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Property Owner Not Entitled To Diminution in Value Damages Where Property Is Being Remediated

The Appellate Division recently affirmed the dismissal of a property owner's claim for diminution in value against a

neighbor, where the neighbor had taken steps to remedy the contamination it caused on plaintiff's property, finding no further measure of damages was appropriate. Favorito v. Puritan Oil Company, Docket No. A-3426-12T1 (App. Div. August 27, 2014).

For many years, the neighbor had operated a gas station and in 1988, after discovering that gasoline had leaked from the underground tanks, began a cleanup. As part of the cleanup, in 2001, the New Jersey Department of Environmental Protection ("NJDEP") approved a passive remediation plan and established a Classification Exception Area ("CEA") that encompassed a portion of the residential property across the street, which plaintiff purchased for fair market value in 2005 as an investment. It was not until 2009, when the neighbor requested and plaintiff permitted access to install monitoring wells on his property, that the plaintiff learned of the contamination. Plaintiff alleged the contamination constituted a nuisance and a trespass and sought diminution in value damages.

The Appellate Division upheld the dismissal of both claims finding that the damages a plaintiff can recover for either trespass or nuisance are 1) the difference in value before the harm and after the harm **or** the cost of restoration; 2) loss of use of the land; and 3) discomfort and annoyance to him as an occupant. The court found that in accepting the neighbor's offer to enter onto the property to install groundwater wells, the plaintiff was deemed to have "elected" to have the property remediated and to have effectively waived his potential claim for damages based on diminution in value. Similarly, because the property was supplied by municipal water and plaintiff had been able to continuously rent the property at market rates, he did not suffer a loss of use. Finally, plaintiff did not contend that, as an occupant, he (or any of his tenants) suffered any discomfort or annoyance.
This case presents a cautionary tale for property owners who may have a claim for diminution in value. Prior to allowing access by a neighbor, consideration of terms protecting future claims should be assessed, otherwise the right to seek such damages may be waived.

back to top

Limiting Potential Environmental Liability with Pollution Insurance

Pollution insurance can be a valuable risk management tool to limit potential environmental liabilities associated with owning, developing or operating a property or facility. Given the uncertainty of environmental liabilities, pollution insurance is typically used to facilitate real estate or business acquisitions by supplementing traditional methods of risk assessment and allocation, including due diligence, representations and warranties, indemnities and releases, holding monies in escrow and reducing the purchase price. Although several types of insurance are available to provide coverage for environmental liabilities, the most common and comprehensive form of pollution insurance is a pollution legal liability ("PLL") insurance policy. PLL insurance generally provides coverage for claims arising from pollution conditions on or emanating from covered locations. This includes claims for cleanup of environmental contamination, as well as for bodily injury and property damage arising from such contamination. A PLL policy also

covers defense costs, including attorneys fees, which are typically deducted from the coverage limits. Supplemental coverages can be added to the policy for an additional cost, including coverage for contractual liabilities and business interruption as well as for liabilities arising from non-owned disposal sites and the transportation of contaminated material. Certain carriers also provide re-opener coverage for on-site cleanups of pollution conditions that have been disclosed to the insurer prior to the inception of the policy. Such coverage is valuable in the event that a final remediation document is rescinded or contamination is identified on a property in a different location or at different concentrations requiring additional investigation and remediation.

Although certain coverages are typical of most PLL policies available in the insurance market, these policies are heavily manuscripted in negotiations between carriers and policy holders and can be tailored to meet the varied interests of the parties. These policies, however, contain numerous exclusions to coverage, including pre-existing conditions not disclosed by the insured, willful or intentional non-compliance with law, contractual liabilities (unless scheduled in the policy), underground storage tanks (unless scheduled in the policy or unknown), material changes in the use of a covered property, claims by one insured against another, and coverage for certain contaminants such as asbestos, lead paint and naturally occurring environmental contaminants, such as radon. Additionally, some policies contain exclusions for contamination discovered during site development and for failure to comply with engineering and institutional controls, such as remedial caps and deed notices. Given the extent of these exclusions, PLL policies must be carefully reviewed to ensure that the insured's interests are properly considered and addressed. Although PLL policies can be an effective way to manage the risks associated with potential environmental liabilities (particularly in real estate transactions), purchasers of these policies must take extraordinary care in negotiating with the insurance underwriters to obtain proper and useful coverage. We have experience with the market for PLL policies and are available to assist clients in negotiating these policies and obtaining insurance coverage.

