

Table of Contents

Volume 1

CHAPTER 1. UNDERSTANDING HAZARDOUS WASTE PRACTICE

- § 1:1 Introduction
- § 1:2 Approaches at EPA with shift to Trump administration

CHAPTER 2. INTRODUCTION TO RCRA PRACTICE

- § 2:1 Hazardous waste regulation overview—Introduction
- § 2:2 —Political aspects
- § 2:3 —Evolution
- § 2:4 —Policy
- § 2:5 Administration of RCRA—Structure
- § 2:6 —State roles
- § 2:7 —Rulemaking/judicial review
- § 2:8 Definitions—Waste vs. products
- § 2:9 —Statutory and regulatory definitions of solid waste: Subtitle D (“solid waste”) and Subtitle C (hazardous waste as a subset of “solid waste”)
- § 2:10 —Regulatory definition of solid waste—The concept of “discarded”
- § 2:11 ——The concept of “disposal”
- § 2:12 —Product
- § 2:13 —Treatment
- § 2:14 —Land disposal
- § 2:15 —Open dumps
- § 2:16 —Residual waste
- § 2:17 —Used oil
- § 2:18 —Universal waste
- § 2:19 —Universal treatment standards
- § 2:20 —Manifest
- § 2:21 —Remediation wastes—HWIR-media rule
- § 2:22 —Mixture and derived-from wastes
- § 2:23 Persons regulated by RCRA—Generators
- § 2:24 —Transporters
- § 2:25 —Treatment, storage and disposal facilities
- § 2:26 —Owner or operator
- § 2:27 —Facilities Under RCRA
- § 2:28 —Federal facilities
- § 2:29 —State immunity
- § 2:30 —Indian tribes
- § 2:31 Hazardous waste identification—Generally
- § 2:32 Defining hazardous wastes by listing—Statutory and regulatory terms
- § 2:33 —Background/EPA discretion
- § 2:34 —Exceptions
- § 2:35 —Delisting
- § 2:36 —Review of EPA listing decisions
- § 2:37 Defining hazardous wastes by characteristics

- § 2:38 —Methods of testing
- § 2:39 —Leaching potential (TCLP)
- § 2:40 —Burden of proof
- § 2:41 EPA special regulatory conventions
- § 2:42 —Identification of wastes under the mixture/derived-from rules
- § 2:43 —EPA's contained-in policy
- § 2:44 —Hazardous waste identification—Regulatory developments
- § 2:45 Specific waste determinations/exclusions—Introduction
- § 2:46 —Bevill/Bentsen Amendment Wastes—Overview
- § 2:47 —Bevill Amendments—Extraction and beneficiation wastes
- § 2:48 —Mineral processing wastes
- § 2:49 —Combustion wastes/cement kiln dust and the BIF rule—Combustion wastes/Coal Ash
- § 2:50 —Bentsen Amendments—Certain wastes from the exploration, development, or production of crude oil or natural gas or geothermal energy
- § 2:51 Mixed wastes
- § 2:52 Imports and exports
- § 2:53 Waste from academic laboratories
- § 2:54 Electronic waste (E-waste)
- § 2:55 Retail sector wastes: pharmaceuticals, aerosol cans

CHAPTER 3. WASTE GENERATOR AND TRANSPORTER REGULATION UNDER RCRA

- § 3:1 Generator requirements—Introduction
- § 3:2 —Classifying wastes
- § 3:3 —EPA identification numbers
- § 3:4 —Manifests
- § 3:5 —Pre-transport obligations
- § 3:6 —Records and reports
- § 3:7 —Land disposal restrictions
- § 3:8 Universal Waste and Universal Waste handlers
- § 3:9 Transporter requirements

CHAPTER 4. TREATMENT, STORAGE, AND DISPOSAL FACILITIES UNDER RCRA

- § 4:1 Introduction
- § 4:2 Substantive and procedural requirements—Overview
- § 4:3 Facility planning requirements
- § 4:4 Permitting process and requirements—Generally
- § 4:5 —Applicability/Permit-as-a-shield
- § 4:6 —The permitting process
- § 4:7 —Application submission
- § 4:8 —Review, issuance or denial of permit
- § 4:9 —Term, modification and conditions
- § 4:10 —Interim status facilities
- § 4:11 —Special forms of permits
- § 4:12 —Permits by rule
- § 4:13 —Emergency permits
- § 4:14 —Research, development and demonstration permits
- § 4:15 —Land treatment demonstration permits

TABLE OF CONTENTS

§ 4:16	— —Combustion permits
§ 4:17	— —Post-closure permits
§ 4:18	— —Remedial action permits
§ 4:19	— —Standardized permits
§ 4:20	General facility requirements
§ 4:21	—Preparedness and prevention/Contingency plan and emergency procedures
§ 4:22	—Manifests, records and reports
§ 4:23	— —Manifest requirements
§ 4:24	— —Waste minimization certification and documentation
§ 4:25	— —Land disposal restriction (LDR) records
§ 4:26	—Closure/Post-closure care
§ 4:27	— —Closure
§ 4:28	— —Post-closure care
§ 4:29	Financial assurance
§ 4:30	—Post-closure at facilities that are not permitted
§ 4:31	—Accident liability requirements
§ 4:32	—Closure/Post-closure care financial requirements
§ 4:33	—Advanced financial assurance mechanisms
§ 4:34	—Conclusion
§ 4:35	Standards for specific TSDF units
§ 4:36	—Tanks and containers
§ 4:37	—Containment buildings
§ 4:38	—Land-based units
§ 4:39	— —Drip pads
§ 4:40	— —Landfills
§ 4:41	— — —Permit obligations
§ 4:42	— — —Design and operating requirements
§ 4:43	— — —Inspection, release prevention and response
§ 4:44	— — —Closure
§ 4:45	— —Land treatment units
§ 4:46	— —Surface impoundments
§ 4:47	— —Waste piles
§ 4:48	— —Miscellaneous units
§ 4:49	—Hazardous waste combustion facilities
§ 4:50	— —Overview
§ 4:51	— —Unit regulated—Incinerators
§ 4:52	— — —Boiler and industrial furnaces (BIFs)
§ 4:53	— —Regulations—RCRA requirements
§ 4:54	— — —Performance standards
§ 4:55	— — —Operating requirements
§ 4:56	— — —CAA requirements
§ 4:57	—Military munitions/Hazardous waste munitions and explosives storage
§ 4:58	—Military munitions/Hazardous waste munitions and explosives storage— Definition of military munitions
§ 4:59	— —Determining whether munitions are solid waste
§ 4:60	— —Closed, transferring or transferred ranges
§ 4:61	— —Munitions and explosives storage
§ 4:62	Land Disposal Restriction Program—Introduction
§ 4:63	—Applicability
§ 4:64	—Land Disposal Restriction prohibitions
§ 4:65	— —Dilution prohibition

