 119, 121, 124–126, 131, 173, 200, 205, 207, 222, 238, 311, 313
Feasibility study (FS), xviii, 185, 187, 311, 314
Federal agency, 312
Financial assistance, 158, 170, 252, 253, 255, 257, 261, 263, 268–270, 272–275
Financial assurance, 226, 228, 239
Fishery Conservation and Management Act of 1976, 311
Food security, 18, 32, 33
Friends of Nature, 294

G

General Principles of the Civil Law, 67, 303
General Provisions of the Civil Law of the People's Republic of China, 67, 303
General Soil Contamination Survey, 84, 88, 89
Government Accountability Office (GAO), 135, 187, 193, 202, 271
Greenfields, 204
Guideline, 2, 63, 71, 72, 79, 205, 213, 242

H

Hazardous management, 86
Hazardous materials, 60, 136, 314
Hazardous ranking system (HRS), 190, 191
Hazardous wastes, 312
Hazard Ranking System (HRS), 311, 313, 315
Health assessment, 312
Heavy metal, 21, 71, 72, 75

I

Indirect use values, 182
Information management, 84–85, 186–190
Injury, 107, 133, 139, 148, 220, 226, 229, 233, 235–237, 241, 243
Innocent purchaser, 112, 113
In situ, 196
Insolvency practitioners, 164, 175

Institutional control, 81–85, 286, 312
Insurable losses, 225
Insurance companies, 228, 231, 241, 244, 247
Insurance industry, 220, 223, 229, 230, 237, 245, 247
Insurance policy, 158, 221, 234, 236, 238, 243
Insureds, 223, 243, 246, 247, 292
Insured's property, 233
Intensive morning, 84
Intervention values, 89, 90
Investigation reports, 92

J

Joint and several liability, 106, 108, 109, 134, 162, 163, 289, 310, 315
Joint liability, 44, 99

L

Land Administration Law, 51, 55, 56, 64, 65, 96, 304
Land contamination, 9–36, 43–77
Landfill sites, 11, 258
Landfill tax, 275
Large loss, 225
Legal transplants, 3, 4, 80, 102, 103

M

Marine Environmental Protection Law, 68, 303
Ministry of Environmental Protection (MEP), xvii, 2, 5, 10, 14, 17, 20, 27, 29, 32, 36, 46, 48, 50, 53, 58, 61–63, 65, 66, 70–73, 79, 240–243, 246, 280
Ministry of Land and Resources (MLR), 48, 50, 72, 73, 94
Monitoring, 10, 27, 29, 33, 44, 45, 48–50, 52–54, 57, 58, 60, 62, 63, 69, 71, 74, 76, 82–85, 88, 94, 100, 118, 129, 181, 183, 192, 195, 198, 199, 212, 214, 274, 283, 284, 287
Municipal solid waste (MSW), 125, 127, 128, 310

N

National Coalfields Program, 253, 256
National Contingency Plan (NCP), xvii, 106, 129, 185, 207, 284, 312
National Oceanic and Atmospheric Administration (NOAA), 193
National People's Congress (NPC), xvii, 2, 28, 43, 45, 46, 51, 52, 54–56, 64–69, 80, 87, 97, 99, 211, 286

National priorities list (NPL), xvii, 7, 110, 128, 134, 184, 185, 187–191, 193, 197–199, 208, 209, 262, 311–313, 315, 316

National Statistical Bureau of China (NSBC), xvii

Natural catastrophes, 227

Natural resource, 48, 54, 94, 110, 130, 193, 228, 311

Non-governmental organizations (NGOs), xvii, 213, 239, 286, 293, 294

O

Obligation, 225

Occupational Safety and Health Administration (OSHA), 193, 309

Occupiers, 153, 161, 164, 174, 220, 227, 317

Ombudsman, 313

On-Scene Coordinator (OSC), 312

Option values, 182

Organization for Economic Co-Operation and Development (OECD), xvii

Orphan share, 313

Owners, 105, 111–113, 115, 118, 138, 139, 153, 161, 163, 174, 213, 220, 222, 227, 234, 235, 265, 268, 272, 288, 289, 317

