

1 SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-15-101,
2 is amended to read as follows:

3 Section 2-15-101. Sections ~~±~~ 2-15-101 through ~~±~~ 2-15-110 of
4 this ~~act~~ title shall be known and may be cited as the "Oklahoma
5 Brownfields Voluntary Redevelopment Act".

6 SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-15-102,
7 as amended by Section 3, Chapter 141, O.S.L. 2004 (27A O.S. Supp.
8 2008, Section 2-15-102), is amended to read as follows:

9 Section 2-15-102. A. The Oklahoma Legislature hereby declares
10 that the purpose of the Oklahoma Brownfields Voluntary Redevelopment
11 Act is to:

- 12 1. Provide for the establishment of a voluntary program by the
13 Department of Environmental Quality;
- 14 2. Foster the voluntary redevelopment and reuse of brownfields
15 by limiting the liability of property owners, lenders, lessees, and
16 successors and assigns from administrative penalties assessed by the
17 Department and civil liability with regard to the remedial actions
18 taken by the ~~applicant~~ participant for environmental contamination
19 caused by pollution, as required by a consent order, if the remedial
20 action is not performed in a reckless or negligent manner; and
- 21 3. Provide for a risk-based system for all applicable sites
22 based on the proposed use of the site.

1 B. The Oklahoma Brownfields Voluntary Redevelopment Act shall
2 not be construed to authorize or encourage any person or other legal
3 entity to cause or increase pollution, to avoid compliance with
4 state and federal laws and regulations concerning pollution or to in
5 any manner escape responsibility for maintaining environmentally
6 sound operations.

7 SECTION 3. AMENDATORY 27A O.S. 2001, Section 2-15-103,
8 as amended by Section 4, Chapter 141, O.S.L. 2004 (27A O.S. Supp.
9 2008, Section 2-15-103), is amended to read as follows:

10 Section 2-15-103. For purposes of the Oklahoma Brownfields
11 Voluntary Redevelopment Act:

12 1. ~~"Applicant"~~ "Participant" means any person who or entity
13 which:

14 a. has acquired the ownership, operation, management, or
15 control of a site through foreclosure or under the
16 terms of a bona fide security interest in a mortgage
17 or lien on, or an extension of credit for, a
18 brownfields site and which forecloses on or receives
19 an assignment or deed in lieu of foreclosure or other
20 indicia of ownership and thereby becomes the owner of
21 a brownfield,

- 1 b. possesses a written expression of an interest to
2 purchase a brownfield and the ability to implement a
3 brownfield redevelopment proposal,
4 c. is the legal owner in fee simple of a brownfield,
5 d. is a tenant on or lessee of the brownfield site, or
6 e. is undertaking the remediation of a brownfield site;

7 2. "Brownfield" means an abandoned, idled or underused
8 industrial or commercial facility or other real property at which
9 expansion or redevelopment of the real property is complicated by
10 pollution;

11 3. "Certificate of Completion" means a document issued by the
12 Department of Environmental Quality pursuant to Section 2-15-106 of
13 this title upon a determination that ~~an applicant~~ a participant has
14 successfully completed agency-approved risk-based remediation. A
15 Certificate of Completion is not a permit as defined in Section 2-
16 14-103 of this title;

17 4. "Certificate of No Action Necessary" means a document issued
18 by the Department of Environmental Quality pursuant to Section 2-15-
19 106 of this title upon a determination that no remediation is deemed
20 necessary for the expansion or redevelopment of the property for a
21 planned use. A Certificate of No Action Necessary is not a permit
22 as defined in Section 2-14-103 of this title;

1 5. "Consent order" means an order entered into by the
2 Department of Environmental Quality and ~~an applicant~~ one or more
3 participants, binding ~~an applicant and the Department~~ the parties to
4 specified authorizations, activities, duties, obligations,
5 responsibilities and other requirements;

6 6. "Demonstrated pattern of uncorrected noncompliance" means a
7 history of noncompliance by the ~~applicant~~ participant with state or
8 federal environmental laws or rules or regulations promulgated
9 thereto, as evidenced by past operations clearly indicating a
10 reckless disregard for the protection of human health and safety, or
11 the environment;

