

# **Table of Contents**

## **Volume 1**

### **PART I. INTRODUCTION**

#### **CHAPTER 1. OVERVIEW**

- § 1:1 Some basic characteristics of environmental regulation
- § 1:2 —Roles of EPA and state and local pollution control agencies in implementing environmental laws
- § 1:3 Purpose and scope of this work
- § 1:4 —Issues not treated in this work

APPENDIX 1A. Summary of Unfunded Mandates Reform Act

### **PART II. CLEAN WATER ACT**

#### **CHAPTER 2. PURPOSE AND STRUCTURE OF THE CLEAN WATER ACT**

- § 2:1 Scope of chapter
- § 2:2 Goals and objectives of statute
- § 2:3 Principal prohibitions and regulatory standards
- § 2:4 Critical statutory definitions
- § 2:5 Oil and hazardous substance liability
- § 2:6 Management of water pollution from nonpoint sources

#### **CHAPTER 3. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROGRAM**

- § 3:1 Scope of chapter
- § 3:2 Federal and state administration of permit program
- § 3:3 Permit application requirements
- § 3:4 Permit conditions
- § 3:5 —Effluent limitations applicable to state and local steam electric generating facilities
- § 3:6 Permit variances
- § 3:7 Permit application review procedures
- § 3:8 —Draft permits
- § 3:9 —Public notice, comment and hearing

- § 3:10 —Evidentiary hearing proceedings
- § 3:11 —Administrative and judicial review

## **CHAPTER 4. PRETREATMENT STANDARDS FOR PUBLICLY OWNED SEWAGE TREATMENT PLANTS**

- § 4:1 Scope of chapter
- § 4:2 Prohibited discharges
- § 4:3 Program development and implementation requirements
- § 4:4 Program approval submission requirements and approval procedures
- § 4:5 Modification of pretreatment programs
- § 4:6 Removal credits for industrial users
- § 4:7 Reporting and recordkeeping requirements

## **CHAPTER 5. STORM WATER DISCHARGE STANDARDS**

- § 5:1 Scope of chapter
- § 5:2 Permit requirements—In general
- § 5:3 Requirements for storm water discharges associated with industrial activities
- § 5:4 Requirements for municipal separate storm sewer discharges—In general
- § 5:5 —Part one permit application requirements
- § 5:6 —Part two permit application requirements
- § 5:7 Deadline for permit application, issuance or denial, and compliance
- § 5:8 Petitions to state permit-issuing authorities

## **CHAPTER 6. STANDARDS FOR USE OR DISPOSAL OF SEWAGE SLUDGE**

- § 6:1 Scope of chapter
- § 6:2 Statutory framework for regulations
- § 6:3 Regulatory standards for land application, surface disposal, and incineration of sewage sludge
- § 6:4 Permit requirements—Generally applicable conditions for permits outside NPDES program
- § 6:5 —Permit application requirements
- § 6:6 —Permit issuance procedures
- § 6:7 —Permit modification, revocation and termination
- § 6:8 Monitoring, recordkeeping and reporting requirements

## **CHAPTER 7. CLEAN WATER ACT ENFORCEMENT AND PENALTIES**

- § 7:1 Scope of chapter

## TABLE OF CONTENTS

§ 7:2	EPA's statutory enforcement options—In general
§ 7:3	Notice of violation
§ 7:4	—Administrative compliance order
§ 7:5	—Administrative penalties
§ 7:6	Civil judicial actions
§ 7:7	Criminal prosecution
§ 7:8	Liability issues and possible defenses
§ 7:9	Enforcement of pretreatment standards
§ 7:10	Enforcement of oil and hazardous materials requirements
§ 7:11	Contract and grant debarment listings
§ 7:12	Citizen suit enforcement
APPENDIX 7A.	EPA'S Clean Water Act Civil Penalty Policy
APPENDIX 7B.	Interim Clean Water Act Settlement Penalty Policy

