

YVAN RAZAFINDRATANDRA – JEAN-LOUIS SÈVÈQUE

AVEC LA COLLABORATION DE
YVES PITHON

Sites pollués et potentiellement pollués

Identification et contrôle juridique et technique

Préface de

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Président du Tribunal administratif de
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Sites pollués et potentiellement pollués Yaël Pitoun, Yvan Razafindratandra, Jean-Louis Sévêque, 1998-01-01 T00:00:00+01:00 Cet ouvrage est une r dition num rique d un livre paru au XXe si cle d sormais indisponible dans son format d origine **Sites pollués et potentiellement pollués** Yvan Razafindratandra, Jean-Louis Sévêque, 1998 Les risques sanitaires engendr s par la pollution des sols inqui tent les autorit s publiques Inventaire des sites pollu s orphelins institution de garanties financi res taxe sur les DIS autant de mesures qui traduisent cette pr occupation Mais l tat environnemental d un site doit galment pr occuper le chef d entreprise parce qu il se chiffre et p se dans la balance comptable d une soci t Et c est tout le droit des affaires qui est affect par cette donne Aux Etats Unis ou en Grande Bretagne le march des transactins immobili res a t fortement perturb par des l gislations extr mement s v res En France il n existe pas de r glementation propre aux sols pollu s et c est dans ce contexte que le juge est souvent appel trancher les conflits et d signer les responsables Que risque un industriel qui d veloppe ses activit s sur un terrain d j pollu Le simple propri taire du terrain peut il tre inqui t Le juriste sait r pondre Comment se caract rise un sol pollu Comment entreprendre la r habilitation d un site et quel degr de d pollution l administration exige t elle Le juriste se tourne alors vers le technicien C est de cette collaboration qu est n Sites pollu s et potentiellement pollu s Identification et contr le juridique et technique Etat responsable des sites orphelins communes soucieuses de s curit et de salubrit publiques industriels exploitants ou simples propri taires priv s tous ceux qui sont ou seront amen s g rer un sol pollu trouveront dans cet ouvrage les r ponses juridiques et techniques leurs questions **Bulletin de documentation** ,1997 **Livres de France** ,1999 **Sites et sols pollués** Jean-Pierre Boivin, 2022-05-25 La politique de gestion des sites et sols pollu s mise en place ces trente derni res ann es a r cemment t boulevers e par des mesures notamment introduites par la loi ASAP en 2020 et par la loi Climat et R silience en 2021 Ce guide complet enti rement refondu dans cette 3e dition expose les nouvelles r gles leurs objectifs et leurs limites en abordant de fa on synth tique les aspects juridiques techniques et financiers de la gestion des sites et sols pollu s Ainsi cet ouvrage analyse la construction graduelle de la politique de gestion des sites et sols pollu s ainsi que ses diff rents prismes et objectifs expose le r le des diff rents acteurs et les r gles de la r habilitation d biteurs de l obligation prescriptions et sanctions organisation et gestion des chantiers moyens financiers d taille les mesures relatives la vigilance et au suivi des sites et sols pollu s p rennisation des mesures de gestion outils d urbanisme de vigilance et d accompagnement r gles relatives aux transactions immobili res Riche et pratique Sites et sols pollu s fournit tous les acteurs de la remise en tat industriels propri taires fonciers am nageurs tat lus locaux et leurs conseils associations une expertise technique et juridique et un clairage op rationnel permettant chacun de ma triser ses responsabilit s Cet ouvrage est galement destin aux magistrats avocats et notaires r dacteurs d actes portant sur des sites pollu s ou potentiellement pollu s Les bureaux d tudes y trouveront galement le cadre juridique qui structure d sormais leurs activit s **Les Livres disponibles** ,2003 La liste