12 7. "Land use disclosure" means the Certificate of Completion or
13 the Certificate of No Action Necessary, issued by the Department of
14 Environmental Quality, which is required to be filed in the office
15 of the county clerk of the county wherein the site is situated
16 pursuant to Section 2-15-107 of this title. The land use disclosure
17 shall include those items required in Section 2-7-123 of this title;

18 8. "Pollution" means the same as the term is defined in Section
19 2-1-102 of this title;

20 9. "Remediation" means activities necessary to clean up,
21 mitigate, correct, abate, minimize, eliminate, control and contain
22 pollution in compliance with a consent order from the Department of
23 Environmental Quality; ~~and~~

1 10. "Risk-based remediation" means site assessment or site
2 remediation, the timing, type, and degree of which are determined
3 according to case-by-case consideration of actual or potential risk
4 to human health and safety, or the environment from pollution of a
5 brownfield site; and

6 11. "Site characterization" means the collection of sampling
7 and non-sampling data to adequately delineate environmental
8 contamination on property and support the risk evaluation and
9 decision-making by the Department of Environmental Quality.

10 SECTION 4. AMENDATORY 27A O.S. 2001, Section 2-15-104,
11 is amended to read as follows:

12 Section 2-15-104. A. The Department of Environmental Quality
13 may establish and implement a voluntary redevelopment program for
14 brownfields. In administering the Oklahoma Brownfields Voluntary
15 Redevelopment Act, the Department shall:

16 a. ~~approve~~

17 1. Approve site-specific work plans for site characterization;

18 2. Approve site-specific remediation plans for each site as
19 necessary, using a risk-based system;

20 b. ~~review~~

21 3. Review and inspect site ~~assessment~~ characterization and
22 remediation activities and reports;

23 c. ~~use~~

1 4. Use risk-based remediation procedures as determined by the
2 agency to establish cleanup levels,~~and;~~

3 ~~d. develop~~

4 5. Evaluate engineering and institutional controls for function
5 and performance;

6 6. Develop and implement rules and procedures for the review
7 and processing of Brownfields Voluntary Redevelopment project
8 applications for obtaining funds allocated to the state from the
9 Federal Clean Water Act and other state and federal funds available
10 for Brownfields Voluntary Redevelopment projects; and

11 7. Audit completed projects to ensure compliance with use
12 restrictions.

13 B. Any brownfields program established pursuant to the Oklahoma
14 Brownfields Voluntary Redevelopment Act shall be a voluntary
15 program.

16 C. No state governmental entity regulating any person or
17 institution shall require evidence of participation in the Oklahoma
18 Brownfields Voluntary Redevelopment Act.

19 D. The provisions of the Oklahoma Brownfields Voluntary
20 Redevelopment Act shall not apply to any person who is:

21 1. Responsible for taking corrective action on the real
22 property pursuant to orders or agreements issued by the federal
23 Environmental Protection Agency;

1 2. Not in substantial compliance with a final agency order or
2 any final order or judgment of a court of record secured by any
3 state or federal agency relating to the generation, storage,
4 transportation, treatment, recycling or disposal of regulated
5 substances; or

6 3. Has a demonstrated pattern of uncorrected noncompliance.

7 E. 1. The ~~Board of~~ Environmental Quality Board shall
8 promulgate rules necessary to implement the Oklahoma Brownfields
9 Voluntary Redevelopment Act.

10 2. The Department is specifically authorized to promulgate
11 emergency rules necessary pursuant to the Administrative Procedures
12 Act to implement the provisions of the Oklahoma Brownfields
13 Voluntary Redevelopment Act.

14 3. Such rules shall include but not be limited to provision for
15 ~~applications~~ work plans, consent orders, notice and public
16 participation opportunities, brownfield remediation plans and no
17 action necessary determinations issued by the Department.

18 SECTION 5. AMENDATORY 27A O.S. 2001, Section 2-15-105,
19 as amended by Section 5, Chapter 141, O.S.L. 2004 (27A O.S. Supp.
20 2008, Section 2-15-105), is amended to read as follows:

21 Section 2-15-105. A. ~~An applicant may apply~~ One or more
22 participants may submit a proposal to the Department of

1 Environmental Quality for ~~a consent order for~~ risk-based remediation
2 of a brownfield site or for a no action necessary determination.

