

ENVIRONMENTAL INVESTIGATIONS



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TYPES: Criminal and Civil

CIVIL



- Historical Property Ownership
 - Historical use of subject property and surrounding property(s);
 - Property title reports;
 - How to do your own research – where to go;
 - Where to purchase title research.
- Phase I and Phase II Investigations;
- Who will pay for property contamination?
 - Is there Insurance – Location of insurance policies;
- Determine who has regulatory jurisdiction;
- Background on company/individual.

CRIMINAL



- Begin similarly to civil (i.e. historical use, ownership, etc.)
- Who is the prosecuting agency (city, state, federal).
- Interview witnesses:
 - Adjacent property owners
 - Prior tenants or property owners
- Check for prior convictions.
- Determine victims - who was harmed and how?
- Review regulatory files for subject property and adjacent properties.

INVESTIGATION



- Resources / Sources of Information:
 - Private sources: EDR, title companies, Dunn & Brad, paid Internet database sites, etc.
- Public resources:
 - Government records:
 - Local (city or county - fire, health, air);
 - State (DTSC, RWQCB, Fish & Game, AQMD, DA);
 - Federal (USEPA, Fish & Wildlife, national Response Center, U.S. Coast Guard, OSHA, NOAA).

CPRA / FOIA

- California Public Information Act (DTSC, RWQCB, Fish & Game and local agencies).
- Freedom of Information (Admin Record, ROD, RI/FS, Site Characterization, etc.)
- Non-FOIA information available:
 - State government (DTSC, RWQCB, AQMD, etc. databases re: transporters, quantity generator, chemical types used at sites, annual discharges and pollution quantities, etc.)
 - Federal government (USEPA fact sheets, generator information, RCRA information, etc.)

WITNESS INTERVIEWS

- DETAILS!
 - WHO, WHAT, WHY, WHEN, HOW!!!
 - DATES, TIMES, FREQUENCY
 - IDENTITIES OF OTHER WITNESSES
 - CONFIDENTIALITY OF WITNESS STATEMENTS
 - REPORTING TO LEGAL COUNSEL
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