

Attorneys who handle matters involving environmental issues have to know their acronyms. Below are a few of the most frequently used ones and their significance.

SEQRA – The State Environmental Quality Review Act – this is a New York statute whose goal is to inject environmental considerations directly into governmental decision making. Whenever a public entity is considering a proposed action, whether presented as a public initiative or as a private application, it must itself prepare or demand and review an EAF – Environmental Assessment Form whose aim is to identify the potential environmental impacts of the project. The “lead” governmental agency evaluating the project must then take a “hard look” at the relevant areas of environmental concern and issue a declaration of environmental significance. If the declaration is positive, it means that significant adverse environmental impacts have been identified and must be further analyzed in an EIS – Environmental Impact Statement. This process is subject to many permutations and opportunities

for public comment. In the end, many projects fail or are subject to judicial challenge if SEQRA review is omitted is deemed procedurally or substantively deficient.

CERCLA – The Comprehensive Response, Compensation and Liability Act, commonly known as Superfund, is a federal statute intended to fund and facilitate the cleanup of hazardous waste sites. Quite often, the cleanup is conducted by the government, which then seeks to recoup its costs from PRPs – Potentially Responsible Parties. The PRPs may form groups and file cross-claims against other PRPs. CERCLA encourages settlement not only through its legislative scheme, but also because of the costly nature of the often protracted multi-party litigation in federal court.

DEC – The New York State Department of Environmental Conservation is responsible for enforcing most environmental laws and regulations pertaining to land, air, and water pollution, wetlands, pesticides, endangered and invasive species, solid waste and much more.

Among other things, the DEC issues SPDES - State Pollutant Discharge Elimination System permits for the control of wastewater and storm water discharges, regulates USTs -Underground Storage Systems, such as fuel oil and gasoline tanks, and administers the BCP - Brownfield Cleanup Program.

ESA – Environmental Site Assessment, **REC** - Recognized Environmental Conditions, **ASTM** -American Society for Testing and Materials, and **TAGMs** - Technical Administrative Guidance Memorandums are just a few of the terms associated with Phase I and Phase II environmental assessments and the remediation of contaminated properties. While a description of each is outside the scope of this article, suffice it to say that any potential purchaser of property should conduct a due diligence investigation of the environmental issues and problems associated with that property. Failure to do so, or to properly define and allocate liability for such conditions in contractual documents can lead to BT (Big Trouble).