

# Environmental Due Diligence – Keeping Up with What is New

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54<sup>th</sup> Annual William W. Gibson, Jr. Mortgage  
Lending and Servicing Institute  
September 17-18, 2020  
Austin, Texas

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1

## Overview

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- Why due diligence – overview of environmental law
- Superfund
- All Appropriate Inquiry/Phase I – What it is and isn't
  - What it is and isn't
  - Recent caselaw
  - PFAS and emerging chemicals

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2

2

## Concerns to Lenders

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- Indirect liability – economic loss
  - Ability of the borrower to repay loan
  - Diminution in value of collateral
  - Subordination of security interest to an environmental lien
  
- Direct Liability

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3

3

## Overview of Environmental Law

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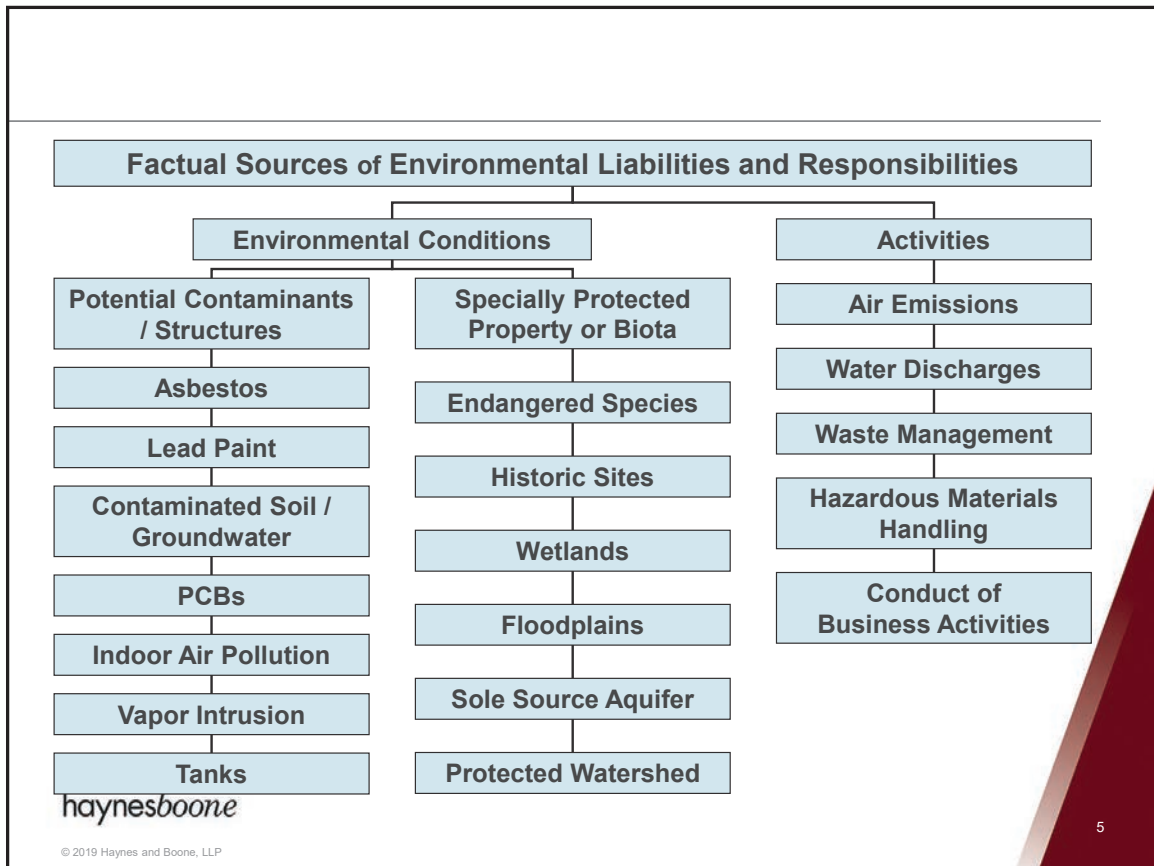
- Environmental laws are laws that regulate activities or conditions because of their effect or potential effect on public health, welfare and the environment.

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4

4



5

## Types of Environmental Programs

- Pollution Programs
- Chemical Handling Programs
- Conservation Programs

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6

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First appeared as part of the conference materials for the 54<sup>th</sup> Annual William W. Gibson, Jr. Mortgage Lending and Servicing Institute session "Environmental Due Diligence - Keeping Up With What Is New"