- § 4:66 ——Storage prohibition
- § 4:67 ——Disposal prohibition
- § 4:68 ——Treatment standards
- § 4:69 ——Variances from treatment standards
- § 4:70 ——Alternative treatment standards
- § 4:71 —LDR notification, certification and recordkeeping
- § 4:72 —History of the Land Disposal Restriction Program
- § 4:73 Groundwater monitoring
- § 4:74 Air emission standards
- § 4:75 —Process vent requirements
- § 4:76 —Equipment leak requirements
- § 4:77 —Tanks, surface impoundments and containers requirements
- § 4:78 State and federal roles
- § 4:79 Appeals and judicial review of permitting decisions

CHAPTER 5. RCRA ENFORCEMENT

- § 5:1 Administrative orders—Introduction
- § 5:2 —Elements
- § 5:3 —Penalty policy
- § 5:4 —Administrative order process
- § 5:5 —Judicial review
- § 5:6 —Settlement
- § 5:7 —Corrective action orders
- § 5:8 —Orders terminating permits
- § 5:9 —Self-auditing
- § 5:10 —Attorney fee awards
- § 5:11 —OSHA administrative enforcement
- § 5:12 Civil litigation by EPA or authorized states—Introduction
- § 5:13 —Process
- § 5:14 —Burdens
- § 5:15 —Remedies
- § 5:16 —State actions
- § 5:17 —Defenses
- § 5:18 —Settlement
- § 5:19 Criminal enforcement—Elements
- § 5:20 —Penalties
- § 5:21 —Imminent danger
- § 5:22 —Definitions
- § 5:23 —Evidence
- § 5:24 —Individual liability
- § 5:25 —Avoidance
- § 5:26 —History
- § 5:27 —State environmental crimes
- § 5:28 Inspections
- § 5:29 —State-federal relationships
- § 5:30 EPA’s Imminent Hazard Authority—RCRA § 7003
- § 5:31 RCRA citizen suits—Introduction
- § 5:32 —Notice
- § 5:33 —Special remedies for “imminent hazards”—Definitions
- § 5:34 ——Burdens
- § 5:35 ——Evidence

TABLE OF CONTENTS

- § 5:36 ——Remedies
- § 5:37 ——Health assessments
- § 5:38 —Remedies
- § 5:39 —Defenses
- § 5:40 —Standing
- § 5:41 —State activities
- § 5:42 —Preclusion by governmental actions/Preemption
- § 5:43 —Wholly past violations
- § 5:44 —Sovereign immunity
- § 5:45 —Legal fees
- § 5:46 —Policy issues concerning citizen suits
- § 5:47 Pre-enforcement self-audits
- § 5:48 EPA efforts to ensure compliance and enforcement

CHAPTER 6. UNDERGROUND STORAGE TANK REGULATIONS UNDER RCRA

- § 6:1 Introduction
- § 6:2 UST regulation overview
- § 6:3 What is regulated as a UST?
- § 6:4 Technical requirements for underground storage tank systems
 - Upgrading of “existing” UST systems
- § 6:6 —Notification requirements
- § 6:7 General operating requirements
- § 6:8 —Spill and overfill control
- § 6:9 —Operation and maintenance of corrosion protection
- § 6:10 —Compatibility
- § 6:11 —Repairs
- § 6:12 —Reporting and record keeping
- § 6:13 Periodic testing and periodic inspections
- § 6:14 Release detection
 - § 6:15 —Leak detection requirements for petroleum UST systems
 - § 6:16 —Leak detection requirements for hazardous substance UST systems
- § 6:17 Release reporting, investigation, and confirmation
- § 6:18 Release response and corrective action/hazardous waste cleanup
- § 6:19 Release response and corrective action/hazardous waste cleanup—Initial abatement measures
- § 6:20 Corrective action/Hazardous Waste Cleanup requirements
- § 6:21 Corrective action/Hazardous waste cleanup requirements—Public participation
- § 6:22 Hazardous Waste Cleanup (formerly Corrective Action) requirements—Closure of UST systems
- § 6:23 Financial responsibility
- § 6:24 Lender liability for UST releases
- § 6:25 Operator training
- § 6:26 UST Systems with Field-Constructed Tanks (FCTs) and Airport Hydrant Fuel Distribution Systems (AHSs)
- § 6:27 Approval of state underground storage tank programs
- § 6:28 Enforcement
- § 6:29 Adjacent property owner remedies for leaking UST
- § 6:30 The MTBE controversy
- § 6:31 UST on tribal lands

§ 6:32 UST redevelopment programs

CHAPTER 7. THE RCRA HAZARDOUS WASTE CLEANUP PROGRAM AND CURRENT REGULATORY STATUS (FORMERLY CORRECTIVE ACTION PROGRAM)

- § 7:1 Background and introduction
- § 7:2 Overview of the Hazardous Waste Cleanup Program
- § 7:3 Overview of the Hazardous waste cleanup program—RCRA Facility Assessment (RFA)
 - RCRA Facility Investigation (RFI)
 - § 7:5 —Interim actions
 - § 7:6 Overview of the Hazardous Waste Cleanup Program—Corrective measure study
 - § 7:7 —Action levels
 - § 7:8 —Remedy selection
 - § 7:9 Definitions—Corrective Action Management Unit
 - § 7:10 —Definition of CAMU for purposes of § 264.550(a), CAMUs generally
 - § 7:11 —Definition of CAMU for purposes of § 264.550(b), Grandfathered CAMUs
 - § 7:12 —CAMU-eligible waste
 - § 7:13 —Facility
 - § 7:14 —Hazardous waste and hazardous constituents
 - § 7:15 —Release
 - § 7:16 —Remedial Action Plans (RAPs)
 - § 7:17 —Remediation waste management site
 - § 7:18 —Remediation waste
 - § 7:19 —Solid waste management unit
 - § 7:20 —Staging pile
 - § 7:21 —Temporary Unit (TU)
 - § 7:22 Status of EPA's implementation of the Hazardous Waste Cleanup Program
 - § 7:23 General authority and background for CAMU rules
 - § 7:24 —Corrective Action Management Units (CAMU)
 - § 7:25 —Temporary Units (TU)
 - § 7:26 —Staging piles
 - § 7:27 —Grandfathered CAMUs
 - § 7:28 —Disposal of CAMU-eligible wastes in permitted hazardous waste landfills
 - § 7:29 RCRA cleanup regulations
 - § 7:30 —Remedial action plan rules
 - § 7:31 Hazardous Waste Cleanup Program Reforms—RCRA Cleanup Reforms I
 - § 7:32 —Hazardous Waste Cleanup Program initiatives under the Government Performance and Results Act (GPRRA)
 - § 7:33 —Expanding measures to success
 - § 7:34 Hazardous Waste Cleanup Program Completion
 - § 7:35 Relationship of the RCRA Hazardous Waste Cleanup Program to other programs
 - § 7:36 Public participation requirements
 - § 7:37 State authorization to conduct Hazardous Waste Cleanup
 - § 7:38 RCRA Brownfields programs

