

UNDERSTANDING ENVIRONMENTAL LAW

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UNDERSTANDING ENVIRONMENTAL LAW

THIRD EDITION

Philip Weinberg

Professor of Law St. John's University School of Law

Kevin A. Reilly

Principal Appellate Court Attorney New York State Supreme Court Appellate
Division, First Department Adjunct Professor of Law St. John's University
School of Law & Pace University Graduate Program in Environmental Science

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Editorial Offices

121 Chanlon Rd., New Providence, NJ 07974 (908) 464-6800

201 Mission St., San Francisco, CA 94105-1831 (415) 908-3200

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MATTHEW  BENDER

DEDICATION

To Mary, Bill, and Matt.

—*Philip Weinberg*

To my children, Kevin and Alanna, who, everyday, make everything worthwhile, and to
my wife Mary.

—*Kevin A. Reilly*

ACKNOWLEDGEMENTS

As the historian Barbara Tuchman sagely observed, “the best book is a collaboration between author and reader.”* We have endeavored to keep our end of the bargain by furnishing students and practitioners with a concise, direct introduction to the burgeoning field of environmental law.

Environmental law, an increasingly significant area of legal study and practice, encompasses a full range of issues from tort law through property law to constitutional considerations. This volume attempts to present this mosaic, as its title suggests, in an understandable way. We have tried to avoid either undue concentration on the individual titles or an equally inappropriate focus on generalities.

The book covers not only the traditional terrain of air and water quality, solid and hazardous waste, and pesticides, but also the environmental implications of land use, energy generation and use, and the increasingly important area of international environmental law. It also tries to connect environmental law with the political and constitutional bases for the statutes and court decisions it examines.

Environmental law does not presuppose a background in science, and the references in this book to chemistry, biology and hydrogeology are kept simple and, we hope, understandable — a task rendered easier by the authors’ own lack of scientific expertise.

As the reader will see, environmental law was not born fully-grown, like Botticelli’s Venus, with the advent of the modern regulatory statutes. It stems from tort law, property law and related concepts that trace their roots to the common law. This book attempts to relate those common-law principles to today’s regulatory framework, from which modern environmental law directly descends.

Readers should know that Philip Weinberg wrote chapters one through four and nine through thirteen, as well as minor portions of chapters five, six, and eight. Kevin Reilly wrote chapters seven and fourteen and the bulk of chapters five, six, and eight.

The authors are deeply indebted to Heidi Luna (St. John’s Law School 1999) for invaluable research assistance in preparing the book. We earnestly hope this book will prove useful to the reader in achieving precisely what its title proffers: understanding environmental law.

Philip Weinberg
Kevin A. Reilly
New York, NY
May 2013

*BARBARA TUCHMAN, PRACTICING HISTORY 24.

Volume 1 Table of Contents

A DETAILED SYNOPSIS FOR EACH CHAPTER APPEARS AT THE BEGINNING OF THE CHAPTER

CHAPTER 1	ADMINISTRATIVE, JUDICIAL, AND CONSTITUTIONAL ASPECTS OF ENVIRONMENTAL LAW	1
§ 1.01	ADMINISTRATIVE DECISION-MAKING AND JUDICIAL REVIEW	2
[A]	Decision-Making	2
[B]	Judicial Review	3
[C]	Rule-Making	4
§ 1.02	STANDING AND RELATED ISSUES	5
[A]	Standing	5
[1]	Introduction	5
[2]	Economic Injury Not Required	5
[3]	Actual Injury Required	6
[4]	Standing Is Determined on Case-by-Case Basis	6
[B]	Exhaustion of Administrative Remedies	7
[C]	Ripeness	7
§ 1.03	CITIZEN SUIT PROVISIONS	8
§ 1.04	CONSTITUTIONAL BASIS FOR ENVIRONMENTAL LAW	9
[A]	Commerce Power	9
[B]	Other Congressional Powers	10
[C]	The Treaty Power	10
[D]	The States' Police Power	11
§ 1.05	CONSTITUTIONAL RESTRICTIONS	11
[A]	Preemption	11
[B]	Burden on Interstate Commerce	12
[1]	“Dormant Commerce Clause”	12
[2]	When State Is a Market Participant	13
[C]	Takings of Property	14
[1]	Excessive Regulation of Property Deemed a “Taking” Requiring Just Compensation	14
[2]	There Are Two Categories of Takings	14
[3]	Factors Used in Determining Whether a Taking Has Occurred	14
[a]	No Taking If Owner Retains Reasonable Value	14
[b]	Landmark Preservation Laws and the Free Exercise Clause	15
[c]	No Taking if Regulation Tantamount to Abating a Nuisance	16
[d]	Reasonable Expectations Measured as of Date of Purchase	16
[e]	Regulation Must Have Nexus with Intended Purpose	17
[f]	Need for “Rough Proportionality” Between Regulation and	

Volume 1 Table of Contents

	Purpose	17
[g]	Parcel Viewed as a Unitary Tract; Partial Restriction Not a Taking	17
[h]	Physical Invasion May Be a Taking	18
[D]	States' Reserved Powers	18
[E]	Sovereign Immunity and the Eleventh Amendment	19
[1]	Federal Sovereign Immunity Is Limited by Congress	19
[2]	States' Sovereign Immunity and the Eleventh Amendment's Limits on Suits Against States in Federal Courts	20
CHAPTER 2	POLICY ISSUES	23
§ 2.01	COSTS AND BENEFITS: BALANCING ENVIRONMENTAL ECONOMIC FACTS; RISK ASSESSMENT	24
[A]	Weighing Economic and Environmental Costs	24
[B]	Risk Assessment: Pro and Con	24
[C]	Cost-Benefit Analysis	25
[D]	Environmental Regulation Adopts Risk Assessment	25
§ 2.02	TECHNOLOGY: CONFLICT BETWEEN SETTING HIGH TECHNOLOGICAL STANDARDS AND THE AVAILABILITY OF THE TECHNOLOGY TO MEET THOSE STANDARDS	26
[A]	Mandating Technological Improvements	26
[B]	Cost-Benefit Approach to Hazardous Waste Cleanup	27
§ 2.03	THE CARROT OR THE STICK? "COMMAND AND CONTROL" REGULATION VERSUS INCENTIVES TO FOSTER VOLUNTARY COMPLIANCE	27
§ 2.04	CRIMINAL AND CIVIL SANCTIONS	28
[A]	Both Criminal and Civil Penalties Employed	28
[B]	Criminal Penalties Raise Constitutional Issues	29
[C]	Criteria for Civil Penalties and Abatement Orders	30
§ 2.05	FEDERAL VERSUS STATE AND LOCAL ENFORCEMENT	30
[A]	Congress Generally Has Not Preempted State Regulation	30
[B]	Factors Governing Federal or State Enforcement	31
[C]	Land Use Regulation Chiefly Local	32
§ 2.06	ENVIRONMENTAL JUSTICE	32
§ 2.07	SLAPP SUITS (STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION)	34
[A]	Suits Aimed at Deterring Opponents of Projects	34
[B]	First Amendment Protection for Project Opponents	34
[C]	State Statutes Restricting SLAPP Suits	34