back to top

New Policy Renders the Endangered Species Act Less Restrictive

On July 1, 2014, the U.S. Fish and Wildlife Service ("FWS") and the National Marine Fisheries Service finalized a new policy under the Endangered Species Act ("ESA") that may prove to decrease the number of species considered endangered or threatened, and thereby may decrease the amount of land subject to restrictions under the Act. The policy creates a new interpretation of the phrase "significant portion of [a species'] range" in the definitions of "endangered species" and "threatened species" in the ESA. Under the ESA, the term "endangered species" means "any species which is in danger of extinction throughout all or a significant portion of its range," and a "threatened species" means "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." However, the Act does not define the phrase "significant

portion of its range." Pursuant to the new policy, if a listed species is not currently endangered or threatened throughout all of its range, a portion of that species' range will be considered "significant" if that "portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range." The policy also defines the term "range" as the "current range" of a species instead of its historical range.

According to the Center for Biological Diversity, which plans to sue the FWS and others over the new policy, the interpretation sets "a much higher threshold" than previously used to determine listing status because "species that are endangered in portions of their range, like the pygmy owl, only qualify for protection if loss of that portion threatens the survival of the species as a whole," whereas under the ESA, a species need not be at risk everywhere it occurs to qualify for protection. If the policy is upheld, species currently listed as endangered or threatened may become delisted, and as a result, land that was previously subject to restrictions under the ESA because of those species will no longer be protected.

back to top

NJDEP Announces Deferral of Document Review; Creates Both Benefits and Potential Risks

The NJDEP recently announced changes to its inspection and review process for most site remediation documents submitted by Licensed Site Remediation Professionals ("LSRPs"). The NJDEP will still inspect all documents upon submission, as required by N.J.S.A. 58:10C-21, but will defer review of most documents (if any is necessary) until the submission of a Response Action Outcome ("RAO"). Thus, for most submissions made by an LSRP the NJDEP will only perform a limited inspection at the time the document is submitted. While this deferred review process may increase the efficiency of the Department, it may also create risk for parties responsible for conducting remediation.

This change is intended to increase the efficiency of the NJDEP and its personnel. Over the past four years, the LSRP program has expanded greatly. The NJDEP has acknowledged that it simply does not have the staff to complete this task in a timely manner. In addition, many of the issues arising early in the remediation process are resolved during the course of the remediation. Consequently, the NJDEP expects the deferred review process will increase efficiency by eliminating these early reviews.

However, this change may also create risk for the parties conducting the remediation. The NJDEP will not be contemporaneously reviewing documents, and thus the NJDEP will not be able to inform remediating parties if the Department believes the remediation is inadequate or incomplete until near the end of the remediation process. If this occurs, the Department can attempt to force the parties to engage in additional remediation by either asking the LSRP to withdraw the RAO or seeking to invalidate it. The NJDEP can invalidate an RAO if it finds that the remedial action is not protective of public health, safety or the environment. Although this appears to be a high

standard for the Department to meet, New Jersey courts have not yet interpreted this standard. Nevertheless, the NJDEP's objection to an aspect of the remediation would likely lead to increased costs or project delays whether or not the Department successfully deems a portion of the remediation process insufficient.

One way to minimize this risk is to take advantage of the NJDEP's technical consultation process. Through this process, LSRPs can seek guidance from the Department in connection with ground water contamination, impact to ground water, soil contamination, remedial action permits, as well as issues relating to laboratory analysis and quality assurance and control. Notably though, the technical consultation process is not binding on the NJDEP. Additional information on the technical consultation process can be found at http://www.state.nj.us/dep/srp/srra/technical_consultation/.

back to top

Court Finds Consent Decree Triggers CERCLA Statute Of Limitations Even Though It Never Mentions CERCLA

The Court in Asarco LLC v. Atlantic Richfield Company, Civil Action No.: 12-53-H-DLC (District of Montana, Helena Division, August 26, 2014), refused to allow Asarco to pursue a contribution claim against Atlantic Richfield Company under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), finding that the statute of limitations for the claim had run. The statute of limitations for a contribution claim under CERCLA is triggered when a party enters into a settlement that resolves the party's liability to the government for some or all of a response action, as defined in CERCLA. Although Asarco entered into a consent decree with respect to remedial activities at a site, the consent decree did not address CERCLA claims, but rather, was limited to claims under the Resource Conservation and Recovery Act ("RCRA") and the Clean Water Act ("CWA"). Regardless, the Court found that Asarco's consent decree triggered CERCLA's three year statute of limitations for contribution claims, basing its decision on a finding by the Third Circuit in Trinity Industries, Inc. v. Chicago Bridge & Iron Co., 735 F.3d 131 (3rd Cir. 2013).