P

Parent company, 113, 167

Pathway, 23, 147, 159, 195, 199, 212, 318

Permission, 21, 154, 156, 159, 174, 203, 255, 317

Physical treatment, 195, 197

Planning, 44, 46, 50, 54, 64, 76, 129, 166, 178, 188, 203, 209, 212, 261–263, 284, 316, 317

Policyholders, 223, 224, 237

Pollutant, 12, 24, 61, 62, 69, 99, 111, 118, 147, 152, 159–161, 163, 166, 172–174, 194–196, 207, 237, 283, 316, 318, 319

Pollutant linkage, 318

Polluters pay principle (PPP), xvii, 5, 44, 68, 88, 99, 138, 289

Polychlorinated Biphenyls (PCBs), xvii, 15, 207

Post-industrial economy, 223

Post-remediation management, 54, 85

Potentially responsible party (PRPs), xvii, 105, 106, 108–111, 118, 125, 129, 132, 134, 136, 137, 139–141, 178, 182, 188, 191, 193, 201, 208, 214, 228, 264, 289, 309, 310, 313

Preliminary assessment (PA), 187, 313

Premium, 225

Previously developed land, 254

Property damages, 229

Property transfer liability, 232

Prospective purchaser agreement (PPA), 314

Provincial People's Congress (PPC), 45

Public participation, 4, 5, 52, 61, 83, 185, 191, 208, 213, 284, 286, 293, 295

Public register, 318

R

Radioactive control, 60

Radioactive mines, 28, 280

Radioactive pollution, 27–28, 33, 68, 146, 280, 303

Radioactive sources, 27

Radioactive waste, 27

The RAND Corporation, 136

Record of Decision (ROD), xviii, 185, 187, 200, 311, 314

Redevelopment, 3, 7, 140, 141, 166, 180, 187, 203, 205, 214, 226, 231, 232, 251–256, 261–268, 270–275, 280, 288, 292, 310, 314

Regional Development Agencies (RDAs), 253, 254, 256–258, 307

Relevant and appropriate requirements, 200

Remedial action (RA), xviii, 207, 313

Remedial investigation (RI), xviii, 185, 187, 190, 202, 314

Remedial Project Manager (RPM), 312, 314

Remediation, 2–7, 32, 44, 52–54, 58, 59, 61–66, 69, 70, 75, 76, 80, 85–89, 93, 95–103, 105, 124, 129, 135, 138, 140, 145, 146, 150–152, 155–161, 163, 165, 167–171, 173–175, 177, 178, 180–185, 187, 190, 192–196, 199–206, 208, 210–215, 220, 230–236, 243, 247, 252–255, 257, 259, 260, 262–264, 268, 270–275, 280, 284–292, 305, 310, 316–318

Remediation notice, 151, 155–157, 160, 161, 163, 168, 171, 174, 285, 286

Remediation standards, 5, 7, 180, 202, 203, 205, 287

Remediation statement, 318

Removal actions, 186, 187, 198, 262, 264, 271

Reporting mechanism, 85

Resource Conservation and Recovery Act (RCRA), xviii, 127, 186, 228, 307, 311, 312