## **PART III. SUPERFUND (CERCLA) & EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)**

### **CHAPTER 8. OVERVIEW OF SUPERFUND PROGRAM**

§ 8:1	Scope of chapter
§ 8:2	Response actions for contaminated properties
§ 8:3	Superfund applicability: Key definitions
§ 8:4	Potentially responsible parties and other program participants
§ 8:5	Superfund trust fund
§ 8:6	Liability for contamination
§ 8:7	State and local government considerations
APPENDIX 8A.	Summary of Pertinent Aspects of the Small Business Liability Relief and Brownfields Revitalization Act

### **CHAPTER 9. SUPERFUND RESPONSE ACTION PROCESS**

§ 9:1	Scope of chapter
§ 9:2	Release notification duties
§ 9:3	Removal and remedial site evaluation
§ 9:4	Removal actions
§ 9:5	National priorities list
§ 9:6	Remedial investigation and feasibility studies

§ 9:7 Remedial action selection and implementation

## **CHAPTER 10. SUPERFUND RESPONSE ACTION ENFORCEMENT**

- § 10:1 Scope of chapter
- § 10:2 Governmental investigations
- § 10:3 Governmental responses
- § 10:4 Governmental orders
- § 10:5 Governmental actions—Investigative compliance actions
- § 10:6 Abatement actions
- § 10:7 Cost recovery actions
- § 10:8 Potentially responsible party actions
- § 10:9 Citizen actions
- § 10:10 Natural resource damages

## **CHAPTER 11. SUPERFUND RESPONSE COST LIABILITY, ALLOCATION, AND RECOVERY**

- § 11:1 Scope of chapter
- § 11:2 Liability for response costs
- § 11:3 Defenses to liability
- § 11:4 Allocation of liability
- § 11:5 Recoverable response costs
- § 11:6 Settlements and consent decrees
- § 11:7 Municipal solid waste considerations

APPENDIX 11A. Superfund Program; Revised Model CERCLA RD/RA Consent Decree [FRL-5265-1]

APPENDIX 11B. Superfund Program; Revisions to Model CERCLA RD/RA Consent Decree [FRL-5970-5]

APPENDIX 11C. Announcement and Publication of the Policy for Municipality and Municipal Solid Waste; CERCLA Settlements at NPL Co-Disposal Sites [FRL-5967-6]

## **CHAPTER 12. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)**

- § 12:1 Scope of chapter
- § 12:2 State and local comprehensive plans and emergency planning organizations
- § 12:3 Substances and facilities covered

## TABLE OF CONTENTS

§ 12:4	Emergency release notification requirements
§ 12:5	Material safety data sheet reporting requirements
§ 12:6	Emergency and hazardous chemical inventory reporting forms
§ 12:7	Toxic chemical release reporting forms
§ 12:8	Enforcement and penalties in general—EPA actions
§ 12:9	—Citizen actions; State and local enforcement actions
APPENDIX 12A.	Emergency and Hazardous Chemical Inventory Reporting Forms With Instructions
APPENDIX 12B.	EPA Toxic Chemical Release Inventory Reporting Form R

## **PART IV. CLEAN AIR ACT**

### **CHAPTER 13. PURPOSES AND GENERAL STRUCTURE OF THE CLEAN AIR ACT**

§ 13:1	Scope of chapter
§ 13:2	Statutory goals, policies and objectives
§ 13:3	National ambient air quality standards; State implementation plans
§ 13:4	Additional standards for stationary sources
§ 13:5	Mobile source controls: national regulation of motor vehicle emissions

### **CHAPTER 14. STATE AND LOCAL GOVERNMENT STATIONARY SOURCES: SUBSTANTIVE STANDARDS**

§ 14:1	Scope of chapter
§ 14:2	Requirements for stationary sources in nonattainment areas
§ 14:3	Solid waste incineration requirements
§ 14:4	Municipal solid waste landfills
§ 14:5	Acid rain controls as to electric generating stations
§ 14:6	Mandatory greenhouse gas reporting
§ 14:7	Greenhouse gas emission requirements for electric utility generating units
§ 14:8	Prevention of significant deterioration requirements
§ 14:9	Hazardous air pollutant standards
§ 14:10	Accidental release prevention requirements
§ 14:11	New source performance standards
§ 14:12	Restrictions on emissions of chlorofluorocarbons