Volume 1 Table of Contents

CHAPTER 3 COMMON LAW REMEDIES 37

§ 3.01 NUISANCE 38

 [A] Introduction 38

 [B] Public and Private Nuisance 38

 [C] Liability 40

 [1] Nuisance Is an Unreasonable Interference with Rights in Land 40

 [2] Private Nuisance and the Requirement of Fault 40

 [3] Nuisance Must Reach the Property 41

 [D] Defenses 41

 [1] Objective Standard 41

 [2] Limitations and Laches 41

 [3] Coming to the Nuisance 41

 [4] Effect of Regulatory Statutes 42

 [E] Remedies 43

 [1] Damages for Permanent or Temporary Nuisance 43

 [2] Punitive Damages and Their Limits 43

 [3] Injunction Available to Abate Nuisance 43

 [4] Courts Balance the Equities in Issuing Injunctions 44

 [F] Federal Nuisance 45

 [1] Federal Nuisance Approved in 1972 Supreme Court Decision 45

 [2] Supreme Court Later Held Federal Nuisance Preempted 46

§ 3.02 TRESPASS 46

§ 3.03 STRICT LIABILITY IN TORT 47

§ 3.04 NEGLIGENCE 48

§ 3.05 RIPARIAN RIGHTS 48

 [A] Common Law Riparian Rights 48

 [1] Riparian Right to Reasonable Flow 48

 [2] No Riparian Right to Pollute 49

 [B] Prior Appropriation 49

 [C] Rights to Groundwater 50

§ 3.06 PUBLIC TRUST DOCTRINE 50

 [A] Public Has Right to Underwater Lands 50

 [B] Any Citizen of State Has Standing 51

 [C] Statutes Codify Public Trust Doctrine 52

 [D] Regulation Under Public Trust Not a Taking 52

CHAPTER 4 ENVIRONMENTAL QUALITY REVIEW 53

§ 4.01 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) 54

 [A] Importance and Origins 54

 [1] Act Requires Federal Agencies to Weigh Impacts 54

 [2] Origins of Act in Earlier Court Decisions 55

Volume 1 Table of Contents

[B]	Environmental Impact Statement (EIS)	56
[1]	Draft and Final EIS	56
[2]	Environmental Assessment to Decide Need for EIS	57
[3]	Context and Intensity of Impacts Determine Whether EIS Is Necessary	57
[4]	Some Actions Fall Outside NEPA	59
[5]	Programmatic and Site-Specific EISs	60
[6]	EIS Limited to Reasonably Foreseeable Impacts	61
[7]	Lead Agency Responsible for EIS	61
[a]	Preparation of EISs	61
[b]	Timing of EISs	62
[C]	Procedures in Preparing EIS	62
[1]	Publication of Notice of Intent	62
[2]	Scoping	62
[3]	Draft EIS; Time Limits; Other Requirements	63
[4]	Record of Decision	63
[D]	Alternatives	64
[E]	Mitigation Measures	65
[1]	Agency Must Discuss, But Need Not Adopt, Mitigation Measures	65
[2]	Criticism of Act's Limitation to Procedural Requirements	66
[F]	Judicial Review	66
[1]	Available Under Administrative Procedure Act; Standing	66
[2]	Standard of Review	67
[3]	Injunctive Relief	67
§ 4.02	STATE ENVIRONMENTAL QUALITY REVIEW STATUTES	68
[A]	Broad Adoption of Statutes Patterned on NEPA	68
[B]	Examples	68
[1]	New York	68
[2]	California	69
§ 4.03	ENVIRONMENTAL AUDITS	70
[A]	Purpose of Audits	70
[B]	Common Law Privileges Inapplicable	70
[C]	State Privilege Statutes and EPA Ruling	71
CHAPTER 5 AIR QUALITY		73
§ 5.01	THE CLEAN AIR ACT: STANDARDS	75
[A]	Overview of Act	75
[1]	Reasons for Federal Legislation	75
[2]	Federal and State Tandem Regulation	76
[B]	Federal Criteria and Standards	77
§ 5.02	STATE IMPLEMENTATION PLANS	78

Volume 1 Table of Contents

[A]	Requirement to Prepare Plans	78
[B]	Contents of State Plans	78
[C]	Submission of Plans	78
[D]	Time for Attaining Primary Standard	79
[E]	Revisions of State Plans	79
§ 5.03	STATIONARY SOURCES	79
[A]	New Source Regulation	79
[1]	New Sources Subject to Stringent Controls	79
[2]	Permit Requirements	80
[3]	Performance Standards	81
[4]	Prevention of Significant Deterioration of Air Quality	81
[B]	Existing Sources and the Bubble Concept	82
[C]	Acid Rain	83
[1]	Origins of Acid Rain	83
[2]	Effects of Acid Rain; Causes	83
[3]	Attempts to Reduce Acid Rain	83
[D]	Hazardous Air Pollutants	84
[1]	Background	84
[2]	Act's Current Approach	84
[3]	Work Practice Standards	85
[4]	Accidental Releases	85
§ 5.04	MOBILE SOURCES	86
[A]	Introduction	86
[B]	Emission Standards for New Vehicles and Engines	87
[1]	Requirements Generally Applicable	87
[a]	Vehicle Categories	87
[b]	Pollutants Regulated	87
[c]	Averaging of Emissions Among a Manufacturer's Vehicle Classes	88
[d]	Time Period Before Revised Standards Apply	88
[e]	Temporary Waiver of Standards	88
[2]	Light-Duty Vehicles	88
[3]	Heavy-Duty Vehicles and Engines	89
[4]	Manufacturers Have a Four Year Lead Time to Comply with New Standards	89
[C]	Ensuring Manufacturers' Compliance	89
[1]	Testing and Certification for New Vehicles and Engines	89
[2]	Testing and Certification for Older Vehicles and Resales	90
[3]	Hearing Requirement for Vehicles or Engines That Fail to Comply	90
[4]	Testing of Emission Control Systems	90
[5]	Recall of Noncomplying Vehicles	90
[6]	Warranties and Certifications by Industry	91

