

IVAN RAZAFINDRATANDRA - JEAN-LOUIS SÉVÈQUE

ANNE-SOPHIE DUCOURT ET ALAIN DE VILLEMEZ

TRÈS PÉDAGOGIQUE

# Sites pollués et potentiellement pollués

Identification et caractérisation juridique et technique

Préface

PIERRE COLIN

Le contexte réglementaire, les enjeux et les défis de la protection des sites pollués et potentiellement pollués

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PIERRE-PAULINE RENAUD-BUCHOT

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# Sites Pollues Et Potentiellement Pollues Identification Et Controle Juridique Et

**David Kirk**

## **Sites Pollues Et Potentiellement Pollues Identification Et Controle Juridique Et:**

**Sites pollués et potentiellement pollués** Yaël Pitoun,Yvan Razafindrataandra,Jean-Louis

Sévèque,1998-01-01T00:00:00+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 Razafindrataandra,Jean-Louis Sévèque,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 vres 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 appell 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 Nézi, 2010 Revue de géographie de Lyon, 1999 **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 passé 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 matière 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 décrite Le financement des opérations de réhabilitation est également exposé Enfin l'ouvrage retrace l'apport du juge judiciaire appel à construire autour d'un nouvel ordre public environnemental un droit prioritaire 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, locaux et leurs conseils associés une expertise technique et juridique et un clairage opérationnel permettant chacun de matériser 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 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 durable sans pauvreté en rendissant les disparités sociales et en travaillant en faveur de la protection de l'environnement Malheureusement dans de nombreux pays tels que le Brésil l'application de ces politiques n'est pas effective notamment en ce qui concerne le droit des personnes de 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 à 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 pays de Droit Face à ce constat l'objectif principal de cette théorie 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 manquements 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'émersion 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 développer 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 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 de l'autre les disparités sociales existant au sein des pays.

**Droit des sites et sols pollués** Fabienne Labelle, Damien Thierry, 2018-05-28

Il est un constat qui ne connaît que peu de succès : 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

**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 bénéfices de l'obligation de remise en état, les moyens procéduraux et financiers, le traitement du site, la prévention, la cession d'un terrain ayant support une installation industrielle ou agricole.

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

**L'entreprise face aux sites pollués** Marie-Pierre Cravero, 2002. Le dispositif juridique employé par l'Etat pour intervenir et traiter les pollutions de sols d'origine industrielle s'avère inadapté aux objectifs et actions mises en œuvre. 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 juridictionnalisation des pratiques développées par l'Etat et les entreprises doit en outre être fourni. Le droit applicable aux sites pollués sera revu ainsi, outre un terrain de collaboration entre l'Etat et les entreprises, un ferment de progressions du droit de l'environnement.

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

**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 thème 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 cherchant à l'impératif de leur régulation et d'amélioration de leur habilitation 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 comme en attestent l'étude des incidences des montages sociaux une période où s'affirme le principe d'une responsabilité environnementale des sociétés mais également celle de la technique contractuelle au regard des sites pollués

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