In 1998, Asarco entered into a consent decree with the United States to address contamination at a site; the decree did not expressly reference CERCLA liability but instead resolved RCRA and CWA claims. The consent decree was comprehensive and required Asarco to conduct significant remedial activities at the site. In 2012, Asarco filed a lawsuit against Atlantic Richfield seeking contribution under CERCLA for cleanup costs Asarco incurred pursuant to the consent decree. To determine whether the consent decree triggered CERCLA's three year statute of limitations as claimed by Atlantic Richfield, the Court first examined whether a party that had not expressly settled its CERCLA liability can assert a contribution claim under CERCLA. In doing so, the Court reviewed the Third Circuit's decision in Trinity, in which the Third Circuit held that a party could pursue contribution claims under CERCLA even though it had only resolved liability for cleanup costs under state law statutes. The Third Circuit

explained that the contribution provisions of CERCLA do not require resolution of CERCLA liability in particular, but rather, only require that a settlement resolve liability for some or all of a "response action", as defined under CERCLA. The Asarco court, following the decision in Trinity, also found that a claim for contribution is available when a party resolves liability for activities that fall under the broad definition of a response action, regardless of whether the settlement specifically references CERCLA. The Asarco court also stated that if Congress intended to limit the scope of contribution claims to cover only settlements that expressly resolve CERCLA liability, it could have done so within CERCLA; the Asarco court refused to read such limiting language into the contribution provisions of CERCLA. The Court reviewed the Asarco consent decree and concluded that virtually all of the actions required fell within the definition of a CERCLA response action. Although Asarco was permitted to assert the CERCLA contribution claim because of the consent decree, the decree also triggered the three year statute of limitations, which Asarco had missed. Accordingly, the Court dismissed Asarco's claims.

Although the Asarco decision expands the scope of permissible CERCLA contribution claims, it also applies the CERCLA statute of limitations to such claims. When considering the applicable statute of limitations to CERCLA contribution claims, parties should review any settlement that is a basis for the claim to determine whether it covers a "response action" under CERCLA, regardless of whether CERCLA liability is expressly resolved in such settlement.

back to top

New York Court of Appeals Upholds Zoning Amendments Prohibiting Fracking

The Court of Appeals of New York, in a single decision for two companion cases, Wallach v. Town of Dryden and Cooperstown Holstein Corp. v. Town of Middlefield, 2014 NY Slip Op. 04875 (June 30, 2014), found that towns in New York State "may ban oil and gas production activities, including hydrofracking, within municipal boundaries through the adoption of local zoning laws" and that New York's Oil, Gas and Solution Mining ("OGSM") Law does not preempt the home rule authority vested in municipalities to regulate land use.

In 2011, the Town of Dryden ("Dryden") and the Town of Middlefield ("Middlefield") each adopted zoning ordinances that explicitly prohibited all oil and gas exploration, extraction and storage activities within the towns' respective borders. Prior to 2011, Norse Energy Corporation USA ("Norse") had acquired oil and gases leases in Dryden for the purpose of exploring and developing natural gas resources, and Cooperstown Holstein Corporation ("CHC") had acquired similar leases in Middlefield. Norse commenced a proceeding against Dryden to challenge the validity of the zoning amendment, asserting that the state OGSM Law demonstrated the State Legislature's intent to preempt local laws that limited energy production. CHC brought a similar proceeding against Middlefield.

The OGSM Law provides that it shall "supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law." The Court, relying on two similar cases, Frew Run Gravel Products v. Town of Carroll, 71 NY2d 126 (1987) and Gernatt Asphalt Products v. Town of Sardinia, 87 NY2d 668 (1996), found that the OGSM Law preempts only those local laws that regulate actual operations of oil and gas activities, not zoning ordinances that restrict or prohibit certain land uses, and that the Towns had the authority to prohibit fracking in some – or all – zones within their borders.