## **CHAPTER 15. STATE AND LOCAL GOVERNMENT STATIONARY SOURCES: PERMIT REQUIREMENTS**

- § 15:1 Scope of chapter
- § 15:2 EPA requirements for state permit program approval
- § 15:3 Covered sources
- § 15:4 Permit application requirements
- § 15:5 Permit terms and conditions—In general
- § 15:6 —Monitoring, recordkeeping, and reporting
- § 15:7 —Permit fees
- § 15:8 Permit review by EPA, affected states and interested citizens

## **CHAPTER 16. STATE AND LOCAL GOVERNMENT VEHICLES**

- § 16:1 Scope of chapter
- § 16:2 Prohibitions on tampering with emission controls
- § 16:3 Urban bus standards
- § 16:4 Fleet vehicle requirements
- § 16:5 Vehicle emissions of CO<sub>2</sub> and other greenhouse gases

## **CHAPTER 17. DEMOLITION OR RENOVATION OF LOCAL GOVERNMENT BUILDINGS CONTAINING ASBESTOS**

- § 17:1 Scope of chapter
- § 17:2 Applicability of relevant regulations
- § 17:3 Notification requirements—In general
- § 17:4 —Form and contents of required notifications
- § 17:5 Procedures for asbestos control

APPENDIX 17A. EPA Form for Advance Notification of State and Local Demolition and Renovation Projects

APPENDIX 17B. Addresses to Which Advance Notifications of Asbestos Demolition/Renovation Projects Should Be Mailed

## **CHAPTER 18. CLEAN AIR ACT ENFORCEMENT AND PENALTIES**

- § 18:1 Scope of chapter
- § 18:2 EPA enforcement options—In general
- § 18:3 —Criminal prosecutions
- § 18:4 —Noncompliance penalties
- § 18:5 —Contract and grant debarment listings

## TABLE OF CONTENTS

- § 18:6 Enforcement of asbestos demolition/renovation standards
- § 18:7 Enforcement of mobile source emission limits
- § 18:8 Citizen suit enforcement
- APPENDIX 18A. Clean Air Act Stationary Source Civil Penalty Policy (October 25, 1991)
- APPENDIX 18B. Letter from EPA Counsel Re: Policy on Suing Municipal Owners in Asbestos Demolition/Renovation Cases

## **PART V. OTHER ENVIRONMENTAL REQUIREMENTS**

### **CHAPTER 19. REGULATION OF HAZARDOUS WASTE UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)**

- § 19:1 Scope of chapter
- § 19:2 Goals, policies, and objectives of the statute
- § 19:3 Waste materials subject to regulation
- § 19:4 Standards applicable to hazardous waste generators—In general
- § 19:5 —Small generator requirements
- § 19:6 Universal waste requirements for batteries, thermostats, cathode ray tubes and aerosol cans
- § 19:7 Requirements that apply to transporters of hazardous waste
- § 19:8 Regulation of treatment, storage, and disposal facilities
- § 19:9 Underground storage tank requirements—In general
- § 19:10 —Regulated substance releases
- § 19:11 —Underground storage tank closure and change-in-service requirements
- § 19:12 —Financial responsibility requirements
- § 19:13 Enforcement
- APPENDIX 19A. Addresses of EPA Regional Offices

## **Volume 2**

### **CHAPTER 20. MUNICIPAL SOLID WASTE MANAGEMENT UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)**

- § 20:1 Scope of chapter

- § 20:2 Regulated materials
- § 20:3 State solid waste management planning
- § 20:4 Criteria for classification of solid waste disposal facilities
- § 20:5 Open dumping prohibition
- § 20:6 Criteria for municipal solid waste landfills
- § 20:7 Enforcement