- Resources for the Future, 138, 203
- Response action, 124, 184, 189, 208, 309, 313
- Responsibility, 44, 50, 61, 69, 74, 88, 105, 107, 112, 121, 122, 131, 138, 140, 150, 152, 156–158, 162, 165, 170, 171, 174, 175, 188, 192, 214, 228, 239, 254, 258, 269, 280, 288, 312, 313, 316
- Responsible parties, 3, 100–102, 107, 110, 132, 140, 178, 184, 188, 189, 209, 213, 220, 264, 289, 290, 309, 311, 313
- Retroactive liability, 5, 109, 138, 289
- Risk allocation, 131, 222, 223
- Risk assessment, 7, 11, 58, 59, 62, 76, 82, 85, 89, 92, 93, 95, 97, 98, 100, 145, 147, 149, 154, 194, 209, 222, 230, 240, 242, 243, 283, 284, 305, 311, 314, 315
- Risk-based Land Management (RBLM), xviii
- Risk management and control, 5, 6, 58, 59, 80, 85–89, 92–97, 100, 101, 285, 286
- The Royal Commission on Environmental Pollution (RCEP), 204
- S**
- Scotland, 145, 164, 255
- Scottish Executive, 255
- Screening criteria, 273, 274
- Screening values, 89–92
- Secured creditors, 112, 113, 120
- Self-insured retentions, 230
- Significant harm, 146, 148, 149, 160, 161, 194, 195, 282, 317–319
- Single Regeneration Budget (SRB), 257, 258, 270
- Site contamination, 114, 289, 290
- Soil contamination, 2–5, 11, 12, 15, 20, 43, 49, 52–54, 56–60, 62, 64, 67, 71, 73–76, 79–90, 92–95, 97–102, 143, 212, 281, 283, 285, 290, 291, 293, 304
- Soil contamination control plan, 82, 83
- Soil contamination investigation, 88–92
- Soil Contamination Law* 2018, 2, 4, 5, 43, 49, 53, 54, 66, 80–89, 93–101, 103, 285
- Soil contamination risk management and control, 83, 86, 96
- Soil pollution, 3, 6, 7, 10, 11, 53, 57, 62, 72–75, 88, 89, 102, 247, 282–295, 306
- Soil quality, 22, 43, 63, 69, 73, 283
- Special site, 319
- Stakeholders, 2, 80, 87, 137, 145, 168, 171, 200, 213, 238, 248, 257, 280, 288, 292, 313
- Standing Committee of NPC, 46
- State Council, 10, 15, 32, 45, 46, 48, 50, 51, 56, 57, 59, 65, 70–74, 79, 84, 94, 97, 101, 240, 242, 280, 305, 306
- State Environmental Protection Agency (SEPA), xviii, 27, 46, 50, 57, 61, 63, 65, 69, 70, 72, 240, 246
- Statutory defence, 133, 289
- Strict liability, 107–108
- Superfund, xvii, xviii, 3, 5, 82, 105, 108, 110, 132, 134–139, 178, 184–193, 197, 198, 200, 201, 205, 207, 208, 252, 262, 264, 265, 269–271, 284, 291, 307, 309–316
- Superfund Enterprise Management System (SEMS), 5, 184, 188, 189, 284, 316
- Superfund Trust Fund, 208, 264, 313
- Survey reports, 85, 284
- Sustainable Communities' Plan, 256
- Sustainable Remediation Forum UK (SuRF-UK), 196, 210, 213
- T**
- Tax abatements, 99, 253, 272
- Tax credits, 99, 266, 267, 272, 275
- Tax deferrals, 266
- Tax incentive, 266
- Tax relief, 275
- Technical reports, 312
- Thermal treatment, 197
- Tort Law*, 44, 67–69, 98, 99, 303
- Transaction cost, 139
- Treatment Technology Screening Matrix, 213
- Triggers, 7, 88, 89, 105, 106, 110, 150, 174, 236, 289
- Trustees, 118, 124, 164, 169, 175, 193, 289
- Type 1 lands, 89, 92
- Type 2 lands, 90, 92
- U**
- Underground storage tanks, 115, 230, 269
- Unilateral administrative order (UAO), 130, 316
- United Kingdom (UK), xviii, 148, 154–157, 160–163, 165–168, 170, 254, 273
- United States (US), xviii, 16, 25, 108–110, 112–123, 127–129, 131, 132, 136, 141, 186, 238, 290, 297–300, 311
- Urban Regeneration Companies (URCs), 256
- Urbanization, 9, 13, 20, 33, 102, 280

US Army Corps of Engineers
(USACE), 193
US Coast Guard (USCG), 192, 193
US Department of Agriculture (USDA), 193
US Department of Energy (US DOE), 193
US Department of Interior (US DOI), 193
US Department of Transportation (US DOT),
193

V

Voluntary reactions, 87, 285

W

Wastewater irrigation, 13, 279
Water pollution, 2, 27, 31, 32, 49, 57, 69, 79,
87, 95, 143, 154, 160, 161, 170, 175,
195, 211, 247, 303, 304, 311
Welsh Development Agency (WDA), 254
World Commission on Environment and
Development, 179

Z

Zoning restrictions, 83