The ruling underscores the significant power that municipalities wield under the Home Rule provision of the New York Constitution and the Municipal Home Rule Law. As the Court notes in its opinion, "the regulation of land use through the adoption of zoning ordinances [is] one of the core powers of local governance" and municipalities may "enact land-use restrictions or controls to enhance the quality of life by preserving the character and desirable aesthetic features of the community." While a municipal ordinances must yield if it is inconsistent with state law, the Court "will invalidate a zoning law only where there is a clear expression of legislative intent to preempt local control over land use."

The ruling affirms the power of each municipality in the state to ban fracking, or other types of undesirable land use, within its borders by amending its zoning ordinance to prohibit the use. Conversely, a municipality could amend its zoning law to specifically allow fracking. The prohibition or authorization would stand so long as it does not conflict with the State's Constitution or general laws.

Fracking remains a divisive issue. The decision in these cases may cast municipalities as the next battleground, with proponents lobbying local officials to pass zoning amendments that either ban the process, or welcome it.

back to top

The End of ASTM E1527-05: EPA Proposes To Eliminate Compliance With the 2005 Standard To Satisfy Requirements Of All Appropriate Inquiries

In June, the United States Environmental Protection Agency ("EPA") proposed amending the standards and practices for conducting all appropriate inquiries under CERCLA to remove reference to ASTM E1527-05, thereby forcing parties to use the updated E-1527-13 standard. Under the existing "all appropriate inquiries" rule, parties can choose between the two standards and thereby tailor their investigations to their specific needs and budget. The amendment, if adopted, will eliminate that option.

The Phase I Environmental Site Assessment Standard, ASTM E1527 ("the Standard"), used to assess environmental conditions at a property prior to sale, is the touchstone for and first step in environmental due diligence in the

United States. The Standard was developed by the American Society of Testing and Materials ("ASTM") and is incorporated into the federal All Appropriate Inquiries Rule ("Federal AAI Rule"). The Federal AAI Rule sets forth the environmental due diligence a prospective purchaser must perform in order to qualify for the innocent purchaser defense under federal law. (The New Jersey All Appropriate Inquiries Rule, which sets forth the environmental due diligence required for a prospective purchaser to qualify for the innocent purchaser defense under the state Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq., differs from the Federal AAI Rule.) Prospective purchasers and their environmental professionals are not required to use the ASTM Standard to satisfy the Federal AAI Rule. Nevertheless, most do rely upon the Standard to ensure compliance.

While there are few major differences between ASTM E1527-05 and E1527-13, some of the revisions will have a practical impact on transactions. These include the additional requirements of E1527-13 to conduct assessments of vapor intrusion pathways, the revision of the definition of the term "Historic Recognized Environmental Condition" ("HREC") to limit it to closed Recognized Environmental Conditions ("RECs") that are not subject to engineering and/or institutional controls ("EC/ICs"), and the addition of the defined term "Controlled Recognized Environmental Condition" to describe closed RECs that are subject to EC/ICs, and to distinguish them from HRECs. These new requirements will likely combine to expand the number of RECs identified and the cost of compliant investigations.

Parties conducting due diligence and interested in obtaining liability protection should be aware of these changes and ensure that their consultants are completing Phase I environmental site assessments under the appropriate standard.

back to top

Absolute Pollution Exclusion Does Not Bar Coverage From Leaking Underground Storage Tank

In a recent New Jersey Law Division decision the Court narrowed the scope of the absolute pollution exclusion ("APE") in an insurance policy. Westwood Products, Inc. v. Great American E&S Insurance Company, Docket No. L-2320-13 (Law Div. May 12, 2014). The insured Westwood Products, Inc. ("Westwood"), a manufacturer of heating and plumbing supplies, was sued by property owners in Canada alleging that a Westwood-built oil filter installed in their fuel oil tank failed, causing contamination at their property. After Westwood notified its insurer, Great American E&S Insurance Company ("Great American"), of the claim, Great American denied coverage based on the APE. Westwood subsequently initiated a declaratory judgment action against Great American seeking coverage.

Westwood had a "Products-Completed Operations Hazard" liability policy with Great American. The policy had an APE, which excluded coverage for bodily injury and property damage arising from environmental contamination.