3 B. The ~~application~~ proposal shall, as a minimum, include:

4 1. ~~A description of:~~

5 a. ~~the brownfield which is the subject of the application~~
6 ~~pursuant to the Oklahoma Brownfields Voluntary~~
7 ~~Redevelopment Act;~~

8 b. ~~the concentrations of contaminants in the soils,~~
9 ~~surface water, or groundwater at the site;~~

10 c. ~~the air releases which may occur during remediation of~~
11 ~~the site, and~~

12 d. ~~any monitoring of the brownfield which is to occur~~
13 ~~after issuance of the Certificate of Completion or~~
14 ~~Certificate of No Action Necessary;~~

15 2. ~~A remediation plan for remediating any pollution on the~~
16 ~~brownfield or a proposal that no action is necessary to remediate~~
17 ~~the brownfield considering the present levels of pollution at the~~
18 ~~site and the proposed future use of the property;~~

19 3. ~~The current and proposed use of groundwater on and near the~~
20 ~~site;~~

21 4. ~~The operational history of the site and the current use of~~
22 ~~areas contiguous to the site;~~

23 5. ~~The present and proposed uses of the site;~~

1 ~~6. Information concerning the nature and extent of any~~
2 ~~contamination caused by pollution at the site and any possible~~
3 ~~impacts on areas contiguous to the site;~~

4 ~~7. Any analytical results from a laboratory certified by the~~
5 ~~Department of Environmental Quality or other data which~~
6 ~~characterizes the soil, groundwater or surface water on the site;~~
7 ~~and~~

8 ~~8. An analysis of the human and environmental pathways to~~
9 ~~exposure from pollution at the site based upon the property's future~~
10 ~~use as proposed by the applicant A site characterization, including:~~

11 a. site description and historical information about the
12 former uses of the property, including any past
13 environmental permits issued for the site,

14 b. analytical results from a laboratory certified by the
15 Department or other data which characterize the soil,
16 groundwater or surface water at the site,

17 c. information concerning the nature and extent of any
18 contamination caused by pollution at the site and any
19 possible impacts on areas contiguous to the site,

20 d. delineation of contaminants on the property and their
21 concentrations and depths,

22 e. delineation of potential off-site migration of
23 contaminants,

- 1 f. identification of pertinent environmental conditions
2 on the site and in the region,
- 3 g. identification of groundwater, surface water, and
4 other environmental resources and uses in the area,
- 5 h. identification of potential exposure pathways and
6 potential receptors,
- 7 i. identification of adjacent property uses,
- 8 j. an accurate metes and bounds legal description of the
9 property,
- 10 k. latitude and longitude of the main entrance,
- 11 l. statistically relevant background environmental media
12 samples or peer-reviewed published background data,
13 and
- 14 m. any data the Department believes is relevant to the
15 reuse of the property;
- 16 2. The current and proposed uses of the property;
- 17 3. An analysis of the human and environmental pathways to
18 exposure from pollution at the site based on the future use of the
19 property as proposed by the participant;
- 20 4. Alternatives for cleanup, if remediation is planned;
- 21 5. Potential for redevelopment to impact the remedy;

1 6. A plan for any after-action monitoring or maintenance of the
2 brownfield which is to occur after issuance of the Certificate of
3 Completion or Certificate of No Action Necessary;

4 7. Any engineering or institutional controls necessary to
5 protect the remedy over time and plans for financial assurance for
6 the controls to remain in effect;

7 8. A plan for remediating any pollution on the brownfield or a
8 proposal that no remedial action is necessary considering the
9 present level of contamination and the proposed future use of the
10 property;

11 9. A long-term management plan for any on-site disposal
12 facilities; and

13 10. The current and proposed use of groundwater on and near the
14 site.

15 C. Remediation or proposal for a no action necessary
16 determination shall be based on the potential risk to human health
17 and safety and to the environment posed by the pollution at the
18 site, considering the following factors:

19 1. The proposed use of the brownfield;

20 2. The possibility of movement of the pollution in a form and
21 manner which would result in exposure to humans and to the
22 surrounding environment at levels which exceed ~~applicable standards~~
23 calculated site-specific cleanup levels or, if off-site, applicable

1 standards, or which represent an unreasonable risk to human health
2 and safety, or the environment as determined by the Department; and

3 3. The potential risks associated with the remediation proposal
4 or no action necessary determination and the economic and technical
5 feasibility and reliability of such proposal or determination.

