FEDERAL REGULATION OF NON-NUCLEAR HAZARDOUS WASTES: A RESEARCH BIBLIOGRAPHY

RICHARD A. DANNER*

In 1973, the Environmental Protection Agency sent to Congress its first comprehensive report on the growing problems of hazardous waste disposal in the United States.1 The report signalled the beginning of a decade of public and governmental concern over the regulation of chemical wastes. By 1981, two major pieces of federal legislation had been enacted.

The first was the Resource Conservation and Recovery Act of 1976 (RCRA),2 a general reworking of the existing Solid Waste Disposal Act. Subtitle C of RCRA established a comprehensive program of hazardous waste management and provided the framework for "cradle to grave" regulatory coverage.3

The RCRA approach was primarily prospective, however, and it failed to provide for the cleanup of existing inactive hazardous waste sites. In 1979, the EPA estimated that there were as many as 50,000 such sites, 1200 to 2000 of which posed a "serious risk to public health."4 Spurred in part by publicity over the Love Canal incident in New York,5 and by the EPA's slow progress in promulgating RCRA regulations,6 Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), popularly known as the "Superfund Act."7 CERCLA provides authority for emergency responses to releases of hazardous waste from inactive sites, creates a Hazardous Waste Response Trust Fund, and establishes the liability of those responsible for releasing hazardous wastes into the environment.

The two laws form the basis of current federal authority to regulate non-nuclear hazardous waste. Each has been the subject of considerable comment and analysis in legal literature, as has been the general topic of federal regulation in the area. Their passage and implementation have also generated numerous congressional documents and federal agency reports. This bibliography attempts to be comprehensive in its coverage of legal journal articles and congressional material.

Copyright © 1983 by Law and Contemporary Problems

* Director of the Library and Associate Professor of Legal Research, Duke University School of Law.

Coverage of monographic literature and other federal documents excludes popular treatments and material on the scientific and technical aspects of hazardous waste management. The bibliography does not cover other federal statutes dealing with regulation of the chemical industry or toxic substances. Nor does it cover the regulation of nuclear wastes. Material on state regulation of hazardous waste is included because of the influence of federal law on state policies.

The bibliography is divided into three sections, the first covering general works; the second, RCRA; and the third, CERCLA. Each section includes a list of periodical and monographic literature, and one of government documents. A listing of loose-leaf and other current awareness services is included under the first section.

Citation form generally conforms to the requirements of *A Uniform System of Citation* (13th ed. 1981). Additional information has been supplied where appropriate.

I

General Works

A. Articles and Monographs


COMMITTEE ON CONTINUING PROFESSIONAL EDUCATION, AMERICAN LAW INSTITUTE—AMERICAN BAR ASSOCIATION, TOXIC SUBSTANCES AND HAZARDOUS WASTES (2d ed. 1980) (materials from ALI-ABA Course of Study, Nov. 6-7, 1980; co-sponsored by Environmental Law Institute).


HAZARDOUS WASTE DISPOSAL: ASSESSING THE PROBLEM (J. Highland ed. 1982).


Note, Strict Liability for Generators, Transporters, and Disposers of Hazardous Wastes, 64 MINN. L. Rev. 949 (1980).


B. Government Documents


OFFICE OF WATER AND WASTE MANAGEMENT, U.S. ENVTL. PROTECTION AGENCY, SITING OF HAZARDOUS WASTE MANAGEMENT FACILITIES AND PUBLIC OPPOSITION: FINAL REPORT (1979) (prepared by Centaur Assoc.).


SUBCOMM. ON OVERSIGHT AND INVESTIGATIONS, HOUSE COMM. ON ENERGY AND COMMERCE, 97TH CONG. 2D SESS., HAZARDOUS WASTE ENFORCEMENT (Comm. Print 1982).

SUBCOMM. ON OVERSIGHT AND INVESTIGATIONS, HOUSE COMM. ON INTERSTATE AND FOREIGN COMMERCE, 96TH CONG., 1ST SESS., WASTE DISPOSAL SURVEY (Comm. Print 1979).


U.S. GEN. ACCOUNTING OFFICE, HOW TO DISPOSE OF HAZARDOUS WASTE—A SERIOUS QUESTION THAT NEEDS TO BE RESOLVED (1978).


C. Services and Current Awareness Material

The texts of the two laws, associated regulations, and information on new developments in the area can be found in the general environmental law loose-leaf services cited below, as well as in several specialized services:

CHEMICAL & RADIATION WASTE LITIGATION REPORTER (CHEMICAL AND RADIATION WASTE LITIGATION REPORTER, INC.) (1980-).

CHEMICAL REGULATION REPORTER (BUREAU OF NATIONAL AFFAIRS) (1977-).

ENVIRONMENT REPORTER (BUREAU OF NATIONAL AFFAIRS) (1970-).

ENVIRONMENTAL LAW REPORTER (ENVIRONMENTAL LAW INSTITUTE) (1971-).
II

RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

A. Articles and Monographs


Comment, EPA Issues RCRA’s “Cradle to Grave” Hazardous Waste Rules, 10 ENVTL. L. REP. (ENVTL. L. INST.) 10130 (1980).


**B. Government Documents**


OFFICE OF SOLID WASTE, U.S. ENVTL. PROTECTION AGENCY, TRANSCRIPT, PUBLIC HEARING ON PROPOSED HAZARDOUS WASTE REGULATIONS, FEBRUARY 7-9, 1979, NEW YORK, NEW YORK (1979).


OFFICE OF SOLID WASTE, U.S. ENVTL. PROTECTION AGENCY, TRANSCRIPT, PUBLIC HEARING ON PROPOSED HAZARDOUS WASTE REGULATIONS, MARCH 7-9, 1979, DENVER, COLORADO (1979).