CHAPTER 8. FEDERAL FACILITIES AND MANAGEMENT OF WASTE UNDER RCRA

§ 8:1 Federal facilities and management of solid waste under RCRA—Generally

TABLE OF CONTENTS

- § 8:2 —Federal Facility Compliance Act (FFCA) of 1992 and Executive Orders
- § 8:3 —Compliance—Waiver of sovereign immunity: RCRA § 6001, 42 U.S.C.A. § 6961, FFCA § 102
- § 8:4 —Waste minimization: RCRA § 3002(b), 42 U.S.C.A. § 6922
- § 8:5 —Military munitions: RCRA § 3004(y), FFCA § 107
- § 8:6 —Inspections: RCRA § 3007
- § 8:7 —Inventory of federal agency hazardous waste facilities: RCRA § 3016
- § 8:8 —Mixed waste
- § 8:9 —EPA's mixed waste rule: 40 C.F.R. §§ 266.210 et seq.
- § 8:10 —Inventory reports and plan: RCRA § 3021, FFCA § 105
- § 8:11 —Federally-Owned Treatment Works: RCRA § 3023, FFCA § 108
- § 8:12 Federal facilities and RCRA's UST program
- § 8:13 Enforcement of RCRA at federal facilities
- § 8:14 —Civil enforcement—§ 3008 enforcement authority
- § 8:15 ——§ 7003 enforcement authority
- § 8:16 ——§ 9006 enforcement authority
- § 8:17 —Criminal enforcement
- § 8:18 —State and citizen enforcement authority—State/tribal enforcement
- § 8:19 ——Citizen enforcement
- § 8:20 Federal Facilities Restoration and Reuse Office

CHAPTER 9. OVERVIEW OF CERCLA

PART I. BACKGROUND

- § 9:1 Introduction
- § 9:2 Remedial purpose
- § 9:3 Legislative history of CERCLA and its amendments
- § 9:4 Evolution
- § 9:5 Significance of the 1986 SARA statute
- § 9:6 Examining the need for improvement
- § 9:7 The 1996 Lender Protection Amendments
- § 9:8 The 1999 Scrap Amendments
- § 9:9 The 2002 Liability Relief Amendments (“Brownfields Amendments”) and the BUILD Act

PART II. LAND REVITALIZATION PROGRAMS

- § 9:10 EPA's land revitalization programs
- § 9:11 —Federal Brownfields program
- § 9:12 —State and tribal Brownfield programs—Voluntary cleanups—Overview
- § 9:13 Superfund redevelopment

PART III. DEFINITIONS

- § 9:14 Statutory definitions—Generally
- § 9:15 —Arranger
- § 9:16 —Disposal
- § 9:17 —Environment
- § 9:18 —Facility
- § 9:19 —Hazardous substance
- § 9:20 —Petroleum exception
- § 9:21 —Owner or operator
- § 9:22 —Persons and states

- § 9:23 —Pollutant
- § 9:24 —Release
- § 9:25 —Responsible party
- § 9:26 —Treatment
- § 9:27 —Waste
- § 9:28 —Exclusions
- § 9:29 —Federally permitted release
- § 9:30 —Imminent danger
- § 9:31 —Monitor
- § 9:32 —“Remove/Removal” “Remedy/Remedial action” “Response Costs”

PART IV. REPORTS, NOTIFICATION, AND THE NPL LISTING

- § 9:33 Notification requirements
- § 9:34 Reportable quantities of releases
- § 9:35 National Priorities List
- § 9:36 —Effects of listing
- § 9:37 —Methods of listing
- § 9:38 —State nominations
- § 9:39 —ATSDR nominations
- § 9:40 —EPA decisions to list
- § 9:41 —Challenges against listing
- § 9:42 —Deletions from the list
- § 9:43 —State actions
- § 9:44 National Contingency Plan—Introduction
- § 9:45 —NCP quality standards
- § 9:46 —NCP Amendments
- § 9:47 —Challenges to the NCP
- § 9:48 —Rulemaking
- § 9:49 —Burdens to recover costs
- § 9:50 ——Recoverable costs
- § 9:51 ——Processes for determination
- § 9:52 ——Timing
- § 9:53 ——Limitations

PART V. PERSONS LIABLE UNDER CERCLA

- § 9:54 Persons liable under CERCLA—Owners and operators
- § 9:55 Sovereign immunity of government entities—Federal immunity
- § 9:56 —State issues
- § 9:57 —Local
- § 9:58 CERCLA and corporate relationships—The Supreme Court view
- § 9:59 —Owners
- § 9:60 —Intent
- § 9:61 —Nature of the waste
- § 9:62 —Parent and subsidiary
- § 9:63 —Lease-based liability
- § 9:64 —Real estate and brokerage issues
- § 9:65 —Close corporations and individuals
- § 9:66 Contractor liability
- § 9:67 Partnership liability
- § 9:68 Merger and acquisition based liability

TABLE OF CONTENTS

- § 9:69 Operator liability
- § 9:70 Liability despite passive inactivity
- § 9:71 Effect of owner and arranger status
- § 9:72 Cases with multiple defendants
- § 9:73 Liability through arranger status
- § 9:74 Illustrative cases of arranger status
- § 9:75 Intent of the actor
- § 9:76 Liability of transporters
- § 9:77 “Disposals”
- § 9:78 Financial arrangements/Bankruptcy/Financial assurance
- § 9:79 Liability of non-owner operators
- § 9:80 “Innocent owner” defenses