exhaustive des ouvrages disponibles publiés en langue française dans le monde La liste des auteurs et la liste des collections de langue française *Livres hebdo*, 1998 **Un an de nouveautés**, 1999 **Code permanent** France, 1974 **La pollution des sols** Françoise Nési, 2010 *Revue de géographie de Lyon*, 1999 **Les sols pollués** Vanessa de Fátima Terrade, 2017 Au sein des pays à vocation démocratique les politiques publiques reconnaissent généralement qu'il est du devoir de l'État de promouvoir une société galitair e sans pauvreté en réduisant les disparités sociales et en travaillant en faveur de la protection de l'environnement Malheureusement dans de nombreux États tels que le Brésil l'application de ces politiques n'est pas effective notamment en ce qui concerne le droit des personnes disposer d'un logement sain Il en résulte que dans la pratique nous voyons de nombreuses familles habiter sur des sites extrêmement pollués ou subir de graves atteintes leur droit de jouir d'un environnement sain du fait qu'elles vivent tout près d'industries polluantes Il existe donc une violation manifeste des principes proclamés par ces États de Droit Face à ce constat l'objectif principal de cette thèse est de comprendre combien serait importante la gestion des sols pollués à partir de l'adoption de lois concernant la remise en état de ceux-ci Plus la loi portant sur la remise en état des sols serait développée plus les mécanismes de contrôle des sites pollués et potentiellement pollués seraient tendus et moins grands seraient les risques pour la population qui viendrait vivre sur ces sites ou dans les alentours de ceux-ci ce qui par conséquent favoriserait la promotion d'un environnement sain pour tous et l'émergence d'une société guidée par les principes de la justice environnementale La méthodologie est adoptée dans le cadre du droit comparé afin de démontrer l'évolution du droit fondamental à l'environnement en France et au Brésil et d'étudier des cas de pollution des sols dans ces deux pays Le choix de ceux-ci s'explique par le fait que la France pays industrialisé possède déjà une certaine tradition dans le domaine du contrôle des sites pollués et potentiellement pollués contrairement au Brésil pays en développement qui est encore en train de chercher à mettre en place des mécanismes tournés vers la connaissance de ses sols et l'adoption d'un système d'inventaire national De cette façon il sera possible de comprendre l'importance de la législation environnementale et du contrôle de l'administration publique afin de vraiment s'assurer du respect du droit fondamental à l'environnement pour la population de chacun de ces pays Ensuite nous évaluons les aspects socio-économiques des cas brésiliens afin de comprendre la relation entre la pollution des sols et l'injustice environnementale dans ce pays Ces diverses analyses nous amèneront à conclure que d'un point de vue juridique il n'existe pas de lien flagrant entre d'une part la pollution des sols occasionnée par les entreprises du secteur industriel et d'autre part les disparités sociales existant au sein des pays

Sites et sols pollués Jean-Pierre Boivin, Frédéric Defradas, 2013-10-23 La quatrième de couverture indique La politique nationale de gestion des sites et sols pollués mise en place prend en compte le lourd passif industriel de la France Cette politique est axée autour de la prévention de la pollution des sites industriels de la réhabilitation des sols en fonction de leur usage futur et de la conservation de la mémoire des pollutions résiduelles passées Cet ouvrage expose les nouvelles règles leurs objectifs et leurs limites en abordant de façon synthétique les aspects juridiques techniques et financiers de la gestion

des sites et sols pollués Cette 2e édition entièrement refondue analyse les évolutions profondes qui ont récemment bouleversé la matière L'ouvrage aborde ainsi l'action des pouvoirs publics en matière de traitement des sites et sols pollués Il détaille les objectifs de la réhabilitation présente les acteurs de cette réhabilitation et les règles applicables la normalisation et la certification ayant notamment professionnalisé le secteur La mise en place des études de sols l'interprétation de l'état des milieux IEM et le plan de gestion PG nécessaires aux responsables de sites est ensuite évoqué Le financement des opérations de réhabilitation est également exposé Enfin l'ouvrage retrace l'apport du juge judiciaire appelé à construire autour d'un nouvel ordre public environnemental un droit particulier de la vente et de la location des sites pollués puis explore les potentialités ouvertes par l'article L 556 1 du Code de l'environnement Riche et pratique Sites et sols pollués fournit tous les acteurs de la remise en état industriels propriétaires fonciers aménageurs tatés locaux et leurs conseils associations une expertise technique et juridique et un éclairage opérationnel permettant chacun de maîtriser ses responsabilités Cet ouvrage est également destiné aux magistrats avocats et notaires rédacteurs d'actes portant sur des sites pollués ou potentiellement pollués Les bureaux d'études y trouveront également le cadre juridique qui structure désormais leurs activités