Volume 1 Table of Contents

[7]	Manufacturer Is Required to Provide Information	91
[8]	Site Inspections	91
[D]	State Standards	92
[E]	Regulation of Fuel	93
[1]	Regulation of Fuels by EPA	93
[a]	EPA May Prohibit Commerce in Harmful Fuels	93
[b]	Lead	93
[c]	Reformulated Gasoline in Ozone Nonattainment Areas	94
[d]	Carbon Monoxide Nonattainment Areas	94
[2]	New Fuels	95
[3]	Preemption of State Regulation	95
[F]	Urban Buses	95
[G]	Clean Fuel Vehicles	96
[1]	Types of Clean Fuels; Standards	96
[2]	California’s Pilot Program	96
[3]	Conversion of Vehicle Fleets	97
§ 5.05	ENFORCEMENT	97
[A]	Air Quality and Emission Limitations	97
[B]	Prevention of Significant Deterioration	97
[C]	Mobile Sources	98
[1]	Violations, Generally	98
[2]	Violations for Vehicles Imported and Exported	98
[3]	Exemptions	98
[4]	Injunctive Relief	99
[5]	Civil Penalties	99
[D]	Emergency Powers	99
[E]	Citizen Suits	99
[1]	Introduction	99
[2]	Types of Citizen Suits	100
[3]	Disposition of Penalties	100
[4]	Notice Requirements	101
[5]	Costs and Fees	101
[6]	No Preemption of Other Statutory or Common Law Claims	101
CHAPTER 6 WATER POLLUTION		103
§ 6.01	OVERVIEW OF PROVISIONS REGULATING WATER POLLUTION	110
§ 6.02	LEGISLATIVE HISTORY OF FEDERAL WATER POLLUTION STATUTES	111
[A]	Early Federal Attempts to Control Water Pollution	111
[1]	Historical Background	111

Volume 1 Table of Contents

[2]	Rivers and Harbors Act	111
[a]	Overview of the Act	111
[b]	Supreme Court Cases Construing the Rivers and Harbors Act: Antecedents to Enactment of Federal Water Pollution Policy	112
[c]	Permitting Scheme	113
[3]	Congressional Preferences for State Regulation of Water Pollution	114
[4]	Water Pollution Control Act	114
[5]	Water Quality Improvement Act of 1965	114
[B]	Early State Attempts to Control Water Pollution — Promulgation of Water Quality Standards for Different Classifications of Water Bodies	115
[C]	Delay in Enacting National Policy Can Have Serious Consequences	116
[D]	Federal Water Pollution Control Act of 1977 — Modern Clean Water Act (CWA)	117
§ 6.03	CLEAN WATER ACT (CWA)	118
[A]	Scope and Legislative Background of CWA	118
[1]	CWA Regulates Discharges of Pollutants into Surface Waters	118
[2]	Legislative Purposes of the CWA	119
[3]	International Aspirations of the CWA	120
[4]	The EPA’s Authority Under the CWA	120
[B]	Basic Terms Defined	121
[1]	Terms Triggering Applicability of the CWA	121
[a]	Terms Interlock and Are Interpreted Broadly	121
[b]	Discharge	121
[c]	Pollutant	122
[d]	Point Source	123
[e]	Non-Point Source Pollution/Stormwater Runoff	125
[f]	Navigable Waters of the United States	126
[g]	Permit	129
[h]	Source, Outfall, and New Source	129
[2]	Water Quality Standards versus Effluent Limitations	130
[a]	Water Quality Standards	130
[b]	Effluent Limitations or Technology-Based Standards	131
[C]	National Pollutant Discharge Elimination System (NPDES) Program	132
[1]	NPDES Permits Are Required for Discharges of Pollutants, and Are Subject to Other Environmental Laws	132
[2]	Obtaining Permits for Toxic Wastes	133
[3]	Discharges From Publicly Owned Treatment Works (POTWs)	134
[a]	Direct Discharges	134
[b]	Indirect Discharges	135
[c]	Secondary Treatment	136
[d]	Sludge Is Regulated as an End-Product of POTW Wastewater	

Volume 1 Table of Contents

	Treatment	136
[4]	State Certification of Compliance with Water Quality Standards Is Required	137
[5]	Persons and Conduct Covered by NPDES	138
[6]	Permit Application: Contents and Procedures	140
[a]	Filing the Application	140
[b]	Contents of Application	140
[c]	Specific Types of Applications	142
[i]	Concentrated Animal Feeding Operation and Concentrated Aquatic Animal Production Facility	142
[ii]	Publicly Owned Treatment Works (POTWs)	142
[7]	NPDES Permits: Terms and Conditions	142
[a]	Overview	142
[b]	Effluent Limitations May Be Set Out in the Permit in Different Ways	144
[c]	Standard of Performance for Dischargers Requires Use of Best Available Demonstrated Control Technology	146
[d]	Other Conditions Apply to Different Classes of Discharges and Categories of Pollutants	146
[8]	Monitoring and Reporting Requirements	146
[a]	Primary Monitoring Responsibilities Are Imposed on Permittee . .	146
[b]	Public Disclosure Is Required with Limited Protection for Trade Secrets	147
[c]	General Record Keeping Requirements and Reporting Obligations	147
[d]	Additional Reporting Obligations for Publicly Owned Treatment Works (POTWs)	148
[D]	State Pollutant Discharge Elimination System (SPDES) Programs	149
[1]	Overview of State Permitting Programs	149
[2]	State Program Requires EPA Approval: Process and Requirements .	150
[3]	SPDES Programs May Be Revised by the State or the EPA	153
[4]	EPA Approval of SPDES Programs May Be Withdrawn	153
[E]	Enforcement	154
[1]	Overview	154
[a]	Enforcement Goals	154
[b]	How Violations Occur	154
[c]	Discharge of Pollutants into a Treatment Works May Place Treatment Works in Violation	154
[2]	Enforcement Authority	155
[a]	State Has Enforcement Authority Under SPDES Program; Otherwise, the EPA Enforces	155