PART VI. AVOIDING CERCLA LIABILITY

- § 9:81 EPA audit policy—“Incentives for self-policing: Discovery, disclosure, correction and prevention of violations”
- § 9:82 Liability of dissolved corporations, trusts and estates
- § 9:83 Liability of recyclers and scrap dealers
- § 9:84 Exclusion for recycled oil—Service station dealers
- § 9:85 Covenants not to sue
- § 9:86 Shifting and allocating liabilities
- § 9:87 Corporate successors

PART VII. HOW EPA RESPONDS

- § 9:88 The EPA’s response authorities
- § 9:89 Removal
- § 9:90 Remedial actions
- § 9:91 Distinction between removal and remedial actions

PART VIII. INVESTIGATING SITES

- § 9:92 Investigations
- § 9:93 Physical access and searches
- § 9:94 Effect of CERCLA actions on adjacent properties

PART IX. ENFORCEMENT REMEDIES

- § 9:95 Unilateral administrative orders
- § 9:96 Judicial review
- § 9:97 Constitutional challenges
- § 9:98 Abatement and cost recovery actions—Private causes of action
- § 9:99 Burdens of proof
- § 9:100 Declaratory judgments (113(g))
- § 9:101 Joint and several liability

PART X. RECOVERING CLEANUP COSTS

- § 9:102 Allowable costs
- § 9:103 Statute of limitations for cost recovery
- § 9:104 Limitation on recovery of future costs
- § 9:105 Petitions
- § 9:106 Exhaustion of remedies
- § 9:107 Owner liability
- § 9:108 Non-recoverable costs

- § 9:109 Defenses
- § 9:110 Consistency of costs with the NCP
- § 9:111 Recoupment
- § 9:112 Attorneys' obligations

PART XI. SETTLING CERCLA CASES

- § 9:113 Settlement requirements

PART XII. PRIVATE CERCLA SUITS

- § 9:114 Private party suits
- § 9:115 Burdens of proof
- § 9:116 Costs
- § 9:117 Consistency with the National Contingency Plan
- § 9:118 Interplay of §§ 113 and 107
- § 9:119 Limits on private party actions
- § 9:120 Real estate issues
- § 9:121 Judicial review
- § 9:122 Procedural issues
- § 9:123 State authority
- § 9:124 False Claims Act litigation
- § 9:125 Private CERCLA suits—Statutes of limitations
- § 9:126 Lender obligations
- § 9:127 Other statutes

PART XIII. PUBLIC INVOLVEMENT AND CITIZEN ENFORCEMENT

- § 9:128 Notice to the public
- § 9:129 Citizen suits—Overview
- § 9:130 —Elements
- § 9:131 —Proper plaintiffs
- § 9:132 —Persons subject to suit
- § 9:133 —Immunity of states
- § 9:134 —Federal facilities
- § 9:135 —Procedural issues
- § 9:136 —Preclusion of suits
- § 9:137 —Legal standing to sue
- § 9:138 —Continuing violations
- § 9:139 —Remedies
- § 9:140 —Intervention
- § 9:141 —Mootness
- § 9:142 —Other litigation
- § 9:143 —Statutes of limitations
- § 9:144 —Notice
- § 9:145 The Superfund—Funding clean-up activities—The Trust Fund and special accounts
- § 9:146 Preemption issues and CERCLA
- § 9:147 Statute of limitations—Timing of suits under CERCLA—Overview
- § 9:148 —Contribution actions
- § 9:149 —Cost recovery actions—Removal actions and remedial actions
- § 9:150 —Natural resources damage claims
- § 9:151 —Tribal actions

TABLE OF CONTENTS

- § 9:152 —Federally required commencement date (FRCD)—Discovery rule
- § 9:153 —Citizen suits
- § 9:154 —Equitable tolling
- § 9:155 —The impact of CERCLA § 113(h) on the timing of an action under CERCLA

PART XIV. STATE LAW ACTIONS FOR INJURY OR DAMAGES FROM HAZARDOUS SUBSTANCES

- § 9:156 Federally required commencement date (FRCD)—Generally
- § 9:157 —Purpose of the FRCD
- § 9:158 —Effect on rules/statutes of repose
- § 9:159 —Necessity of an underlying CERCLA action
- § 9:160 —Effect when state and federal periods are identical
- § 9:161 —Elements necessary for the section to apply
- § 9:162 ——Statutory terms—“Personal injury” or “Property damages”
- § 9:163 ——Pollutant/contaminant
- § 9:164 ——“Reasonably should have known”
- § 9:165 ——“Released into environment”
- § 9:166 ——Facility
- § 9:167 —Claims to which § 309 is not applicable
- § 9:168 —Other issues

PART XV. EMPLOYEE COMPLAINT PROTECTIONS

- § 9:169 Employee “whistleblowers”
- § 9:170 —Statute of limitations
- § 9:171 —Judicial review/costs recoverable
- § 9:172 —Evaluations of impact of § 110
- § 9:173 —Sovereign immunity
- § 9:174 —Judicial review of whistleblower claims
- § 9:175 —State immunity from whistleblower suits

PART XVI. CRIMINAL ENFORCEMENT OF CERCLA

- § 9:176 Criminal enforcement of CERCLA
- § 9:177 CERCLA criminal liability—Procedural considerations/Practical considerations

CHAPTER 10. CERCLA PLAYERS AND THEIR ROLES

- § 10:1 Central role of the EPA—Structure
- § 10:2 —Powers
- § 10:3 Roles of the states—Introduction
- § 10:4 —State assurances
- § 10:5 —Cooperative agreements
- § 10:6 —State Memorandum of Agreement
- § 10:7 —State contracts
- § 10:8 Local government roles—Political aspects
- § 10:9 —Response actions
- § 10:10 —Removal actions
- § 10:11 —Community relations plans
- § 10:12 —Statutory protection from liabilities
- § 10:13 —Public meetings
- § 10:14 —Funds for participation