6 SECTION 6. AMENDATORY 27A O.S. 2001, Section 2-15-106,
7 as amended by Section 6, Chapter 141, O.S.L. 2004 (27A O.S. Supp.
8 2008, Section 2-15-106), is amended to read as follows:

9 Section 2-15-106. A. The Department of Environmental Quality
10 is not authorized to hold any public meeting or hearing to require
11 information, make any determination, or in any manner consider the
12 zoning or rezoning for any proposed redevelopment of a site. The
13 Department shall assume that any proposed redevelopment of the site
14 meets or will meet any zoning requirements.

15 B. The Department may reject or return ~~an application~~ a
16 proposal if:

- 17 1. A federal requirement precludes the eligibility of the site;
- 18 2. The ~~application~~ proposal is not complete and accurate; or
- 19 3. The ~~applicant~~ participant is ineligible under the provisions
20 of the Oklahoma Brownfields Voluntary Redevelopment Act or any rules
21 promulgated pursuant thereto.

1 C. The Department may enter into a consent order with the
2 ~~applicant~~ participant for characterization and remediation of a site
3 if the Department concludes that the remediation will:

4 1. Attain a degree of control of pollution pursuant to the
5 Oklahoma Brownfields Voluntary Redevelopment Act, other applicable
6 Department rules and standards, and all applicable state and federal
7 laws as determined by the Department; and

8 2. For constituents not governed by paragraph 1 of this
9 subsection, reduce concentrations such that the property does not
10 present an unreasonable risk, as determined by the Department, to
11 human health and safety or to the environment based upon the
12 property's proposed use.

13 D. The Department may make a no action necessary determination
14 if the ~~application~~ proposal as required by the Oklahoma Brownfields
15 Voluntary Redevelopment Act indicates the existence of pollution
16 which, given the proposed use of the property, does not pose an
17 unreasonable risk to human health and safety or to the environment
18 as determined by the Department.

19 E. The consent order and the no action determination apply only
20 to conditions caused by pollution on the property, to applicable
21 state or federal laws and to applicable rules and standards
22 promulgated by the ~~Board of~~ Environmental Quality Board that existed
23 at the time of submission of the ~~application~~ proposal.

1 F. If ~~an application~~ a proposal is disapproved by the
2 Department, the Department shall promptly provide the ~~applicant~~
3 participant with a formal written statement of the reasons for such
4 denial.

5 G. 1. If the Department determines that the ~~applicant~~
6 participant has successfully completed the requirements specified by
7 the consent order, the Department shall certify the completion by
8 issuing to the ~~applicant~~ participant a Certificate of Completion.
9 The certificate shall list the use specified in the consent order
10 for the site and shall comply with Section 2-7-123 of this title.
11 The certificate shall also include provisions stating that:

- 12 a. the Department shall not pursue administrative
13 penalties and civil actions against the ~~applicant~~
14 participant, lenders, lessees, and successors and
15 assigns associated with actions taken to remediate
16 pollution which is the subject of the consent order,
17 b. the ~~applicant~~ participant and all lenders, lessees,
18 and successors and assigns shall not be subject to
19 civil liability with regard to the remedial actions
20 taken by the ~~applicant~~ participant for pollution, as
21 required by the consent order if the remedial action
22 is not performed in a reckless or negligent manner,

- 1 c. no person responsible for pollution who has not
2 participated in the voluntary remediation process
3 shall be released from any liability, and
4 d. the Certificate of Completion shall remain effective
5 as long as the property is in substantial compliance
6 with the consent order, Certificate of Completion and
7 any institutional controls placed on the property.