Volume 1 Table of Contents

[b]	State Has Limited Time Period to Undertake Enforcement	155
[c]	Systematic Nonenforcement by the State; EPA’s Resumption of Enforcement Authority	155
[3]	Enforcement Options	156
[a]	Compliance Order; Notice of Violation	156
[b]	Administrative Enforcement	156
[i]	Public Notice; Public’s Opportunity to Comment	156
[ii]	Public Hearing; Witnesses May Be Subpoenaed	156
[iii]	Penalties	157
[c]	Civil Remedies	157
[d]	Criminal Enforcement	158
[i]	Overview	158
[ii]	Criminal Negligence	158
[iii]	Knowing Violations	159
[iv]	Knowing Endangerment	159
[F]	Citizen Suits	160
[1]	Overview; Purpose Is to Ensure Compliance with the CWA	160
[2]	Enforcement Goals: Violations of Permit, Effluent Limitations, Water Quality Standards, Compliance Orders	161
[3]	Citizen Suits May Address Only Present Violations	161
[4]	Statutory and Common Law Remedies May Still Be Pursued	161
[5]	The EPA May Be Sued for its Failure to Comply with the CWA	162
[6]	Standing	162
[7]	Target of Suit; Suit Subject to Eleventh Amendment	163
[8]	Bar to Commencement of Suit: 60 Days Notice; Contents of Notice; EPA Diligently Prosecuting Enforcement Action	164
[9]	Intervention	166
[10]	“Substantially” Prevailing Plaintiff May Recover Attorney and Expert Witness Fees	166
[11]	Penalties Are Paid to U.S. Treasury; Some Courts Allow Earmarking for Environmental Projects	167
§ 6.04	WATER RESOURCES	167
[A]	Background	167
[1]	What Are the Sources of Ground Water Contamination?	167
[2]	How Does the Hydrologic Cycle Affect Ground Water Contamination?	168
[B]	Ground Water Contamination Is Regulated by Several Statutes	169
[C]	Safe Drinking Water Act	170
[1]	Background and Jurisdiction	170
[2]	Regulation of Public Water Systems: Water Quality Requirements	171
[a]	Maximum Contaminant Levels	171

Volume 1 Table of Contents

[i]	Drinking Water Regulations	171
[ii]	Primary Drinking Water Regulations	172
[iii]	Secondary Drinking Water Regulations	173
[b]	What Is a Public Water System?	173
[c]	Variances	174
[d]	Exemptions	175
[3]	Regulation of Ground Water Sources of Drinking Water	175
[a]	Restrictive Land Use Regulation	175
[b]	Protection of Sole Source Aquifers	176
[c]	Injection Wells	177
[d]	Wellhead Protection	178
[D]	Underground Storage Tanks	179
§ 6.05	MARINE PROTECTION	181
[A]	Generally	181
[B]	Point Source Discharges	182
[1]	Relationship Between § 403 and Other Provisions of the Clean Water Act	182
[2]	Where NPDES Permits Under § 403 Operate	183
[3]	Criteria Governing Issuance of Marine Discharge Permits	183
[a]	Congress' Concerns	183
[b]	How the EPA Evaluates the Permit Application	184
[i]	If There Is an Unreasonable Degradation of the Marine Environment, the Permit Will Be Denied	184
[ii]	Factors Considered by the EPA in Determining Whether There Is an Unreasonable Degradation	184
[C]	Ocean Dumping	185
[1]	Background	185
[2]	Jurisdiction	186
[a]	Purpose and Prohibitions	186
[i]	What Did Congress Intend the Act to Accomplish?	186
[ii]	What Is "Dumping"?	186
[b]	Geographic Jurisdiction	187
[c]	Regulatory and Enforcement Jurisdiction	188
[3]	Scope of Coverage	188
[a]	Materials Subject to Permitting Requirements	188
[b]	Materials for Which No Permit May Be Granted	189
[c]	Dumping of Sewage Sludge and Industrial Waste: Forbidden by the Statute	190
[4]	Permitting Criteria	190
[a]	Dumping May Not Unreasonably Degrade Marine Environment or Endanger Human Health	190

Volume 1 Table of Contents

[b]	General Criteria	190
[c]	Dump Site Designation in Permit	192
[5]	Issuance of Permit	192
[a]	Public Notice	192
[b]	Permit Conditions	192
[c]	Public Record	193
[6]	Enforcement and Penalties	193
[a]	Generally	193
[b]	Emergency Dumping: No Enforcement Sanctions	194
[c]	Citizen Plaintiffs	194
§ 6.06	OIL DISCHARGE AND LIABILITY	194
[A]	Background	194
[B]	Regulation Under the Clean Water Act	195
[1]	“Discharges” Covered by § 311	195
[2]	Liable Parties Include Owners and Operators of Vessels and Facilities	196
[3]	“Person in Charge” Must Immediately Notify Coast Guard of Discharge of Oil	196
[4]	Penalties for Discharge or Failure to Comply with Cleanup Order	197
[5]	Boarding Vessels, Entry of Facilities; Inspections	197
[6]	Removal and Mitigation	197
[7]	Third Party Liability; Defenses; Cost Recovery by Innocent Owner or Operator	198
[8]	National Response System Facilitates Prevention and Speedy Cleanups	199
[C]	Oil Pollution Act of 1990	200
[1]	Introduction	200
[2]	Responsible Parties Include Owners and Operators of Vessels, Facilities, and Pipelines	200
[3]	Third Party Liability; Defenses	200
[4]	Indemnification Agreements Are Enforceable, But Are Not a Statutory Defense	201
[5]	Responsible Party Is Liable for Removal Costs and Damages	201
[6]	Recoverable Costs Include Natural Resource Damages; Subsistence Use of Natural Resources	201
[7]	Additional Recoverable Costs: Lost Tax Revenues; Lost Profits; Cost of Public Services	202
[8]	Monetary Limitations on Damages	202
[D]	Oil and Gas Drilling on the Outer Continental Shelf: Outer Continental Shelf Lands Act	203
[1]	Congressional Purpose	203