- § 10:15 —Changes to the Record of Decision (ROD)
- § 10:16 —State-federal conflict
- § 10:17 EPA and the public—Practical aspects
- § 10:18 —Public notice of listings
- § 10:19 —Public notice of delistings
- § 10:20 Media relations and CERCLA—Background
- § 10:21 —National Contingency Plan
- § 10:22 —Practice pointers
- § 10:23 Contractor relations and liabilities—Central role of contractors
- § 10:24 —CERCLA contractors & tools
- § 10:25 —On-Scene Coordinators & Contracting tools: removal actions, remedial design & remedial action
- § 10:26 —Greener Cleanups & Green Remediation
- § 10:27 Contractor relations and liabilities
- § 10:28 —Technical Support Coordination Division (TCSD)
- § 10:29 —Community Involvement / Training and Professional Development
- § 10:30 —Contractor conflict of interests
- § 10:31 —Administrative sanctions against contractors
- § 10:32 —Limitations on contractor liability
- § 10:33 —Contractor indemnification
- § 10:34 Agency for Toxic Substances & Disease Registry—Background
- § 10:35 —Mission
- § 10:36 —CERCLA health assessments
- § 10:37 —Elements of health assessments
- § 10:38 —Impact on CERCLA Actions
- § 10:39 —Community petitions
- § 10:40 —Review of ATSDR activities
- § 10:41 —Other uses of assessments
- § 10:42 —Practice pointers
- § 10:43 —Litigation consequences
- § 10:44 —Medical monitoring
- § 10:45 —The ATSDR's duties under other environmental statutes
- § 10:46 Roles in removal actions—Generally
- § 10:47 —Short-term removals
- § 10:48 —Medium-term removals
- § 10:49 —Long-term removals
- § 10:50 Roles in remedial actions—Background
- § 10:51 —Before the Remedial Investigation (RI) phase
- § 10:52 —Activity after the Remedial Investigation phase
- § 10:53 —Record of decision activity

CHAPTER 11. THE CERCLA ADMINISTRATIVE PROCESS

- § 11:1 Overview of CERCLA management
- § 11:2 —Office of Superfund Remediation and Technology Innovation (OSRTI)
- § 11:3 —EPA regional offices
- § 11:4 —Parties involved: OSC, RPM, PRPs
- § 11:5 —Rulemaking/Administrative reforms
- § 11:6 —Judicial review
- § 11:7 Overview of cleanup process
- § 11:8 —Site discovery or notification

TABLE OF CONTENTS

- § 11:9 —Superfund Alternative Approach (SAA)
- § 11:10 —Removal site evaluation
- § 11:11 —Remedial site evaluation
- § 11:12 National Priorities List (NPL)
- § 11:13 —Hazard ranking score (HRS)
- § 11:14 —Deletions from the NPL
- § 11:15 —State “Mini-CERCLA” lists and deferrals from the NPL 42 U.S.C.A. § 9605(h)
- § 11:16 National Contingency Plan (NCP)
- § 11:17 —Response actions
- § 11:18 —Cost recovery litigation
- § 11:19 —Types of response actions
- § 11:20 —Preliminary assessment (PA)
- § 11:21 —Site inspections (SI)
- § 11:22 —Removal actions
- § 11:23 —Remedial actions
- § 11:24 —Phase I—RI/FS, Remedy Selection, ROD
- § 11:25 —Remedial investigation (RI)
- § 11:26 —Applicable or relevant and appropriate requirements (ARARs)
- § 11:27 —RI/FS, Remedy Selection, ROD—Feasibility study (FS)
- § 11:28 —Remedy selection
- § 11:29 —Record of decision (ROD)
- § 11:30 —Post-ROD administrative record additions
- § 11:31 —Phase II—RD/RA and O&M
- § 11:32 Site reuse/redevelopment

Volume 2

CHAPTER 12. SITE MANAGEMENT IN A CERCLA CASE

- § 12:1 Phases of a case
- § 12:2 Notification of site contamination
- § 12:3 —Section 103(a) and (c) notices
- § 12:4 —Resource Conservation and Recovery Act notice requirement
- § 12:5 —Section 105(d) petitions
- § 12:6 —Other sources of notice
- § 12:7 —Implication of CERCLIS listing
- § 12:8 Preliminary assessment and site inspection (PA/SI)
- § 12:9 —Preliminary assessments
- § 12:10 —Focused site inspection
- § 12:11 —Expanded site inspection
- § 12:12 National Priorities List (NPL)
- § 12:13 —Hazard Ranking System
- § 12:14 —State designation
- § 12:15 —Agency determination
- § 12:16 —Challenging listings—Mechanics of challenging a listing on the NPL
- § 12:17 —Arguments for challenging
- § 12:18 —Delisting and deferrals from the NPL—Delisting
- § 12:19 —State “mini-CERCLA” lists and deferrals from the NPL (42 U.S.C.A. § 9605(h))
- § 12:20 Naming potentially responsible parties (PRPs)

- § 12:21 —PRP identification
- § 12:22 —Section 104 letters
- § 12:23 ——Information requests/Ability to pay
- § 12:24 ——Enforcement of § 104 information request and ability to pay letters
- § 12:25 ——Practice pointers
- § 12:26 ——Site access
- § 12:27 ——Enforcement of site access under § 104(e)
- § 12:28 ——Potentially responsible party information gathering
- § 12:29 —Notice letters
- § 12:30 ——General notice letters
- § 12:31 ——Special notice letters
- § 12:32 ——Negotiation moratorium for response actions
- § 12:33 ——Negotiation moratorium for removal actions
- § 12:34 Remedial investigations (RIs)
- § 12:35 —Agency position on PRPs conducting the RI
- § 12:36 —Remedial investigation requirements
- § 12:37 ——Field investigations and treatability studies
- § 12:38 ——Baseline risk assessment
- § 12:39 ——Applicable or relevant and appropriate requirements
- § 12:40 ——Opportunities for PRP involvement
- § 12:41 Feasibility studies (FSs)
- § 12:42 —Guiding development and screening remedial alternatives
- § 12:43 —Viable remedial alternative analysis
- § 12:44 —Agency position on PRP participation
- § 12:45 Remedy selection and the record of decision (ROD)—Remedy selection and the proposed plan
- § 12:46 —Record of Decision (ROD)
- § 12:47 ——Amendments to RODs
- § 12:48 ——Potentially responsible party influence on the ROD
- § 12:49 Pre-enforcement judicial review of EPA action—CERCLA § 113(h)—Timing of judicial review
- § 12:50 ——Actions brought under state law or that do not directly affect an EPA response action
- § 12:51 ——Challenges involving consent decrees or consent orders
- § 12:52 ——Exceptions to preclusion of judicial review
- § 12:53 —Exceptions to preclusion of judicial review—Cost recovery or contribution action—§ 113(h)(1)
- § 12:54 ——Enforce order issued under CERCLA § 106(a) or recover penalty for violation of order—§ 113(h)(2)
- § 12:55 ——Citizen suit alleging violation of CERCLA—§ 113(h)(4)
- § 12:56 ——Constitutional challenges
- § 12:57 —Judicial review—CERCLA § 113(j)
- § 12:58 Remedial design (RD) and remedial action (RA)
- § 12:59 Potentially Responsible Party organization at Superfund site—Formation of PRP group
- § 12:60 —Sole PRP strategies
- § 12:61 —Phase I: Initial agreements and committees
- § 12:62 ——Initial agreement
- § 12:63 ——Committees
- § 12:64 ——Steering committee
- § 12:65 ———*De minimis* and *de micromis* committee
- § 12:66 ———Technical committee