Great American argued that the contamination fell squarely within the scope of the APE and thus, there was no coverage. The Court, however, reviewed the New Jersey Supreme Court decision in Nav-Its, Inc. v. Selective Ins. Co . where the Court found the APE applied only to "traditional environmental pollution" claims in order to find coverage for bodily injury claims caused by toxic fumes created by floor sealing performed inside a building. Here, the Court found that in this products liability type case, it was not Westwood's manufacturing processes that caused the contamination and, as such, it was not a case of "traditional environmental pollution" and therefore the APE did not apply.

This case illustrates that the APE is not always iron-clad and consideration should be given to whether there is coverage under post-1986 insurance policies notwithstanding the exclusion in the policy.

back to top

Legislative Update

Recently Introduced Environmental Bills
A540: Requires State compensation of property owners for certain property devalued due to certain environmental laws; and requires State agencies to evaluate proposed administrative rules for potential to constitute taking of real property. Status: Pending in Assembly State and Local Government Committee.
A1136: Establishes moratorium on hydraulic fracturing for purpose of natural gas exploration or production until certain conditions are met. Status: Pending in Assembly Environment and Solid Waste Committee.
A1763 / S151: Clarifies intent of P.L.2007, c.340 regarding New Jersey's required participation in Regional Greenhouse Gas Initiative. Status: Pending in Assembly Environment and Solid Waste Committee; passed in Senate.
A1958 / S1848: Concerns permits, letters of exemption, and enforcement with regard to agricultural activities under Freshwater Wetlands Protection Act. Status: Pending in Assembly Agriculture and Natural Resources Committee; pending in Senate Environment and Energy Committee.
A2515 / S1513: Prohibits issuance of NJDEP permits and approvals for development related to drilling for oil and natural gas off New Jersey coast. Status: Pending in Assembly Environment and Solid Waste Committee; out of Senate Environment and Energy Committee, second reading in Senate.
A2574: Establishes de minimus levels for regulation of air contaminants and hazardous air pollutants, and directs the NJDEP to establish de minimus levels for regulation of hazardous substances. Status: Pending in Assembly Environment and Solid Waste Committee.
A3342/S2111: Repeals Global Warming Response Act and related sections of Regional Greenhouse Gas Initiative implementing law. Status: Pending in Assembly Environment and Solid Waste Committee; pending in Senate Environment and Energy Committee.
A3368: Provides gross income tax deduction for costs of certain green home improvements that increase building

systems resiliency. Status: Pending in Assembly Environment and Solid Waste Committee.
A3408/S1923: Requires establishment of regulations for solar panel installation, maintenance, and education. Status: Pending in Assembly Telecommunications and Utilities Committee; pending in Senate Environment and Energy Committee.
ACR81: Amends Constitution to require State's participation in Regional Greenhouse Gas Initiative and dedicates any revenues realized therefrom to certain clean energy and greenhouse gas reduction programs. Status: Pending in Assembly Environment and Solid Waste Committee.
ACR189/SCR125: Determines that proposed NJDEP rules and regulations repealing rules and regulations concerning State participation in greenhouse gas cap and trade programs are inconsistent with legislative intent. Status: Pending in Assembly Regulatory Oversight Committee; out of Senate Environment and Energy Committee, second reading in Senate.
S1376: Establishes moratorium on hydraulic fracturing for purpose of natural gas exploration or production until certain federal laws are changed. Status: Out of Senate Environment and Energy Committee, second reading in Senate.

Updated Status of Previously Reported Environmental Bills
A1726/S308: Amends the Flood Hazard Area Control Act to require the NJDEP to take certain actions concerning delineations of flood hazard areas and floodplains. Status: Passed in Assembly; pending in Senate Budget and Appropriations Committee.
A2340: Requires report and public hearing prior to NJDEP recommendation of site for inclusion on Superfund list. Status: Passed in Assembly; received and pending in Senate Environmental and Energy Committee.

back to top

Regulatory Update

New Jersey Department of Environmental Protection

David Glass – New Deputy Commissioner of the NJDEP

On October 1, 2014, David Glass the former Deputy Chief of Staff and Legislative Liaison for the NJDEP was promoted to the position of Deputy Commissioner of the NJDEP.