Volume 1 Table of Contents

[2]	Federal versus State Roles	203
[3]	Lease Program	204
[4]	Development and Production Plans	206
[5]	Citizen Suits	207
[6]	Enforcement	208
[E]	Tanker Design and Operation	209
[1]	The Ports and Waterways Safety Act	209
[2]	Preempts State Laws on Tanker Design	209
[3]	Double Hulls Required by 1990 Amendment	210
[4]	Proof of Compliance and Penalties	210
[5]	State Laws on Deballasting and Tanker Performance	211
[F]	Pilotage	211
[G]	International Agreements	212
§ 6.07	DREDGE AND FILL OPERATIONS	212
[A]	Introduction	212
[1]	“Dredge” and “Fill” Definitions	212
[2]	Dredge and Fill Activities Are Governed by § 404 of the Clean Water Act	213
[B]	Army Corps of Engineers Is Primary Regulatory and Enforcement Agency	215
[1]	Overlapping Jurisdiction with Rivers and Harbors Act	215
[2]	Overlapping Jurisdiction with EPA	215
[3]	State Jurisdiction versus Army Corps Jurisdiction	216
[C]	Statutory Criteria Triggering Need for a Permit	217
[1]	Basic Requirements: Discharge into Waters of the United States	217
[2]	“Discharge” of Dredged or Fill Materials: How Construed	218
[a]	Addition Required	218
[b]	Dredging Itself Not Covered	218
[c]	Incidental Fallback During Dredging	218
[3]	Activities Traditionally Not Treated as Discharges	219
[a]	Landclearing	219
[b]	Draining of Water Bodies or Wetlands	220
[c]	Pilings	220
[4]	Specification of Disposal Sites	220
[D]	General Policies for Evaluating Permit Applications	221
[1]	Public Interest Review	221
[2]	Effect on Wetlands	221
[3]	Effect on Fish and Wildlife	222
[4]	Water Quality	222
[5]	Historic, Cultural, Scenic, and Recreational Values	222
[6]	Effect on Property Interests	223

Volume 1 Table of Contents

[7]	Activities in Coastal Zone, Marine Sanctuary	223
[E]	Bases Upon Which Permit Will Be Denied	223
[1]	Generally	223
[2]	Practicable Alternative Has Less Impact	224
[3]	Degradation of Waters of the United States	225
[4]	State Water Quality Standards	226
[5]	Toxic and Pretreatment Effluent Standards	226
[6]	Adverse Effect on Regulated Species or Habitat	226
[7]	Marine Sanctuaries	226
[F]	Discharges of Dredge or Fill Materials Exempted from § 404	
	Permitting	227
[1]	Generally	227
[2]	Statutory Exempt Activities	227
[a]	Agriculture/Silviculture	227
[i]	“Normal” Farming, Silvicultural, or Ranching Use	227
[ii]	Farming, Silvicultural, or Ranching Use Must Be “Ongoing”	227
[b]	Ponds or Ditches Relating to Agriculture	229
[c]	Farm, Forest, and Mining Roads	229
[d]	Structures in the Water: Maintenance and Repair	229
[e]	Sedimentation Basins at Construction Sites	230
[3]	When Statutory Exemptions Are Inapplicable	230
[a]	New Use of Water Body	230
[b]	Activity Impairs Flow or Circulation	230
[4]	Certain Government Projects Are Exempted	230
[G]	Nationwide or “General” Permits	231
CHAPTER 7 SOLID AND HAZARDOUS WASTES		233
§ 7.01	INTRODUCTION TO SOLID AND HAZARDOUS WASTES	238
[A]	Background	238
[B]	Definitions	239
[C]	RCRA and CERCLA Complement Each Other	239
[D]	Regulatory Structure of RCRA and CERCLA	240
§ 7.02	FEDERAL REGULATION OF SOLID WASTE	241
[A]	Basic Terms	241
[1]	How Solid Is “Solid” Waste?	241
[2]	Disposal Activities and Facilities	242
[B]	Wastes Excluded from Federal Regulation of Solid Waste Disposal	243
[C]	Sanitary Landfills	244
[1]	Open Dumping Is Prohibited	244
[2]	Criteria Governing Sanitary Landfills	244
[a]	Sanitary Landfill Defined	244

Volume 1 Table of Contents

[b]	Flood Plains	245
[c]	Wildlife Habitat	245
[d]	Water	245
[i]	Surface Water	245
[ii]	Groundwater	245
[iii]	Wetlands	246
[e]	Agricultural Use of Sewage Sludge	246
[i]	Toxic Substances	246
[ii]	Pathogens	247
[f]	Open Burning	247
[g]	General Safety Hazards	247
[D]	Groundwater Monitoring and Corrective Action	248
§ 7.03	MUNICIPAL SOLID WASTE DISPOSAL FACILITIES	249
[A]	Governing Rules	249
[B]	Facilities Included	250
[1]	What Is “Municipal” Solid Waste?	250
[2]	Municipal Solid Waste Management Units: Definition and Requirements	250
[3]	Exclusion of Small Landfills	250
[4]	Municipal Incineration of Solid Waste	250
[C]	Limitations that Apply to a Municipal Landfill’s Siting and Location	251
[1]	Wetlands	251
[2]	Flood Plains	252
[3]	Seismic Zones	252
[4]	Airports	252
[5]	Unstable Areas	253
[D]	Design and Operating Requirements	253
[1]	Design Criteria	253
[2]	Operating Restrictions	253
[3]	Recordkeeping	254
[4]	Groundwater Monitoring	254
[E]	Closure and Post-Closure Requirements	255
[1]	Purpose of Requirements	255
[2]	Cover System	255
[3]	Closure Plan and Other Closure Requirements	255
[4]	Post-Closure Care	256
[F]	Financial Assurances	256
[1]	General Requirements	256
[2]	Estimates	257
[3]	Financing Mechanisms	257
§ 7.04	STATE AND LOCAL CONTROL OF SOLID WASTE DISPOSAL	258

Volume 1 Table of Contents

[A]	State Plans	258
[1]	Federal Encouragement of State Plans	258
[2]	Minimum Requirements of State Plans	258
[3]	Additional Components of State Plans	259
[a]	Open Dumps	259
[b]	Used Oil	260
[4]	Implementation of State Plans	260
[B]	Restrictions on State and Local Solid Waste Disposal	261
[1]	Commerce Clause Considerations	261
[2]	Flow Control Ordinances: Local Attempts to Control Solid Waste Disposal	263
[3]	Market Participation by the State	264
§ 7.05	HAZARDOUS WASTE MANAGEMENT: THE RESOURCE CONSERVATION RECOVERY ACT (RCRA)	265
[A]	RCRA Goals	265
[B]	Wastes Subject to RCRA Regulation	266
[1]	Defining Hazardous Wastes	266
[2]	Hazardous Waste Criteria	267
[3]	Materials “Mixed With” Hazardous Wastes	268
[4]	Exclusions	268
[C]	Generators	269
[1]	Requirements	269
[2]	Generators that Act as Treatment, Storage, and Disposal Facilities . .	270
[3]	Small Generators	270
[D]	Transporters	270
[1]	Custody and Tracking of Hazardous Waste Shipments	270
[2]	Spills During Transport	271
[E]	Treatment, Storage, and Disposal (TSD) Facilities	271
[1]	Definitions	271
[a]	“Facility”	271
[b]	“Storage”	272
[c]	“Disposal”	272
[d]	“Treatment”	272
[2]	TSD Permits	273
[F]	TSD Facility Standards	274
[1]	Tracking and Identification	274
[2]	Safety	274
[3]	The “Land Ban”	275
[4]	Groundwater Protection, Monitoring, and Corrective Action	276
[a]	Groundwater Protection Obligation	276
[b]	Detection Monitoring	276
[c]	Compliance Monitoring	276