TABLE OF CONTENTS

§ 12:67	— — —Legal committee
§ 12:68	— — —Allocation committee
§ 12:69	Allocation factors—Generally
§ 12:70	—PRP allocation
§ 12:71	—Orphan share allocation
§ 12:72	—The Gore Amendment
§ 12:73	—Other equitable considerations
§ 12:74	—Issues as to particular parties
§ 12:75	Allocation Factors—Uniform Comparative Fault Act (UCFA—proportionate share) and Uniform Contribution Among Tortfeasors Act (UCATA—pro tanto)
§ 12:76	Phase II: Trust agreements and non-settling parties
§ 12:77	—Trust agreements
§ 12:78	—Non-settling parties

CHAPTER 13. SETTLEMENT AND CONSENT DECREES IN CERCLA ACTIONS

§ 13:1	The settlement and consent process
§ 13:2	—Moratorium triggered by special notice letters
§ 13:3	—Steering committee organization
§ 13:4	—Public participation
§ 13:5	—Nonbinding preliminary allocation of responsibility (NBAR)
§ 13:6	—Mixed funding settlements
§ 13:7	—PRP allocation
§ 13:8	Good faith offers
§ 13:9	Department of Justice settlement approval
§ 13:10	Court approval of settlements
§ 13:11	Negotiating parties—Steering committee or decree negotiating team
§ 13:12	—Government technical personnel and attorneys
§ 13:13	Negotiating consent decrees
§ 13:14	Covenant not to sue
§ 13:15	—Remedial design/remedial action consent decrees
§ 13:16	—Reopeners
§ 13:17	—Other matters
§ 13:18	—Prospective purchaser agreements
§ 13:19	— — <i>De minimis</i> settlements
§ 13:20	Contribution protection
§ 13:21	—Matters addressed
§ 13:22	—Contribution waiver
§ 13:23	Performance standards, additional response actions & technical impracticability
§ 13:24	Dispute resolution
§ 13:25	—Arbitration under CERCLA and its regulations
§ 13:26	—Model RD/RA consent decree—Dispute resolution provisions
§ 13:27	— — Stipulated penalties
§ 13:28	<i>De minimis</i> settlements
§ 13:29	— — <i>De minimis</i> waste contributor
§ 13:30	—Settlement terms involving <i>De minimis</i> parties
§ 13:31	— — <i>De minimis</i> landowners
§ 13:32	— — Prospective purchasers
§ 13:33	— — Settlements involving municipal solid waste (MSW)

- § 13:34 —Ability to pay/Expedited settlements
- § 13:35 *De micromis* settlements
- § 13:36 Challenging entry of a consent decree
- § 13:37 —Factors courts consider when reviewing a consent decree—
Reasonableness
- § 13:38 —Procedural fairness
- § 13:39 —Substantive fairness
- § 13:40 —Consistency with CERCLA's purposes
- § 13:41 Administrative settlements
- § 13:42 —Administrative order on consent
- § 13:43 —Unilateral administrative order under § 106 for removal response actions

CHAPTER 14. THE NATURE OF CLAIMS, CHALLENGES, AND DEFENSES UNDER CERCLA §§ 106 AND 107

- § 14:1 Section 106 actions
- § 14:2 —Necessary circumstances for § 106 order issuance
- § 14:3 —Practical strategies
- § 14:4 —Cleanup standards
- § 14:5 —Potentially responsible party reimbursement under § 106(b)(2)
- § 14:6 —Penalties and damages for failure to comply with § 106 order
- § 14:7 —Treble damages
- § 14:8 —“Sufficient cause” defense
- § 14:9 Defenses in § 106 actions—Generally
- § 14:10 Pre-enforcement judicial review of EPA actions under § 106 and § 107—
CERCLA § 113(h)
- § 14:11 —Exceptions to preclusion of judicial review
- § 14:12 —Cost recovery or contribution action—§ 113(h)(1)
- § 14:13 —Enforce order issued under CERCLA § 106(a) or recover penalty for
violation of order—§ 113(h)(2)
- § 14:14 —Reimbursement under CERCLA § 106(b)(2) to § 113(h)(3)
- § 14:15 —Citizen suit alleging violation of CERCLA—§ 113(h)(4)
- § 14:16 —Action under § 106 to compel remedial action—§ 113(h)(5)
- § 14:17 —Constitutional challenges
- § 14:18 —Judicial review—CERCLA § 113(j)
- § 14:19 Section 107 actions—Generally
- § 14:20 —Liability under CERCLA § 107
- § 14:21 —Liability for natural resource damages
- § 14:22 —Federal agency liability
- § 14:23 —Defenses
- § 14:24 —Limitations of or exemptions from liability under § 107
- § 14:25 —Indemnification or hold harmless agreements (§ 107(e))
- § 14:26 —Statute of limitations for cost recovery under § 107—Removal and
remedial actions
- § 14:27 —Removal actions
- § 14:28 —Remedial actions
- § 14:29 —Recoverable response costs—Generally
- § 14:30 —Recovery of response costs under CERCLA § 107
- § 14:31 —Consistency with the NCP
- § 14:32 —Types of costs recoverable