8 2. If the Department determines that no remediation action is
9 deemed necessary for the site, the Department shall issue the
10 ~~applicant~~ participant a Certificate of No Action Necessary. The
11 certificate shall list the use specified in the ~~application~~ proposal
12 for the site. The certificate shall also include provisions stating
13 that:

- 14 a. the Department shall not pursue any administrative
15 penalties or civil actions against the ~~applicant~~
16 participant, lenders, lessees, and successors and
17 assigns associated with the determination that no
18 action is necessary to remediate the pollution which
19 is the subject of the certificate,
20 b. the ~~applicant~~ participant and all lenders, lessees,
21 and successors and assigns shall not be subject to
22 civil liability with regard to the determination that
23 no action is necessary to remediate the site,

- 1 c. no person responsible for pollution who has not
2 participated in the ~~application~~ proposal process for a
3 no action necessary determination shall be released
4 from any liability,
- 5 d. the Certificate of No Action Necessary shall remain
6 effective as long as the site is in substantial
7 compliance with the certificate and any institutional
8 controls placed on the property as determined by the
9 Department, and
- 10 e. the issuance of the Certificate of No Action Necessary
11 shall not be construed or relied upon in any manner as
12 a determination by the Department that the brownfield
13 has not been or is not environmentally polluted.

14 H. The Department shall keep and maintain a copy of the
15 ~~application~~ proposal, work plan, consent order, any other
16 correspondence, record, authorization, and report received by the
17 Department, and an official copy of the Certificate of Completion or
18 the Certificate of No Action Necessary pursuant to the provisions of
19 the Oklahoma Brownfields Voluntary Redevelopment Act relating to the
20 site in an accessible location.

21 I. Chapter 10A of Title 67 of the Oklahoma Statutes shall not
22 apply to any records or copies required to be kept and maintained
23 pursuant to this section.

1 SECTION 7. AMENDATORY 27A O.S. 2001, Section 2-15-107,
2 is amended to read as follows:

3 Section 2-15-107. A. 1. All land use disclosures shall be
4 filed in the land records by the ~~applicant~~ participant in the office
5 of the county clerk where the site is located.

6 2. Within thirty (30) days of receipt of the Certificate of
7 Completion or the Certificate of No Action Necessary, the ~~applicant~~
8 participant shall submit to the Department of Environmental Quality
9 an official copy of the land use disclosure filed with the county
10 clerk in the county in which the site is located.

11 3. Failure to record the land use disclosure with the county
12 clerk and submit the official copy to the Department as required by
13 this section shall render the Certificate of Completion or
14 Certificate of No Action Necessary voidable.

15 B. Whoever knowingly converts, develops or uses a brownfield
16 site in violation of an authorized use as specified in the land use
17 disclosure shall be deemed guilty of a misdemeanor and, upon
18 conviction thereof, shall be punishable by a fine of not more than
19 One Thousand Dollars (\$1,000.00), imprisonment in the county jail
20 for not more than one (1) year, or both such fine and imprisonment.
21 Each day such violation continues shall be considered a separate
22 offense.

1 SECTION 8. AMENDATORY 27A O.S. 2001, Section 2-15-108,
2 as last amended by Section 5, Chapter 381, O.S.L. 2004 (27A O.S.
3 Supp. 2008, Section 2-15-108), is amended to read as follows:

4 Section 2-15-108. A. 1. The Department of Environmental
5 Quality shall not assess against ~~an applicant~~ a participant
6 administrative penalties or pursue civil actions associated with the
7 pollution which is the subject of the consent order or no action
8 necessary determination if:

- 9 a. the ~~applicant~~ participant is in compliance with the
10 consent order during remediation or with the
11 Certificate of No Action Necessary, and
12 b. the ~~applicant~~ participant is in compliance with any
13 post-certification conditions or requirements
14 specified in the consent order.

15 2. After issuance of the Certificate of Completion or
16 Certificate of No Action Necessary, the Department shall not assess
17 administrative penalties or pursue civil actions regarding the
18 pollution which is the subject of the consent order or no action
19 necessary determination against any lender, lessee, or successor or
20 assign if the lender, lessee, or successor or assign is in
21 compliance with any post-certification conditions or requirements as
22 specified in the consent order or Certificate of No Action
23 Necessary.

1 B. 1. Failure of the ~~applicant~~ participant and any lenders,
2 lessees, or successors or assigns to materially comply with the
3 consent order entered into pursuant to the Oklahoma Brownfields
4 Voluntary Redevelopment Act shall render the consent order or the
5 Certificate of Completion or the Certificate of No Action Necessary
6 voidable.

7 2. Submission of any false or materially misleading information
8 by the ~~applicant~~ participant knowing such information to be false or
9 misleading shall render the consent order, Certificate of
10 Completion, or Certificate of No Action Necessary voidable.

