

Instructions: You may not use notes or any other outside assistance on this examination, except for one 3x5 card of handwritten notes. Put all answers on the scantron sheet. Keep the exam booklet.

1. CERCLA was enacted in 1980. Which of the following landowners are likely to have cleanup liability under CERCLA:
 - a. the owner of a site contaminated by mercury mining operations conducted between 1856 and 1951.
 - b. the owner of a site who used it to dispose of PCB's (a CERCLA hazardous waste) from 1990 to the present in violation of CERCLA and other laws.
 - c. the owner of a pesticide mixing plant whose operations contaminated the soil between 1972 and 1991.
 - d. all of the above.

2. CERCLA liability for waste deposited before the enactment of CERCLA is described as:
 - a. joint and several
 - b. retroactive
 - c. strict
 - d. none of the above

3. Which of the following landowners are likely to have cleanup liability under CERCLA:
 - a. the current owner who purchased the property without any knowledge of the hazardous waste contaminating the soil.
 - b. the previous owner who owned the land prior to the current owner who contaminated it.
 - c. the owner of a pesticide mixing plant whose operations contaminated the soil between 1972 and 1991.
 - d. a and c, but not b

4. CERCLA liability of a purchaser who was not involved in depositing the waste, and who did no due diligence, is described as:
 - a. negligent
 - b. retroactive
 - c. strict
 - d. none of the above

5. John Doe owns Blackacre. Mr. Doe purchased it from Jane Roe, who purchased it from Dirty Larry, who created the contamination that is now of concern to EPA. EPA sued Doe and Roe to recover the cost of remediating the property. EPA was granted a judgment against both Doe and Roe, but recovered the total amount of the judgment from Roe, whose property was more accessible. This is an example of the application of _____ in the context of CERCLA.
 - a. joint and several
 - b. retroactive
 - c. negligent
 - d. none of the above

6. Since Roe (from question 5) paid EPA the entire amount of its cleanup costs, Roe may bring an action against Doe and Larry to recover their equitable shares of the cleanup cost. This lawsuit is called a(n) _____ action.
- contribution
 - retribution
 - interpleader
 - none of the above
7. Banks may be liable for CERCLA cleanup as a result of their normal lending practices.
- True
 - False
8. How can a purchaser of real property avoid liability under CERCLA?
- exercise due diligence prior to purchase
 - exercise due diligence after purchase
 - purchasers have no liability under CERCLA
 - none of the above
9. Even if a purchaser avoids cleanup liability under CERCLA, can the purchaser always protect his or her investment in the property?
- Yes
 - No
10. Strict liability is based upon the defendant's fault.
- True
 - False
11. Joint and several liability means that, where multiple potential defendants exist, a plaintiff may sue any one, all, or any subgroup of the potential defendants, and recover the entire amount due from any one without regard to that defendant's or defendants' proportionate share.
- True
 - False
12. CERCLA permits citizen suits only if EPA is also bringing an action under CERCLA related to the same site.
- True
 - False
13. Liability under CERCLA is a form of common law tort liability.
- True
 - False

14. A buyer of real property may protect herself from CERCLA liability by causing a preliminary environmental site assessment to be conducted prior to closing on the property.
 - a. True
 - b. False

15. If the preliminary environmental site assessment shows that a property is severely contaminated, and the buyer goes ahead and purchases it anyway, will the buyer be liable under CERCLA?
 - a. Yes
 - b. No.

16. The mandatory components of CERCLA include:
 - a. Mandatory reporting of hazardous substance releases
 - b. Response and remediation
 - c. A list of sites by priority
 - d. all of the above

17. All hazardous waste sites are listed on the National Priorities List (NPL).
 - a. True
 - b. False

18. It is almost impossible to sell property listed on the NPL.
 - a. True
 - b. False

19. NPL listings are published in
 - a. N.C. Register
 - b. Congressional Record
 - c. Federal Register
 - d. None of the above

20. Love Canal was a hazardous waste disposal site.
 - a. True
 - b. False

21. The National Response Center was created under the
 - a. Comprehensive Environmental Response, Compensation and Liability Act
 - b. Clean Water Act
 - c. National Environmental Policy Act
 - d. N.C. Environmental Policy Act