Volume 1 Table of Contents

[d]	Corrective Action	276
[5]	Financial Assurance	277
[G]	Closure and Post-Closure Requirements	277
[H]	Inspections, Reporting, and Monitoring	277
[I]	Delegation to States	278
[J]	Enforcement	279
[1]	Administrative and Civil Enforcement	279
[2]	Criminal Penalties	279
[3]	Abatement Orders for Imminent Hazards	280
[4]	Citizen Suits	280
[a]	Bases for Suits; Remedies	280
[b]	Notice Requirements	281
[c]	When Suits Are Barred	281
[d]	Fees to Prevailing Party	282
§ 7.06	HAZARDOUS WASTE SITES: COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA) . .	282
[A]	Remediation under CERCLA	282
[1]	Introduction	282
[2]	Facility Defined	283
[3]	Release, Threatened Release, or Disposal; Exclusions	283
[4]	Section 106 Orders	284
[5]	Use of CERCLIS, Preliminary Assessments, the Hazard Ranking System, and the NPL	284
[6]	Remediation: Response Actions, Removal, Monitoring, and Mitigation	285
[a]	Definitions	285
[b]	Remedial Investigation, Feasibility Study, and Record of Decision	286
[c]	What Remediation Involves	286
[d]	EPA versus Private Party Cleanups	286
[e]	National Contingency Plan Requirements	287
[f]	Recovering Costs of Cleanup	287
[7]	Notice and Record Keeping Requirements	287
[B]	Responsibility for Cleanup	288
[1]	Statutory Categories of Responsible Parties	288
[2]	Generators	288
[3]	Owners and Operators of Disposal Sites	289
[a]	Owners and Operators Subject to Liability	289
[i]	Joint and Several Liability	289
[ii]	Owner and Operator Defined	289
[iii]	Partnerships and Corporate “Owners” and Operators	289
[iv]	U.S. Government May Be an Owner or Operator	290

Volume 1 Table of Contents

[v]	Liability of State and Local Governments	291
[vi]	Liability of Past and Present Owners and Operators	291
[vii]	Successor Liability	292
[b]	Secured Creditor Exemption	293
[c]	Fiduciary Exemption	294
[4]	Parties Who Arrange for Disposal	294
[5]	Parties Who Arrange for Recycling May Be Exempt from CERCLA Liability	297
[6]	Transporters	297
[7]	Strict, Joint, and Several Liability	298
[C]	Cleanup Costs: Who Pays Whom?	299
[1]	Cost Recovery Actions versus Contribution Actions	299
[2]	Cost Recovery Actions	301
[3]	Contribution Actions	302
[D]	Defenses	303
[1]	Three Defenses, Generally	303
[2]	Acts of God and War	303
[3]	Act or Omission of Third Party	304
[4]	Innocent Purchaser Defense	304
[E]	Settlement and Protection from Contribution	305
[F]	Insurance	306
[1]	Pollution Exclusion Clauses	306
[2]	“Sudden and Accidental” Releases	306
[3]	“Absolute” Pollution Exclusion	307
[G]	State Cleanup Statutes	308
[H]	Effect of Responsible Party’s Bankruptcy	308
[1]	Bankruptcy Petition Stays Actions for Money Judgments, But Not Governmental Enforcement Actions	308
[2]	Discharging Environmental Claim in Bankruptcy	309
§ 7.07	THE BROWNFIELDS ISSUE: THE AMOUNT OF CLEANUP REQUIRED	310
[A]	Of “Brownfields” and “Greenfields”	310
[B]	The Awakening Federal Interest	312
[C]	Proposed Solutions to Brownfields Dilemma	313
[1]	Limitation of Ownership-Derived Liability	313
[a]	Purchaser Liability	313
[b]	Lender Liability	314
[2]	Restrictions on Future Use	314
[3]	Voluntary Cleanups	315
[4]	Financial Incentives	316
§ 7.08	EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT	317

Volume 1 Table of Contents

[A]	Requirements and Purposes of Act	317
[B]	Emergency Planning	317
[1]	Local Responsibilities for Emergency Planning	317
[2]	Emergency Response Plan	318
[C]	Emergency Notification	318
[D]	Reporting Requirements	319
[1]	Material Safety Data Sheets	319
[2]	Inventory Forms	319
[3]	Toxic Chemical Release Forms	319
[4]	Medical Emergencies	320
[E]	EPA as a Data Clearinghouse	320
[1]	EPA Must Maintain Records on National Movement of Chemicals	320
[2]	EPA Must Maintain List of Toxic Chemicals	320
[3]	Citizens May Petition to Add a Chemical to EPA's List	321
[F]	Enforcement	321
[1]	Compliance Orders and Penalties	321
[2]	Citizen Suits	321
[a]	Grounds for Suit	321
[b]	Notice; Suits for Past Violations	321
[c]	Standing	322
[d]	Costs and Fees; Intervention	322
[3]	Suits by State or Local Authorities	323
CHAPTER 8 TOXIC SUBSTANCES		325
§ 8.01	PESTICIDES	328
[A]	Regulation of Pesticides	328
[B]	Registration	328
[1]	Registration Requirements, Generally	328
[2]	Information Required to Achieve Registration	329
[3]	Registration Is for General or Restricted Use	329
[4]	Original Registration Is for Exclusive Use	330
[5]	State Registration	330
[6]	Suspension and Cancellation	330
[7]	Experimental Use Permits and Variances	330
[8]	Public Access to Information	331
[C]	Labeling	331
[1]	General Labeling Requirements	331
[2]	Preemption	331
[D]	Pesticide Residues in Foods	332
[E]	Enforcement	332

