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ADEQ's Malone, Zendri Write Articles in ASU's Law Journal to Assist Buyers and Sellers in Land Transactions

PHOENIX (Oct. 14, 2014) – Waste Programs Division Director Laura Malone said she had always had a burning desire to be published in an academic journal. Administrative Counsel Sherri Zendri said it also had been high on her bucket list of things to do.

So, the stars aligned last month when Malone and Zendri had bookend articles published in the *Arizona State Law Journal* under the header “The Cost of Ignorance” about potential environmental pratfalls that could be out there for those selling and purchasing property and helpful advice to make those transactions go smoother.

Malone’s article, which focused on the available tools to minimize or avoid environmental liability in real estate transactions, discussed prospective purchaser agreements, soil cleanup standards, ADEQ’s voluntary remediation and brownfields programs, and what a declaration of environmental use restriction is.

Zendri’s article emphasized closing real estate deals and how ADEQ is more than a regulatory agency. She noted that the agency has more than 100,000 files and up to 60 million pages for public review relating to suspected and confirmed spills, permit documentation, compliance records, analytical data and more.

Zendri also wrote about what all is involved in disclosure of sellers and buyer due diligence along with helpful information like property owners must report to ADEQ releases from leaking underground storage tanks, hazardous waste, unauthorized discharges under aquifer protection permits and violations of Arizona Pollution Discharge Elimination System permits.

A phase 1 assessment is important in completing real estate transactions, Zendri said, “if you have suspicions like you see random concrete pads or you find areas of pooling water but no flood irrigation in the neighborhood or odd smells and ground that looks funny or the property backs up to a neighbor with all kinds of cars in the backyard.”

“The *Arizona State Law Journal* had not addressed these issues for a number of years and I’m happy that our talented staff was able to step up and provide these informative articles,” ADEQ Director Henry Darwin said.

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