Droit des sites et sols pollués Fabienne Labelle, Damien Thierry, 2018-05-28 Il est un constat qui ne connaît que peu de dissaccords le sol est notre patrimoine un patrimoine essentiel commun et privé tout à la fois et ce patrimoine est menacé par la pollution Les sites et sols pollués soulèvent des questions de droit innombrables quelles définitions Quelles réglementations Quelles responsabilités et réparations C'est l'avenir de ces sites et sols qui est en jeu et en son cœur la question des objets et des moyens

Gestion des sites et sols pollués ou potentiellement pollués au ministère de la défense Arthur Beaulieu, 2005

Gestion des sites (potentiellement) pollués France. Bureau de recherches géologiques et minières, France. Ministère de l'environnement, Bureau de recherches géologiques et minières, 1995

Sites et sols pollués Jean-Pierre Boivin, Jacques Ricour, 2005 Présente les circonstances de remise en état et les sites concernés les objectifs et les outils techniques de définition de remise en état les débiteurs de l'obligation de remise en état les moyens procéduraux et financiers le traitement du site la pérennisation la cession d'un terrain ayant supporté une installation industrielle ou agricole

L'entreprise face aux sites pollués Marie-Pierre Cravero, 2002 Le dispositif juridique employé par l'Etat pour prévenir et traiter les pollutions de sols d'origine industrielle s'avère inadapté aux objectifs et actions mener La lourdeur des obligations et des coûts l'incertitude juridique qui en découlent pour les entreprises appellent une évolution de ce droit Elle doit passer par une rationalisation du dispositif sur la base de concepts juridiques lisibles et incontestés Une modernisation des instruments juridiques et des moyens matériels de mise en œuvre des obligations par les entreprises est également nécessaire Un effort de juridicisation des pratiques développées par l'Etat et les entreprises doit en outre être fourni Le droit applicable aux sites pollués se révélera ainsi outre un terrain de collaboration entre l'Etat et les entreprises un ferment de progrès du droit de l'environnement

Sites et sols pollués: enjeux d'un droit, droit en jeu(x) Marie-Pierre Blin-Franchomme, 2010 Les sites pollués en interaction avec l'eau l

air et la biosphère constituent un phénomène social tant pour les générations actuelles que futures que l'on se place du point de vue de la protection de la santé de celle de l'environnement ou encore de l'objectif de villes durables en choisissant l'impact de leur réhabilitation matérielle la question du traitement juridique de ces passifs industriels n'a donc cessé depuis plusieurs années de s'amplifier portée par un contentieux nourri devant les juridictions administratives puis judiciaires et plus récemment par une importante actualité législative et réglementaire L'objectif de cet ouvrage collectif est donc de livrer une analyse du cadre juridique ainsi que l'assemblage de règles et d'instruments choisis ou privilégiés pour répondre des enjeux non seulement économiques mais également de sécurité juridique La riche actualité des sites et sols pollués méritait donc de porter des regards croisés sur notre droit et ses enjeux en ce domaine Ces terrains sont aussi des lieux pour lesquels le droit est en jeu exactement comme en attestent l'étude des incidences des montages sociaux une période où s'affirme le principe d'une responsabilité environnementale des sociétés modernes mais également celle de la technique contractuelle au regard des sites pollués

Classeur des sites (potentiellement) pollués Bureau de recherches géologiques et minières (France), 1998

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