



## Blogs / Environmental Statutes & Regulations

Toggle  
Navigation

### RECORDED WEBINARS

- [Environmental Enforcement & Crimes Webinar – March 22, 2016](#)

### BLOG TOPICS

- [Air Emissions Climate Change & Sustainability](#) (6)
- [Brownfields & Contaminated Properties](#) (13)
- [Environmental Cleanups](#) (12)
- [Environmental Compliance & Enforcement Defense](#) (23)
- [Environmental Litigation](#) (21)
- [Environmental Permitting](#) (8)
- [Environmental Statutes & Regulations](#) (26)
  - [CERCLA / Superfund](#) (12)
  - [Clean Air Act](#) (10)
  - [Clean Water Act](#) (10)
  - [EPCRA](#) (5)
  - [FIFRA](#) (4)
  - [RCRA / Hazardous Waste & Solid Waste](#) (10)
  - [TSCA](#) (4)
- [Fracking](#) (7)
- [Industries](#) (20)
  - [Construction](#) (12)
  - [Energy](#) (11)
  - [Health Care](#) (7)
  - [Life Sciences](#) (9)
  - [Manufacturing](#) (15)
  - [Petroleum](#) (11)
  - [Transportation](#) (9)
  - [Waste Management](#) (12)
- [OSHA / Health & Safety](#) (12)

### BLOG EDITORS

[Andrew C. \(Drew\) Brought](#)

T 816.292.8886

[abrought@spencerfane.com](mailto:abrought@spencerfane.com)

### ENVIRONMENTAL LAW GROUP

- [Overview](#)
- [Attorneys](#)

### Latest Posts

---

#### 04.07.2015 [EPA Revises its Supplemental Environmental Project – SEP Policy](#)

By Andrew C. Brought

On March 10, 2015, EPA issued a new revised 2015 Update to its Supplemental Environmental Project (SEP) Policy, thereby superseding prior SEP policies.

---

**03.30.2015** [Top 10 Things You Need to Know About Phase I Environmental Site Assessments](#)

By Andrew C. Brought

In a recent Midwest Real Estate News guest column, Spencer Fane Partner Andrew Brought shared his knowledge and insight on Phase I Environmental Site Assessments (ESAs) with readers. The article outlines the role and common misconceptions of environmental site assessments in property transactions and provides 10 important facts on ESAs as well as their impact on buyers and sellers involved in real estate transactions.

---

**01.19.2015** [A Sham, a Waste? EPA's New Recycling and Hazardous Waste Rules Finalized](#)

By Andrew C. Brought

Last week, on January 13, 2015, EPA issued its new "Definition of Solid Waste" Final Rule in the Federal Register at 80 Fed. Reg. 1694. This new rulemaking will have significant impacts regarding how secondary hazardous materials are recycled and exempted from the hazardous waste regulations. Unless challenged (and by all accounts it appears at least certain aspects may be litigated based on initial comments by various industrial sectors) the rule becomes effective on July 13, 2015, where EPA is the authorized implementing agency (Iowa, Alaska, American Samoa, and Puerto Rico and the U.S. Virgin Islands). Because RCRA is a federally delegated program, other states will have to adopt the more stringent aspects of the rule discussed below.

---

**07.25.2014** [In Kansas City, EPA Administrator Seeks to Clarify Proposed "Waters of the United States" Regulation](#)

By Michael P. Comodeca, James T. Price

On July 10, EPA Administrator Gina McCarthy spoke to the Agricultural Business Council of Kansas City in an attempt to ease concerns over the Administration's proposed rule to clarify the reach of the Clean Water Act (CWA). The proposed rule, issued jointly by EPA and the Army Corps of Engineers, seeks to specify by regulation the scope of the CWA following the 2006 Supreme Court decision in *Rapanos v. United States*. The competing tests for CWA jurisdiction issued by the Court in *Rapanos* have complicated efforts to determine when smaller waters, wetlands, and ephemeral streams are subject to CWA jurisdiction and would require government permits before they can be impacted. In response to mounting criticism of the proposed rule from a number of stakeholders, McCarthy tried to reassure the audience, saying, "We don't believe that we are expanding jurisdiction."

---

**06.18.2014** [2005 Phase I ESA Will No Longer Satisfy All Appropriate Inquiries Under EPA Proposed Rule](#)

By Andrew C. Brought, Kathleen M. Whitby

On June 17, 2014, EPA issued a proposed rule in the Federal Register, 79 Fed. Reg. 34480, proposing to amend the standards and practices for satisfying All Appropriate Inquiries (AAI) under CERCLA. In particular, EPA is proposing to remove references to the 2005 Phase I ESA Standard ASTM E1527-05 as satisfying AAI.

---

**06.10.2014** [CERCLA Will Not Save a Toxic Tort Claim which is Barred by a State Statute of Repose](#)

By Kathleen M. Whitby

Earlier today, June 9, 2014, the United States Supreme Court handed down its decision in *CTS Corp. v. Waldburger*, et al., slip op. No. 13-339 (U.S., 6-9-2014). Reversing the Fourth Circuit, the Supreme Court held that the Superfund law's preemption of state statutes of limitation for personal injury or property damage claims does not apply to state statutes of repose. Not every state has such a statute on the books, but for those that do, this may provide an additional shield for defendants, and an additional hurdle for plaintiffs.

---

◀ 1 2 3 Showing 21-30 of 26 results [View All](#)