Volume 1 Table of Contents

§ 8.02	REGULATING TOXIC SUBSTANCES: THE TOXIC SUBSTANCES CONTROL ACT (TSCA)	333
[A]	Purposes of Act	333
[B]	Chemicals Included in and Excluded from TSCA	334
[C]	Testing Requirements	334
[1]	When Testing Is Required	334
[2]	Standards Used for Testing	335
[3]	Actions to Prevent or Reduce Risk	336
[D]	Manufacturing and Processing Notices for New Chemicals or New Uses	336
[1]	Ninety Day Notice Requirement; Exemptions	336
[2]	Required Contents of Notice	336
[3]	Issuance of Interim Order; Injunctive Relief	337
[E]	Regulation of Hazardous Chemicals	337
[1]	EPA's Promulgation of Rules	337
[2]	Balancing of Risks	338
[3]	Emergency Rule-Making Power	338
[4]	Regulation of Polychlorinated Biphenyls (PCBs)	338
[5]	Imminent Hazards	339
[F]	Compilation of Information	339
[1]	Reporting and Record Keeping by Regulated Parties	339
[2]	EPA's Inventory of Toxic Chemicals	340
[3]	Inspections	340
[4]	Confidential Data	340
[G]	Exports and Imports	340
[H]	Enforcement	341
[1]	Criminal and Civil Penalties	341
[2]	Other Civil Remedies	342
[3]	Citizen Suits	342
§ 8.03	TOXIC TORT LITIGATION	343
[A]	Liability	343
[1]	Background	343
[2]	Standards of Liability	343
[a]	Strict Liability	343
[b]	Negligence; Interference with Commercial Expectations; Emotional Distress	344
[c]	Product Liability and Failure to Warn	344
[3]	Causation	345
[a]	Duty of Care	345
[b]	Burden of Proof	345
[c]	Multiple Defendants	345
[4]	Suits Against Government Bodies	346

Volume 1 Table of Contents

[B]	Damages	347
[C]	Defenses	348
[1]	Statute of Limitations	348
[2]	Government Contractor Defense	348
[3]	Workplace Toxic Torts	349
[4]	Bankruptcy	349
[D]	Procedure and Evidence	350
[1]	Class Actions	350
[2]	Jurisdiction	351
[3]	Discovery	351
[4]	Expert Testimony	352
[E]	Liability Insurance	352
[1]	“Sudden and Accidental” Limitation	352
[2]	Duty to Defend	353
[3]	Liability of Insurer at Time of Exposure	353
§ 8.04	RADON	353
[A]	Health Risks	353
[B]	Regulation of Radon as a Toxic Substance	354
[1]	EPA’s Responsibility to Provide Information	354
[2]	Construction Standards	354
§ 8.05	ASBESTOS	355
[A]	Background of Problem; Regulation Under State and Federal Law	355
[B]	Regulation Under Toxic Substances Control Act	356
[1]	Asbestos in Schools	356
[2]	Asbestos Abatement	357
[C]	Occupational Safety and Health Act Regulation	357
[D]	Clean Air Act	358
§ 8.06	CHLOROFLUOROCARBONS (CFCs) AND OTHER OZONE DEPLETING CHEMICALS	358
[A]	Background of Problem	358
[B]	Regulation Under Clean Air Act	359
[1]	CFC Listing	359
[2]	Labeling	359
[3]	CFC Ban	359
[C]	Environmental Tax on CFCs	360
§ 8.07	LEAD	360
[A]	Background of Problem; Regulations	360
[B]	Lead Exposure Reduction Under Toxic Substances Control Act	362
[C]	Residential Lead-Based Paint Hazard Reduction Act	363
[1]	Purposes of Act	363
[2]	Disclosure of Lead Hazards Prior to Conveyance of Residential Target Housing	364

Volume 1 Table of Contents

[3]	Accreditation	364
[4]	Occupational Exposure to Lead Hazards	365
[D]	Regulation of Lead Emissions Under the Clean Air Act	365
CHAPTER 9 NOISE		367
§ 9.01	NOISE CONTROL ACT	367
[A]	Background of Act	367
[B]	Congressional Finding; General Requirements of Act	368
[C]	Maximum Ambient Standards for Noise	368
[D]	Warranty Requirement and State Regulation of Noise	368
[E]	Labeling Requirements	369
[F]	Remedies	369
§ 9.02	STATE AND LOCAL LAWS	369
§ 9.03	AIRCRAFT NOISE	370
[A]	Inverse Condemnation Suits	370
[B]	Nuisance Actions	371
§ 9.04	AIRCRAFT NOISE: FAA REGULATIONS	372
§ 9.05	AIRCRAFT NOISE: STATE AND LOCAL AIRPORT CONTROLS	373
§ 9.06	OCCUPATIONAL NOISE	374
CHAPTER 10 FISH AND WILDLIFE		375
§ 10.01	HUNTING AND FISHING LAWS	375
§ 10.02	DEEP SEA FISHING	377
[A]	Background	377
[B]	License Requirements	377
[C]	International Treaties	377
[D]	Drift Nets	378
§ 10.03	ENDANGERED SPECIES ACT AND RELATED STATUTES	378
[A]	Background of Endangered Species Act	378
[B]	<i>Tennessee Valley Authority v. Hill</i> and the Creation of Endangered Species Committee	379
[C]	“Taking” of Endangered Species Is Prohibited	379
[D]	Lesser Protection Exists for Threatened Species	379
[E]	Preemption Issues	380
[F]	Enforcement, Standing, and ESA’s Citizen Suit Provision	380
[G]	Other Wildlife Protection Statutes	380
§ 10.04	STATE STATUTES	381
§ 10.05	INTERNATIONAL CONTROLS	382
§ 10.06	VOLUNTARY CREATION OF WILDLIFE HABITAT	383

