

Published on *The National Law Review* <https://natlawreview.com>

Institutional Controls and Pre-enforcement Review in Cleanup Cases

Article By:

David G. Mandelbaum

My October Environmental Practice Column in the [Pennsylvania Law Weekly](#) considers issues presented by the intersection of the bar on pre-enforcement review and reliance on "institutional controls." These issues come up in federal Superfund matters under the [Comprehensive Environmental Response, Compensation and Liability Act](#), 42 U.S.C. §§ 9601-75. However, the discussion was motivated by a September 4 ruling by the **Pennsylvania Environmental Hearing Board** on a motion in limine in [Barron v. Department of Environmental Protection](#), EHB No. 2011-142-L, a case under the [Pennsylvania Hazardous Sites Cleanup Act \("HSCA"\)](#), Pa. Stat. Ann. tit. 35, §§ 6020.101 to .1305. So, for example, if a remedy requires maintenance of intact pavement on a parking lot or a carbon filtration system on drinking water, can the landowner obtain review of that decision prior to enforcement? Read *Institutional Controls and Pre-enforcement Review in Cleanup Cases*, 35 Pa. L. Weekly 852 (Oct. 16, 2012), by clicking [here](#).

©2025 Greenberg Traurig, LLP. All rights reserved.

National Law Review, Volume II, Number 298

Source URL: <https://natlawreview.com/article/institutional-controls-and-pre-enforcement-review-cleanup-cases>