Glass, who had held his previous position with the Department since May 2010, has been involved in the management of the day-to day operations at the NJDEP. As Deputy Commissioner, he will undertake duties involving the continued development and implementation of policies that promote robust economic growth and environmental protection.

Glass replaces Michele Sierkerka, who left the NJDEP to become the President of the New Jersey Business and

Industry Association.

When announcing the promotion, NJDEP Commissioner Martin lauded Glass's "natural ability to build consensus on complex environmental issues among a wide range of stakeholders and officials at all levels of government."

For more information please go to www.njdep.gov.

$1.2 Billion Authorized for Drinking Water and Wastewater Infrastructure Projects

On August 8, 2014, Governor Christie signed legislation authorizing $1.2 billion for statewide drinking water and wastewater infrastructure projects. The funds will be used to provide loans, both low cost and no cost, administered by New Jersey Environmental Infrastructure Trust ("NJEIT"), an independent state financing agency, in partnership with the NJDEP.

Commissioner Martin emphasized the importance of not only rebuilding, but protecting water and wastewater infrastructure affected by Super Storm Sandy ("Sandy") and affirmed that the funds would provide municipal governments and treatment system operators with the necessary financial tools to accomplish this and ensure reliance upon such infrastructure in times of emergency in the future. David Zimmer, Executive Director of the NJEIT, reiterated the critical importance of the projects, not only to the local communities that they serve but also for the thousands of construction jobs that would be created.

Statewide, Sandy caused approximately $2.6 billion in damage to drinking water and wastewater infrastructure. Examples of infrastructure projects being proposed for funding include $96 million to replace and protect the pump stations in Sayreville and Edison, $42.8 million for the restoration of facilities at the Bayshore Regional Sewerage Authority's wastewater treatment plant in Union Beach, $31.5 million to protect the New Jersey American Raritan Millstone water treatment plant by raising the existing floodwall, $11.7 million to construct a new wet weather pump station in Hoboken for the protection of the North Hudson Regional Sewerage Authority wastewater system, and $10.6 million for the rehabilitation of the Passaic Valley Sewerage Commission's Administration Building in Newark.

The NJEIT's financing program is expected to save taxpayers more than $2.1 billion.

For more information please go to www.njdep.gov.

United States Environmental Protection Agency

EPA Funds 21 Businesses for the Development of Innovative Technologies

On July 14, 2014, the EPA announced that, in order to advance inventive products and research, it would extend

funding to 21 small businesses in 14 states, including New Jersey. EPA Administrator, Gina McCarthy, emphasized the importance of enabling small businesses to transfer their ideas from the laboratory into the market place. This funding is intended to provide such opportunities and foster public health and environmental protection.

The EPA's annual funding opportunities for small businesses are offered in a competitive two-phase process. In Phase I, $100,000 is offered to small businesses for "proof of concept" of their technology. Up to an additional $300,000 is offered in Phase II for the advancement and marketing of their technology.

Previous funding recipients have brought their ideas to reality. Faraday Technology developed a non-carcinogenic chrome plating process and Cambrian Innovation created an EcoVolt system for the treatment of wastewater that generates energy in the process.

NEI Corporation of Somerset, NJ, received Phase I funding for the development of a lithium-ion battery based on Aqueous Electrolyte for a new generation of sustainable energy storage devices.
An additional round of solicitation for funding was held during August 2014.

For more information, please visit www.epa.gov/ncer/sbir.

Toxic Release Inventory University Challenge

Following a successful 2013/2014 challenge with eight academic partners, the EPA announced on June 17, 2014 plans for a 2014/2015 Toxic Release Inventory ("TRI") University challenge with six academic partners to increase public awareness of industrial releases of toxic chemicals into the communities and around the country.

The EPA has more than 25 years worth of data that can be used to inform communities regarding toxic releases into the air, water and land, in addition to methods used to prevent such releases by industries.

Drew University, Southeastern Louisiana University, the State University of New York at Plattsburgh, Tennessee State University, the University of California Los Angeles, and the University of Southern California have proposed projects in order to improve the visualization and understanding of the TRI data and information.

The TRI challenge is open to anyone affiliated with an accredited university, and while no financial award is offered, support is provided by TRI program staff and participants are recognized through exposure on the TRI University Challenge website.

For more information, please visit www.epa.gov/tri/university.

back to top

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