11 C. 1. An ~~applicant~~ participant to whom a Certificate of
12 Completion or a Certificate of No Action Necessary has been issued
13 pursuant to the Oklahoma Brownfields Voluntary Redevelopment Act and
14 such ~~applicant's~~ participant's lenders, lessees, or successors or
15 assigns or any other person, this state or a local political
16 subdivision thereof or any other legal entity ~~purchasing~~ acquiring,
17 in good faith, the property which was subject to the Oklahoma
18 Brownfields Voluntary Redevelopment Act shall not be subject to
19 civil liability regarding the pollution which was the subject of the
20 consent order or certificate if the ~~applicant~~ participant is in
21 compliance with any post-certification conditions or requirements
22 specified in the consent order or certificate.

1 2. Except as otherwise provided in this subsection, nothing in
2 the Oklahoma Brownfields Voluntary Redevelopment Act shall be
3 construed to limit or negate any other rights of any person from
4 pursuing or receiving legal or equitable relief from the ~~applicant~~
5 participant or any other person or legal entity causing or
6 contributing to the pollution.

7 3. In those cases where ~~an applicant~~ a participant conducts a
8 voluntary remediation in conjunction with a party responsible for
9 the pollution, the responsible party shall also be released from
10 liability to the same extent as the ~~applicant~~ participant.

11 D. The release of liability from administrative penalties and
12 any civil actions authorized by the Oklahoma Brownfields Voluntary
13 Redevelopment Act shall not apply to:

14 1. Any pollution and consequences thereof that the ~~applicant~~
15 participant causes or has caused outside the scope of the consent
16 order or the certificate issued by the Department;

17 2. Any pollution caused or resulting from any subsequent
18 redevelopment of the property;

19 3. Existing pollution not addressed prior to issuance of the
20 Certificate of Completion or the Certificate of No Action Necessary;
21 or

22 4. Any person responsible for pollution who has not
23 participated in the voluntary remediation.

1 SECTION 9. AMENDATORY 27A O.S. 2001, Section 2-15-109,
2 is amended to read as follows:

3 Section 2-15-109. A. The Department of Environmental Quality
4 may require the ~~applicant~~ participant to reimburse the Department
5 for reasonable costs ~~described in the consent order~~ for the review
6 and oversight of any remediation, reports, field activities or other
7 services or duties of the Department pursuant to the Oklahoma
8 Brownfields Voluntary Redevelopment Act which are performed by the
9 Department prior to the issuance of the Certificate of Completion or
10 the Certificate of No Action Necessary, ~~unless otherwise authorized~~
11 ~~by the consent order.~~

12 B. The Department may require the participant to reimburse the
13 Department for reasonable costs for expenses incurred in auditing
14 completed projects to ensure compliance with use restrictions in the
15 Certificate.

16 SECTION 10. AMENDATORY 27A O.S. 2001, Section 2-15-110,
17 is amended to read as follows:

18 Section 2-15-110. A. Except as otherwise specified by this
19 section, any ~~application for remediation of a site submitted to the~~
20 ~~Department of Environmental Quality prior to the effective date of~~
21 ~~this act which results in a consent order, and any consent order~~
22 issued by the Department of Environmental Quality prior to the
23 effective date of this act meeting the conditions and requirements

1 established by the Department or as otherwise determined by the
2 Department to be in compliance for such site is hereby ratified.

3 B. Any person who has entered into a consent order with the
4 Department pursuant to this section may continue to rely upon the
5 consent order if the person has accepted the conditions of and in
6 other respects complies with the requirements so established and
7 with the provisions of the consent order as determined by the
8 Department.

9 C. Any benefits and releases of liability from administrative
10 penalties and from civil action as provided by the Oklahoma
11 Brownfields Voluntary Redevelopment Act shall apply and be made part
12 of the ~~consent order~~ Certificate of Completion or Certificate of No
13 Action Necessary.

14 D. The provisions of this section shall apply only to
15 ~~applications made and/or~~ consent orders issued after January 1,
16 1988.

17 SECTION 11. This act shall become effective July 1, 2009.

18 SECTION 12. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated 2-5-09
23 - DO PASS, As Coauthored.