

# *NEW BOOKS*

## **Environmental Aspects of Real Estate and Commercial Transactions: From Brownfields to Green Buildings, Third Edition**

Edited by James B. Witkin

Section of Environment, Energy, and Resources, Section of  
Real Property, Probate and Trust Law, American Bar  
Association, 2004

321 North Clark Street, Chicago, IL 60610

[www.ababooks.org](http://www.ababooks.org)

ISBN 1-59031-287-2. 1104 pp. \$179.95 paper.

This comprehensive guide examines the issues, problems and pitfalls involved in the intersection of real estate, business, and environmental law. A unique and practical resource, *ENVIRONMENTAL ASPECTS OF REAL ESTATE AND COMMERCIAL TRANSACTIONS, THIRD EDITION*, covers the entire range of environmental issues that arise when real estate is developed, operated, sold, or financed.

Edited by James B. Witkin, the chapters in this expanded and updated compendium are written by a team of forty-five authors who include accomplished real estate, environmental, tax, land use, and business lawyers and technical experts, in private practice, corporations, government, and law schools. All chapters have been substantially revised to reflect changes in law and practice, and new chapters have been added on these increasingly important practice topics: conservation easements, brownfields redevelopment at military bases, smart growth initiatives, and environmental justice.

The clearly written, detailed, and timely chapters cover all aspects of the environmental issues that must be considered in the purchase, sale, or finance of office, retail, manufacturing, or mul-

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tifamily properties. The book's thirty-two chapters are organized into five parts for quick access to pertinent information:

**PART I: BASIC ISSUES OF ENVIRONMENTAL LIABILITY**—both statutory and common law. These chapters deal specifically with lender liability, plus chapters on environmental disclosure requirements and criminal environmental liability.

**PART II: ENVIRONMENTAL DUE DILIGENCE.** Covers the environmental audit process, the role of environmental consultants, and the science necessary for understanding consultants' reports.

**PART III: ENVIRONMENTAL MATTERS IN THE TRANSACTIONAL AND BUSINESS CONTEXT.** Includes documentation for allocating environmental risks, landlord-tenant environmental issues, tax, securities and bankruptcy issues related to environmental matters, and valuation of environmentally impacted properties. Also features chapters on brownfields, institutional controls often used at brownfields sites, and environmental insurance.

**PART IV: THE MOST COMMON ENVIRONMENTAL PROBLEMS AFFECTING DEVELOPED PROPERTIES.** Topics include underground storage tanks, asbestos, lead-based paint, radon, indoor air pollution, and electro-magnetic fields.

**PART V: ENVIRONMENTAL PROBLEMS THAT ARISE IN THE LAND DEVELOPMENT PROCESS.** Chapters focus on wetlands, endangered species, stormwater issues, the constitutional "takings" implications of environmental laws, environmental justice, conservation easements, brownfields redevelopment of military bases, and smart growth.

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**Amending CERCLA: The Post-SARA  
Amendments to the Comprehensive  
Environmental Response,  
Compensation, and Liability Act**

By Michael B. Gerrard and Joel M. Gross  
Section of Environment, Energy, and Resources, American Bar  
Association, 2006  
321 North Clark Street, Chicago, IL 60610-4714  
www.ababooks.com  
ISBN-13: 987-1-59031-250-6. 678 pp. \$149.95 paper.

Controversial yet powerful, litigated but most often settled, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund) has a complicated history. CERCLA gave the Environmental Protection Agency vast authority to clean up sites, a dedicated source of funds to undertake clean-ups (Superfund), and a liability scheme of unprecedented scope. The 1986 Superfund Amendments and Reauthorization Act (SARA) remains the only comprehensive set of amendments to CERCLA.

Following SARA, three important amendments resulting from narrowly targeted legislation have been enacted to make further reforms to the statute. *AMENDING CERCLA* focuses on the amendments that narrowed the CERCLA liability scheme to address specific policy objectives:

- The Asset Conservation, Lender Liability, and Insurance Act (1996)
- The Superfund Recycling Equity Act (1999)
- The Small Business Liability Relief and Brownfields Revitalization Act (2002)

An overview of these amendments explains why each was enacted, what they provide, and how they have been interpreted by EPA and the courts. Following this analysis, the book includes:

- The text of CERCLA annotated to show which language added by which amendment
- The main EPA guidance documents issued for each amendment

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- Key excerpts from the respective legislative histories, including the full text of each of the amendments
- An index to the full legislative history
- CD-ROM with the entire legislative history

The authors, Michael B. Gerrard and Joel M. Gross, are partners in the New York and Washington offices, respectively, of Arnold & Porter LLP. Both have extensive experience in the Superfund arena. They provide an in-depth analysis of these three amendments that have attempted to fix problems with CERCLA, address the new circumstances and realities of the environment, or have dealt with actual or perceived unfairness of the law.

A single-source compendium of legislation, leading court decisions, and administrative implementation, *AMENDING CERCLA* is a comprehensive and authoritative reference for practitioners to review, research, and understand this complex statute.

## **Salmon 2100: The Future of Wild Pacific Salmon**

Edited by Robert T. Lackey, Denise H. Lach, and  
Sally L. Duncan

American Fisheries Society, 2006

5410 Grosvenor Lane, Suite 110, Bethesda, MD 20814, 2199

[www.fisheries.org](http://www.fisheries.org)

ISBN 1-888569-78-6. 629 pp. \$39 hard.

Restoring wild salmon to the Pacific Northwest is a daunting challenge. In this innovative book, thirty-six salmon scientists, resource managers, and policy experts identify realistic options to restore and sustain wild salmon runs in California, Oregon, Washington, Idaho, and southern British Columbia through this century.

The policy prescriptions offered are candid, sometimes uncomfortably radical, and occasionally sobering. Most authors conclude that major, sometimes wholesale modification of core societal values and priorities will have to occur if significant, sustainable populations of wild salmon are to be present in the region through 2100.

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This work will be appreciated by those involved in the policy and science of salmon recovery, as well as by nonexperts who care about the resource.