TABLE OF CONTENTS

§ 14:33	— —Federal lien under CERCLA § 107(l)
§ 14:34	— —Declaratory judgment
§ 14:35	— —Practical considerations
§ 14:36	— —Recovery of the agency's indirect cleanup costs
§ 14:37	— —Section 107 parties: exemptions/limitation of liability
§ 14:38	— —Parties liable under § 107—“Exemption, within the definition of ‘owner or operator’—§ 101(20)”
§ 14:39	— — —Indian tribes
§ 14:40	— — —Limitations of or exemptions from CERCLA liability under § 107
§ 14:41	— — —Rendering care and advice
§ 14:42	— — —Application of registered pesticide product
§ 14:43	— — —Federally permitted release defense
§ 14:44	— — —Limiting liability of fiduciaries
§ 14:45	— — — <i>De micromis</i> exemption
§ 14:46	— — —Exemption for municipal solid waste
§ 14:47	— — —Exemption for owners of contiguous properties (107q) (AAI)
§ 14:48	— — —Exemption for bona fide prospective purchasers of property (107(r)) (AAI)
§ 14:49	— — —Assumption of liability by post-closure liability fund
§ 14:50	— — —Exemption for certain recycling activities
§ 14:51	— — —Residential landowners
§ 14:52	— — —Service station dealers exemption—§ 114(c)
§ 14:53	Contribution actions—Introduction
§ 14:54	— —Proof
§ 14:55	— —Contribution protection
§ 14:56	— —Allocation/orphan share/insignificant contribution—Allocation
§ 14:57	— —Orphan share
§ 14:58	— —Insignificant contribution/no allocation of costs
§ 14:59	— —Declaratory judgment
§ 14:60	— —Statute of limitations
§ 14:61	— —Jury trial
§ 14:62	— —Alternative liability
§ 14:63	Statutory defenses to § 107 actions
§ 14:64	— —Act of God/climate change
§ 14:65	— —Act of war
§ 14:66	— —Third-party defense
§ 14:67	— — —Elements
§ 14:68	— — —Innocent landowner third-party defense
§ 14:69	— — —Solely caused by
§ 14:70	— — —In connection with a contractual relationship
§ 14:71	— — —Due care
§ 14:72	— — —All appropriate inquiry
§ 14:73	— — —Involuntary acquisitions by governmental entities
§ 14:74	— —Defenses relating to statutory elements for liability establishment— — —Defenses related to statutory definitions
§ 14:75	— — —“Hazardous substance” definition—CERCLA § 101(14)
§ 14:76	Defenses relating to statutory elements for liability establishment— — —Defenses related to statutory definitions—Petroleum exclusion
§ 14:77	Statutory defenses to § 107 actions—Defenses relating to statutory elements for liability establishment—Exclusion of governmental entity involuntary acquiring title from “owner or operator” definition— CERCLA § 101(20)(D)

- § 14:78 ——“Release” definition—CERCLA § 101(22)
- § 14:79 ——Exceptions to definition of release: Workplace/employer—CERCLA § 101(22)(A)
- § 14:80 ——Exceptions to definition of release: Auto emissions—CERCLA § 101(22)(B)
- § 14:81 ——Exceptions to definition of release: Nuclear material—CERCLA § 101(22)(C)
- § 14:82 ——Exceptions to definition of release: Normal application of fertilizer—CERCLA § 101(22)(D)
- § 14:83 ——“Facility” definition—CERCLA § 101(9)
- § 14:84 ——Consumer product exception
- § 14:85 ——“Disposal”/useful product—CERCLA § 101(29)
- § 14:86 ——Recycling exception—CERCLA § 127
- § 14:87 —Defenses related to miscellaneous statutory elements—Consistency with NCP
 - § 14:88 ——Recoupment
 - § 14:89 ——Divisibility
 - § 14:90 ——Causation
 - § 14:91 ——§ 113 Settlement as a defense
 - § 14:92 Nonstatutory defenses to § 107 actions
 - § 14:93 —Personal jurisdiction
 - § 14:94 —Subject matter jurisdiction
 - § 14:95 ——State law claims
 - § 14:96 ——Jurisdiction and § 113(h) timing of review
 - § 14:97 ——Sovereign immunity
 - § 14:98 ——Federal Tort Claims Act
 - § 14:99 ——Regional Rail Act
 - § 14:100 ——Miscellaneous issues involving subject matter jurisdiction
 - § 14:101 ——Lack of standing
 - § 14:102 ——§ 107 cost recovery actions and § 113 contribution actions
 - § 14:103 ——Citizen suits
 - § 14:104 ——Challenging consent decrees
 - § 14:105 ——Natural resource damage actions
 - § 14:106 ——Miscellaneous standing issues
 - § 14:107 ——Lack of standing—Intervenors under § 113(i)
 - § 14:108 ——Miscellaneous standing issues—Other environmental statutes
 - § 14:109 ——Failure to join an indispensable party
 - § 14:110 ——Failure to state a claim on which relief can be granted
 - § 14:111 Equitable defenses in CERCLA actions
 - § 14:112 —Section 106 actions
 - § 14:113 —Section 107 & 113 actions
 - § 14:114 —*De minimis* waste contribution
 - § 14:115 —Laches
 - § 14:116 —Unclean hands
 - § 14:117 —Release and waiver
 - § 14:118 —Equitable estoppel
 - § 14:119 —Unjust enrichment
 - § 14:120 Res judicata and collateral estoppel
 - § 14:121 Equitable defenses in CERCLA actions—*In pari delicto*
 - § 14:122 —*Caveat emptor*
 - § 14:123 Constitutional defenses

TABLE OF CONTENTS

- § 14:124 —Constitutional challenges and § 113(h) preclusion of pre-enforcement review
- § 14:125 —Retroactivity
- § 14:126 —Due process
- § 14:127 ——Imposition of a lien/Information request and site access under § 104(e)
- § 14:128 ——Effect on business matters
- § 14:129 ——EPA actions under the NCP
- § 14:130 ——Superfund Recycling Act—CERCLA § 127
- § 14:131 ——Contracts clause
- § 14:132 ——Equal protection
- § 14:133 ——Eleventh Amendment immunity
- § 14:134 ——Supremacy clause
- § 14:135 Actions for damage to natural resources
- § 14:136 ——Overview of claims for natural resource damages
- § 14:137 ——Causation proof
- § 14:138 ——Valuation of damages
- § 14:139 ——Framework of a natural resource damage assessment
- § 14:140 ——Type A assessments
- § 14:141 ——Type B assessment
- § 14:142 ——Defenses