OFFICE OF SOLID WASTE MANAGEMENT PROGRAMS, U.S. ENVTL. PROTECTION AGENCY, ECONOMIC ASSESSMENT OF POTENTIAL HAZARDOUS WASTE CONTROL GUIDELINES FOR THE INORGANIC CHEMICAL INDUSTRY (1976) (prepared by Arthur D. Little, Inc.).


OFFICE OF WATER AND WASTE MANAGEMENT, U.S. ENVTL. PROTECTION AGENCY, CHARACTERIZATION OF HAZARDOUS WASTE TRANSPORTATION AND ECONOMIC IMPACT ASSESSMENT OF HAZARDOUS WASTE TRANSPORTATION REGULATIONS (1979) (prepared by Arthur D. Little, Inc.).

OFFICE OF WATER AND WASTE MANAGEMENT, U.S. ENVTL. PROTECTION AGENCY, ECONOMIC IMPACT ANALYSIS OF HAZARDOUS WASTE MANAGEMENT REGULATIONS ON SELECTED GENERATING INDUSTRIES (1979) (prepared by Energy Resources Co.).

OFFICE OF WATER AND WASTE MANAGEMENT, U.S. ENVTL. PROTECTION AGENCY, FINANCIAL RESPONSIBILITY FOR TRANSPORTERS OF HAZARDOUS WASTES (1979) (prepared by Moshman Assoc.).

OFFICE OF WATER AND WASTE MANAGEMENT, U.S. ENVTL. PROTECTION AGENCY, HAZARDOUS WASTE MANAGEMENT ISSUES PERTINENT TO SECTION 3004 OF THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (1979) (prepared by Int'l Research & Technology Corp.).


BIBLIOGRAPHY


SUBCOMM. ON OVERSIGHT AND INVESTIGATIONS, HOUSE COMM. ON INTERSTATE AND FOREIGN COMMERCE, 96TH CONG., 1ST SESS., HAZARDOUS WASTE DISPOSAL: A REPORT TOGETHER WITH ADDITIONAL AND SEPARATE VIEWS (Comm. Print 1979).

SUBCOMM. ON OVERSIGHT OF GOVERNMENT MANAGEMENT, SENATE COMM. ON GOVERNMENTAL AFFAIRS, 96TH CONG., 2D SESS., REPORT ON HAZARDOUS WASTE MANAGEMENT AND THE IMPLEMENTATION OF THE RESOURCE CONSERVATION AND RECOVERY ACT (Comm. Print 1980).


U.S. ENVTL. PROTECTION AGENCY, ECONOMIC IMPACTS OF RCRA APPROACHES TO THE REGULATION OF GENERATORS OF SMALL VOLUMES OF HAZARDOUS WASTES (1980) (draft report prepared by Temple, Barber, & Sloane, Inc.).


U.S. ENVTL. PROTECTION AGENCY, STANDARDS APPLICABLE TO OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES: (40 CFR parts 264 and 265) (1980).


III
COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980

A. Articles and Monographs


Comment, EPA Proposes Court-Ordered Contingency Plan Revisions under “Superfund”; Stresses “Flexible” Cleanup Standards, 12 ENVTL. L. REP. (ENVTL. L. INST.) 10040 (1982).


**SUPERFUND: A LEGISLATIVE HISTORY** (H. Needham & M. Menefee eds. 1982).


**B. Government Documents**


HOUSE COMM. ON PUBLIC WORKS AND TRANSPORTATION, COMPREHENSIVE OIL POLLUTION LIABILITY AND COMPENSATION ACT, H.R. REP. NO. 172, PT. 2, 96TH CONG., 2D SESS. (1980).

HOUSE COMM. ON PUBLIC WORKS AND TRANSPORTATION, CONTEMPT OF CONGRESS, H.R. REP. NO. 968, 97TH CONG., 2D SESS. (1982).

HOUSE COMM. ON PUBLIC WORKS AND TRANSPORTATION, RELATING TO THE CONTEMPT CITATION OF ANNE M. (GORSUCH) BURFORD, H.R. REP. NO. 323, 98TH CONG., 1ST SESS. (1983).


SENATE COMM. ON ENVIRONMENT AND PUBLIC WORKS, ENVIRONMENTAL EMERGENCY RESPONSE ACT, S. REP. NO. 848, 96TH CONG., 2D SESS. (1980).
STAFF OF THE JOINT COMM. ON TAXATION, HOUSE COMM. ON WAYS AND MEANS, 96TH CONG., 2D SESS., DESCRIPTION OF REVENUE ASPECTS OF PROPOSALS (H.R. 85 AND H.R. 7020) RELATING TO OIL POLLUTION LIABILITY AND HAZARDOUS WASTE CONTAINMENT (Joint Comm. Print 1980).

STAFF OF THE JOINT COMM. ON TAXATION, SENATE COMM. ON FINANCE, 96TH CONG., 2D SESS., DESCRIPTION OF REVENUE ASPECTS OF PROPOSALS (S. 1480 AND PROPOSED AMENDMENTS) RELATING TO HAZARDOUS SUBSTANCE POLLUTION AND LIABILITY (Joint Comm. Print 1980).


SUPERFUND SECTION 301(E) STUDY GROUP, SENATE COMM. ON ENVIRONMENT AND PUBLIC WORKS, 97TH CONG., 2D SESS., INJURIES AND DAMAGES FROM HAZARDOUS WASTES—ANALYSIS AND IMPROVEMENT OF LEGAL REMEDIES (Comm. Print 1982).


U.S. GEN. ACCOUNTING OFFICE, ENVIRONMENTAL PROTECTION AGENCY’S PROGRESS IN IMPLEMENTING THE SUPERFUND PROGRAM (1982).