## **CHAPTER 21. ASBESTOS HAZARD EMERGENCY RESPONSE ACT**

- § 21:1 Scope of chapter
- § 21:2 Initial inspection and assessment requirements
- § 21:3 Asbestos management plans
- § 21:4 Response action requirements
- § 21:5 Surveillance and reinspection
- § 21:6 Operation, maintenance, cleaning and repair requirements
- § 21:7 Worker training and awareness
- § 21:8 Notification and warning label requirements
- § 21:9 Recordkeeping requirements
- § 21:10 Enforcement and penalties—In general
- § 21:11 —Citizen enforcement

APPENDIX 21A. United States Environmental Protection  
Agency Regional Asbestos Coordinators

APPENDIX 21B. Interim Final Enforcement Response Policy  
for Asbestos Hazard Emergency Response  
Act

## **CHAPTER 22. MARINE PROTECTIONS, RESEARCH, AND SANCTUARIES ACT (OCEAN DUMPING ACT)**

- § 22:1 Scope of chapter
- § 22:2 Purposes and general structure of statute
- § 22:3 Ocean dumping permit programs—General considerations
- § 22:4 —Procedures for permit issuance, revision, revocation or limitation
- § 22:5 —Criteria for evaluation of permit application
- § 22:6 —Criteria for management of ocean dumping disposal sites
- § 22:7 —Corps of engineers permits for ocean dumping of dredged materials
- § 22:8 Enforcement and penalties

## **CHAPTER 23. RIVERS AND HARBORS ACT OF 1899 (REFUSE ACT)**

- § 23:1 Scope of chapter



## TABLE OF CONTENTS

- § 23:2 Principal statutory prohibitions
- § 23:3 —Judicial interpretations of “refuse matter”; Liquid sewage exception
- § 23:4 —Judicial interpretations of “navigable waters”
- § 23:5 Applicability to dredging and filling of wetlands
- § 23:6 Enforcement and penalties

## **CHAPTER 24. SAFE DRINKING WATER ACT**

- § 24:1 Scope of chapter
- § 24:2 Regulation of public water systems—General considerations
- § 24:3 —Maximum contaminant level and maximum contaminant level goal regulations
- § 24:4 —Special requirements as to lead and copper
- § 24:5 —Monitoring, analytical and recordkeeping requirements
- § 24:6 —Reporting and public notification requirements
- § 24:7 —Variances and exemptions
- § 24:8 Underground injection control standards as to shallow wells
- § 24:9 Federal grants and other assistance to state and local governments
- § 24:10 Enforcement and penalties

APPENDIX 24A. Summary of the Safe Drinking Water Act Amendments of 1996

## **CHAPTER 25. HANDLING AND APPLICATION OF PESTICIDES**

- § 25:1 Scope of chapter
- § 25:2 Overview of Federal Insecticide, Fungicide and Rodenticide Act
- § 25:3 Standards which apply to pesticide applicators
- § 25:4 Pesticide storage requirements
- § 25:5 Recordkeeping requirements
- § 25:6 Enforcement and penalties

## **CHAPTER 26. AVOIDING LIABILITY FOR IMPROPER USE OF FEDERAL ENVIRONMENTAL GRANTS**

- § 26:1 Scope of chapter
- § 26:2 EPA requirements respecting grants to state and local governments—General considerations
- § 26:3 —Financial administration requirements
- § 26:4 —Reporting and recordkeeping requirements
- § 26:5 —Procurement and conflict of interest requirements

- § 26:6 —Allowable costs
- § 26:7 Federal auditing requirements
- § 26:8 —Practical suggestions for handling federal audits
- § 26:9 Enforcement and penalties for noncompliance

## **PART VI. ENVIRONMENTAL AUDITING AND PREVENTION OF LIABILITY**

### **CHAPTER 27. GENERAL SUGGESTIONS FOR AVOIDING STATE AND LOCAL GOVERNMENT ENVIRONMENTAL LIABILITY**

- § 27:1 Scope of chapter
- § 27:2 Selecting and working with environmental consultants
- § 27:3 Environmental auditing
- § 27:4 Financing state and local environmental compliance

APPENDIX 27A. Restatement of Policies Related to  
Environmental Auditing [FRL-5021-5]

APPENDIX A. Glossary

**Table of Laws and Rules**

**Table of Cases**

**Index**