22. A covered person under CERCLA may include
 - a. an individual
 - b. a corporation
 - c. a county government
 - d. all of the above

23. A covered person under CERCLA may include
- the U.S. Air Force
 - a church
 - an individual landowner
 - all of the above
24. A potentially responsible party (PRP) under CERCLA may include
- an owner of land where waste was found
 - a person who owned a facility at the time waste was disposed of at that facility
 - a person who accepted waste for transport
 - all of the above
25. Which is not a defense to CERCLA cleanup liability?
- Lack of knowledge
 - Act of third party
 - Act of god
 - Act of war
26. To use the innocent landowner defense to CERCLA liability, a property owner must prove that, prior to purchase, he exercised
- due diligence
 - due care
 - due awareness
 - none of the above
27. A landowner who succeeds with an innocent landowner defense to CERCLA liability may
- develop the property
 - push the waste to one corner of the property
 - recover her investment in the property from the Superfund
 - none of the above
28. In the context of commercial property transactions, due diligence is usually accomplished by
- walking the property
 - conducting a preliminary environmental site assessment
 - having the seller sign a disclosure statement at closing
 - none of the above
29. EPA's brownfields program is designed to
- return property to productive use without conducting full (and expensive) cleanup
 - return property to productive use after conducting full cleanup
 - reflect the color of most hazardous waste
 - none of the above

30. After North Carolina State University completes remediation at its Superfund site, it will be required to monitor groundwater at the site for:
- 20 years
 - 10 years
 - 30 years
 - 15 years
31. Hazardous waste is defined by:
- Ignitability
 - Corrosivity
 - Toxicity
 - All of the above
32. The philosophy behind hazardous waste regulation under RCRA is one of
- Remediation
 - Prevention
 - Management
 - Storage
33. The philosophy behind the regulation of underground storage tanks is one of
- Remediation
 - Prevention
 - Management
 - Storage
34. In order to bring a citizen suit under RCRA, a potential plaintiff must
- Give notice to the Administrator of EPA
 - Give notice to the alleged violator
 - Give notice to the state where the violation occurred
 - All of the above
35. Under which circumstance might a citizen suit be brought under RCRA?
- EPA is suing the alleged violator
 - The violation is continuous
 - The state has assessed a civil penalty against the violator
 - The alleged violator is subject to a proceeding under CERCLA
36. The most commonly used method of solid waste disposal in the United States is
- The midden heap
 - Open burning
 - Lined & capped sanitary landfills
 - Incineration in a modern incinerator

37. The most commonly used method of solid waste disposal in Western Europe is
- The midden heap
 - Open burning
 - Lined & capped sanitary landfills
 - Incineration in a modern incinerator
38. Open dumping is
- Beneficial to the public health
 - Beneficial to groundwater quality
 - A source of disease and vermin
 - An acceptable method of solid waste disposal
39. Ash from incineration of solid waste
- Can be used for fertilizer
 - Can be spread on playgrounds
 - Is often used in organic food production
 - Must generally be disposed of as hazardous waste under RCRA
40. Which one could not be a Superfund site?
- an electric equipment storage yard contaminated with PCBs
 - an oil field contaminated with petroleum
 - an apple orchard contaminated with arsenic based pesticides
 - a disposal area for mixed laboratory waste
41. Of the following, who is most likely to have CERCLA liability?
- Joe who inherited a property on the NPL from his uncle
 - ABC Bank which foreclosed on a site contaminated with CERCLA hazardous waste and which caused all of the waste to be piled in one corner of the property
 - Alfred upon whose property an unknown third party dumped PCB laced oil
 - J.R. Ewing who has severely contaminated his property with petroleum in the process of drilling for oil
42. What is the purpose of a manifest in hazardous waste management?
- record waste being disposed
 - used for transport of waste
 - record receipt by disposal site
 - all of the above
43. A generator of hazardous waste remains responsible for it until
- it is removed from the generator's property
 - it is delivered to a trucking firm
 - it is exported to some unsuspecting foreign country
 - potentially forever