Volume 1 Table of Contents

CHAPTER 11	LAND USE	385
§ 11.01	OVERVIEW	386
§ 11.02	CRITICAL AREAS: WETLANDS, COASTAL ZONES, SHORELANDS, AND SUBMERGED LANDS AND FLOODPLAINS	386
[A]	Wetlands	386
[B]	Coastal Zones, Shorelands, and Submerged Lands	388
[1]	State and Local Statutes	388
[2]	Coastal Zone Management Act	389
[3]	Underwater Lands	389
[C]	Floodplains	390
§ 11.03	STATE REGIONAL PLANNING	391
[A]	Local Zoning and Its Environmental Implications	391
[B]	Need to Protect Environmentally Critical Areas	392
[C]	State Planning and Land Use Statutes	392
§ 11.04	HISTORIC PRESERVATION	393
[A]	Municipal Controls Protecting Landmarks	393
[B]	Landmarks and Taking Claims	394
[C]	Religious Buildings and Free Exercise Claims	395
[D]	Maintenance and Rehabilitation	395
[E]	National Register of Historic Places	396
§ 11.05	WILDERNESS AREAS AND PUBLIC LANDS	396
[A]	National Forests	396
[B]	Bureau of Land Management Property	397
[C]	National Parks and Wildlife Refuges	398
[D]	Wilderness Protection	398
§ 11.06	POWER PLANT SITING	399
[A]	In General	399
[B]	Hydroelectric Power Plants	399
[C]	Nuclear Power Plants	400
[D]	State Power Plant Siting Statutes	400
§ 11.07	ESTHETIC CONTROLS	400
§ 11.08	AGRICULTURAL LANDS	402
§ 11.09	CONSERVATION EASEMENTS AND LAND TRUSTS	403
CHAPTER 12	ENERGY PRODUCTION AND MINERAL EXTRACTION	405
§ 12.01	SOLAR ENERGY AND WIND POWER	406
[A]	Background	406
[B]	Solar Energy	406
[C]	Wind Power	407
§ 12.02	NUCLEAR ENERGY	407

Volume 1 Table of Contents

[A]	Atomic Energy Act	407
[B]	Licensing Power Plants	408
[C]	Evacuation Plans	409
[D]	Radioactive Waste Disposal	410
[1]	Nuclear Waste Policy Act	410
[2]	Low Level Radioactive Waste Policy Act	411
[3]	Transporting Radioactive Waste	412
[E]	State Controls and Preemption Issues	412
[F]	Liability Issues	412
§ 12.03	GEOTHERMAL ENERGY	413
§ 12.04	COAL AND MINERAL SURFACE MINING	414
[A]	Surface Mining Control and Reclamation Act	414
[1]	Act Needed to Supplement State Controls	414
[2]	Act Works in Tandem with State Regulation	414
[3]	Act Requires Reclamation and Restoring of Land	415
[4]	Act Upheld as Valid Exercise of Congressional Power	415
[B]	Laws to Prevent Subsidence of Surface Lands	416
§ 12.05	SYNTHETIC FUELS	416
[A]	Government Sponsorship of Alternative Fuel Research	416
[B]	Federal Subsidies for Biomass Energy and Ethanol	417
[C]	Compressed Natural Gas, Electric, and Hydrogen Powered Vehicles	418
§ 12.06	ENERGY CONSERVATION	419
[A]	Automotive Fuel Efficiency	419
[B]	Appliance Efficiency	419
[C]	Electricity Conservation	420
[1]	Public Utility Regulatory Policies Act	420
[2]	Fostering Small Power Producers	421
CHAPTER 13	INTERNATIONAL ASPECTS OF ENVIRONMENTAL PROTECTION	423
§ 13.01	BASIC PRINCIPLES	423
[A]	Treaties Governing Environmental Issues	423
[B]	Applicable Principles of International Law	424
[C]	Sustainable Development and Population Increase	425
[D]	Conflicting Interests of Developed and Developing Countries	425
[E]	War and the Environment	425
§ 13.02	GLOBAL CLIMATE CHANGE	426
[A]	Causes and Effects of Global Warming	426
[B]	The Climate Change Convention	427
§ 13.03	OZONE LAYER PROTECTION	429
§ 13.04	BASEL CONVENTION ON HAZARDOUS WASTE SHIPMENT	430

Volume 1 Table of Contents

§ 13.05	THE ENVIRONMENT AND FREE TRADE	431
§ 13.06	BIODIVERSITY	432
[A]	Importance of Maintaining Biodiversity	432
[B]	Convention on Biological Diversity	434
[C]	Use of Genetic Resources: Who Profits?	434
[D]	Debt-for-Nature Swaps	435
CHAPTER 14 INNOVATIONS AND TRENDS		437
§ 14.01	INTRODUCTION	438
§ 14.02	THE “XL” PROGRAM	439
[A]	Background and Description of Program	439
[1]	Greater Participation by Industry in Choosing Strategies to Reduce Pollution	439
[2]	Pilot Projects	439
[3]	Role of Local Agencies	440
[4]	Review Groups and the Final Project Agreement	440
[B]	Goals	440
[C]	Types of XL Projects	441
[1]	Facility-based	441
[2]	Industry-wide	441
[3]	Government Agencies	442
[4]	Community-based	442
§ 14.03	OTHER COMMUNITY-BASED PROGRAMS	442
§ 14.04	CODE OF ENVIRONMENTAL MANAGEMENT PRINCIPLES FOR FEDERAL AGENCIES	443
[A]	Purpose of the Code	443
[B]	Code Principles	443
§ 14.05	INCENTIVES FOR SELF-POLICING	444
§ 14.06	PUBLIC PERFORMANCE-BASED PERMITTING	444
§ 14.07	VOLUNTARY PARTNERSHIPS BETWEEN BUSINESSES AND THE EPA	445
§ 14.08	RESOURCE CONSERVATION CHALLENGE	446
[A]	Solid Waste	447
[B]	“Green” Electronics	447
[C]	“Green” Buildings	448
[D]	The Reduction of Priority and Toxic Chemicals	449
§ 14.09	ISO 14000 AND ENVIRONMENTAL MANAGEMENT	449
[A]	International Organization for Standardization (“ISO”)	449
[1]	Background and Environmental Goals	449
[2]	Standards Are Voluntary	450
[3]	International Trade Aspects of ISO 14000	450

Volume 1 Table of Contents

[4]	Industry Response to ISO Standards	450
[B]	Environmental Management Systems	451
[1]	Goal of System	451
[2]	No Performance Standards for ISO 14001	451
[3]	Features of ISO 14001	451
[C]	Certification of Compliance with ISO Standards	452
§ 14.10	THE EQUATOR PRINCIPLES	452
§ 14.11	EMERGING TRENDS IN ENERGY PRODUCTION AND TRANSMISSION	454
[A]	Alternative Energy May Be Picking Up Steam, Fueled from Below . . .	454
[B]	Extreme Changes in Weather May Focus the Public on Climate Change and the Need to Modify Energy Policies	456
[C]	Unconventional Means of Reaching Conventional Energy Supplies . . .	458

EXCERPTS FROM EPA TERMS OF ENVIRONMENT: GLOSSARY, ABBREVIATIONS, AND ACRONYMS	461
--	------------

TABLE OF CASES	TC-1
---------------------------------	-------------

TABLE OF STATUTES	TS-1
------------------------------------	-------------

INDEX	I-1
------------------------	------------