CHAPTER 15. STATE INVOLVEMENT IN CERCLA ACTIONS

- § 15:1 Introduction
- § 15:2 State involvement in CERCLA processes
- § 15:3 —State assurances: CERCLA § 104(c)(3), 40 C.F.R. § 300.510
- § 15:4 ——Cleanup cost sharing
- § 15:5 ——Waste disposal capacity
- § 15:6 ——Operation and maintenance
- § 15:7 —Cooperative agreements and state contracts: 42 U.S.C.A. § 9604(d); 40 C.F.R. Part 35, Subpart O
- § 15:8 —Superfund memorandum of agreement: 40 C.F.R. § 300.505
- § 15:9 —Remedy selection and work: 40 C.F.R. § 300.515
- § 15:10 —EPA-led enforcement negotiations: 40 C.F.R. § 300.520
- § 15:11 —Removal activities: 40 C.F.R. § 300.525
- § 15:12 States as parties to CERCLA actions—Plaintiff
- § 15:13 —Defendant
- § 15:14 —States cannot be liable for regulation
- § 15:15 Introduction to state “Superfund” statutes
- § 15:16 —Statute types
- § 15:17 —Persons liable
- § 15:18 —Nature and scope of liability—Retroactive liability
- § 15:19 ——Strict liability
- § 15:20 ——Joint and several liability
- § 15:21 —Order issuance authority and damages recoverable
- § 15:22 ——Punitive damages
- § 15:23 ——Natural resource damages
- § 15:24 ——Cleanup standards
- § 15:25 ——Public participation requirements
- § 15:26 Voluntary cleanup programs and Brownfield programs

- § 15:27 State voluntary clean programs and Brownfield programs
- § 15:28 Tribal Brownfields and response programs

CHAPTER 16. INSURANCE COVERAGE FOR HAZARDOUS WASTE LIABILITIES

- § 16:1 Overview of insurance policies
- § 16:2 —First-party coverage: Property policies
- § 16:3 —Third-party coverage: Comprehensive general liability policies
- § 16:4 —Environmental Impairment Liability (EIL) policies
- § 16:5 The evolution of environmental insurance coverage litigation
- § 16:6 How potentially responsible parties determine whether coverage is available
- § 16:7 Comprehensive General Liability (CGL) primary policies
- § 16:8 —Evaluating CGL policy provisions
- § 16:9 —Common rules for interpreting insurance policies
- § 16:10 —Policies construed according to plain meaning
- § 16:11 ——Ambiguities in policy language
- § 16:12 ——Dual duties of defense and indemnification
- § 16:13 Issues of interpretation of insurance policies unique to environmental claims
- § 16:14 —Duty to defend CERCLA actions
- § 16:15 —What constitutes “defense costs” as opposed to “indemnity payments”
- § 16:16 —Accident or occurrence
- § 16:17 ——Accident
- § 16:18 ——Occurrence
- § 16:19 ——Unexpected or unintended “act” or “damages”
- § 16:20 ——Objective or subjective standard
- § 16:21 ——Standard applied to determine whether harm should have been expected or intended
- § 16:22 ——Burden of proving “unexpected or unintended”
- § 16:23 —Property damage
- § 16:24 —Legal damages—The “as damages” controversy
- § 16:25 —Claims must not fall within any policy exclusions
- § 16:26 ——“Sudden and accidental” pollution exclusion
- § 16:27 ——Absolute pollution exclusion and total pollution exclusion
- § 16:28 ——Absolute pollution exclusion
- § 16:29 ——Total pollution exclusion
- § 16:30 ——Damage to owned property
- § 16:31 ——Damage solely to the insured’s premises solely
- § 16:32 ——Damage to the insured’s premises that caused property damage to the premises of another
- § 16:33 ——Damage solely to the insured’s premises that threatens to damage to the premises of another
- § 16:34 ——Damage to groundwater underlying the insured’s property
- § 16:35 Coverage triggers in hazardous waste cases
- § 16:36 Required policy preconditions for insureds
- § 16:37 —Timely notice
- § 16:38 —Cooperation with insurance carrier and the voluntary payments prohibition
- § 16:39 Subrogation rights—42 U.S.C.A. § 9612(c); CERCLA § 112(c)

CHAPTER 17. FINANCIAL ISSUES

- § 17:1 Introduction

TABLE OF CONTENTS

- § 17:2 Bankruptcy—Generally
- § 17:3 —The automatic stay
- § 17:4 —Dischargeability of claims
- § 17:5 —Dischargeability of injunctive relief
- § 17:6 —Administrative expenses
- § 17:7 —Waste site abandonment to avoid liability
- § 17:8 Secured lender issues—Generally
- § 17:9 —Background
- § 17:10 —EPA’s Lender Liability Rule
- § 17:11 —A legislative resolution
- § 17:12 Trustees and fiduciaries
- § 17:13 Other environmental statutes

CHAPTER 18. COUNSELING MUNICIPAL CLIENTS

- § 18:1 Municipal liability for waste sites
- § 18:2 Municipal response to environmental problems
- § 18:3 Municipal incineration of garbage
- § 18:4 Conflicts over sites

CHAPTER 19. ACCESS TO INFORMATION IN CERCLA & RCRA CASES

- § 19:1 Introduction
- § 19:2 Access to Internet resources—EPA and Internet access
- § 19:3 —State and Internet access
- § 19:4 —Correcting information
- § 19:5 Access to EPA policy documents—Types of policies
- § 19:6 —Impacts on waste site operations
- § 19:7 —Federal Register and website posting
- § 19:8 —Publications
- § 19:9 Access to records via Freedom of Information Act requests—Requests for records
- § 19:10 —Exempt records
- § 19:11 —Denial and appeal
- § 19:12 —Litigation asserting rights of access
- § 19:13 —Attorney fee awards
- § 19:14 Access via discovery—Discovery rules
- § 19:15 —Subpoenas and record requests
- § 19:16 —Privileges
- § 19:17 —Self-audit privilege & immunity

CHAPTER 20. NONHAZARDOUS WASTES AND THEIR REGULATION (SUBTITLE D)

- § 20:1 Introduction
- § 20:2 Definitions
- § 20:3 —Municipal solid waste
- § 20:4 —Industrial solid waste
- § 20:5 —Commercial waste
- § 20:6 —Construction & demolition waste
- § 20:7 —Medical waste
- § 20:8 —Federal EPA roles

- § 20:9 State roles—Planning
- § 20:10 —Fees
- § 20:11 —Permits
- § 20:12 —Transport regulation
- § 20:13 —Flow control
- § 20:14 Counseling the waste handler
- § 20:15 Counseling the municipality
- § 20:16 Counseling the nonhazardous waste generator

Table of Laws and Rules

Table of Cases

Index