44. A generator of hazardous waste must
- avoid inspections
 - make annual reports to regulatory agency (ies)
 - award disposal contracts to the disposal firm with the lowest prices
 - none of the above
45. Due diligence on the part of a RCRA hazardous waste generator means
- knowing where the waste is being generated in facilities owned or managed by the generator
 - finding the cheapest disposal site
 - hear no evil, see no evil
 - none of the above
46. Due diligence on the part of a RCRA hazardous waste generator means
- knowing the disposal site, and that it is properly licensed and managed
 - making a site visit to the disposal site
 - choosing a reputable waste transporter
 - all of the above
47. Violations of RCRA may be enforced through
- administrative compliance orders
 - injunctions
 - criminal penalties
 - all of the above
48. In situ solidification means
- that all hazardous waste has been removed from a site
 - EPA and the site owner have reached an impasse
 - migration of the waste has been stopped through injection of concrete or some other material
 - none of the above
49. Toxicity refers to the
- tendency of waste to catch on fire
 - tendency of waste to explode
 - poisonous character of waste
 - none of the above
50. RCRA hazardous waste may be dumped in sanitary landfills if
- it is only a small quantity
 - it is approved by the landfill director
 - it is undetected by EPA
 - it is never allowed
51. Hazardous byproducts used as boiler fuel or in fertilizer are not RCRA hazardous wastes.
- True
 - False

52. Pesticide registrations are reviewed on a
- 3-year cycle
 - 10 year cycle
 - 15 year cycle
 - 20 year cycle
53. Pesticide residues in foods are regulated under the
- Federal Food, Drug, and Cosmetic Act
 - Federal Insecticide, Fungicide, and Rodenticide Act
 - Clean Water Act
 - Solid Waste Disposal Act
54. Registration of pesticides is required under the
- Federal Food, Drug, and Cosmetic Act
 - Federal Insecticide, Fungicide, and Rodenticide Act
 - Clean Water Act
 - Solid Waste Disposal Act
55. The "Delaney Clause" effectively
- prohibited any carcinogenic pesticide residues in food
 - did not prohibit residues of non-carcinogenic pesticides that carried higher risks
 - was repealed in 1996
 - all of the above
56. A general use pesticide may
- be used without applicator certification
 - only with applicator certification
 - is not dangerous
 - be used on certified organic products
57. A restricted use pesticide may
- be used without applicator certification
 - only with applicator certification
 - is not dangerous
 - be used on certified organic products
58. Restricted use pesticides must
- always be used under the supervision of a certified operator
 - be used in conformity with the label (unlike general use pesticides)
 - be applied at night
 - none of the above

59. To qualify for registration a pesticide must
- perform its intended function
 - be deadlier than other pesticides
 - provided extended coverage
 - be safe to eat
60. Factors that EPA considers when evaluating a pesticide registration application include
- impact on groundwater
 - carcinogenicity
 - immunological effects
 - all of the above
61. FIFRA requires that certain pesticide registration data be kept confidential because
- the public might protest if it knew how deadly the pesticide was
 - to protect trade secrets
 - to hinder competition
 - none of the above
62. Under FIFRA pesticides include
- herbicides
 - insecticides
 - rodenticides
 - all of the above
63. Rodenticides are designed to kill
- coyotes
 - rats and mice
 - bacteria
 - cockroaches
64. Under FIFRA most enforcement is conducted by
- EPA
 - FDA
 - the states
 - local governments
65. Under FIFRA, states may
- register additional uses
 - add additional labeling requirements
 - approve pesticides for which the registration has been revoked by EPA
 - setting more stringent tolerances than those set by EPA
66. The Toxic Substance Control Act provides a unified, comprehensive regulatory scheme for all toxic substances used in our society.
- True
 - False

67. EPA may only regulate a substance when the scientific data for it is certain.

- a. True
- b. False

68. Risk assessment under the Toxic Substance Control Act includes

- a. hazard identification
- b. dose response assessment
- c. exposure assessment
- d. all of the above

69. The Toxic Substance Control Act requires that manufacturers develop comprehensive data on the chemicals that they propose to use.

- a. True
- b. False

70. EPA can be expected to analyze all of the chemicals regulated under the Toxic Substance Control Act within

- a. 2 years
- b. 5 years
- c. 10 years
- d. more than 50 years