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

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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. 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), 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.

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." Spurred in part by publicity over the Love Canal incident in New York, and by the EPA's slow progress in promulgating RCRA regulations, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), popularly known as the "Superfund Act." 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.

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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


Comment, Hazardous Waste Pollution: The Need for a Different Statutory Approach, 12 ENVTL. L. 443 (1982).


Comment, Pounds of Cure: General Electric Agrees to PCB Abatement, Cleanup and Research, 6 ENVTL. L. REP. (ENVTL. L. INST.) 10225 (1976).


Comment, Pursuing a Cause of Action in Hazardous Waste Pollution Cases, 29 BUFFALO L. REV. 533 (1980).


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


CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS, SUBCOMM. ON INVESTIGATIONS AND REVIEW, HOUSE COMM. ON PUBLIC WORKS AND TRANSPORTATION, 95TH CONG., 1ST SESS., WATER CONTAMINATION BY TOXIC POLLUTANTS: AN ASSESSMENT OF REGULATION (Comm. Print 1977).

CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS, SENATE COMM. ON ENVIRONMENT AND PUBLIC WORKS, 96TH CONG., 2D SESS., RESOURCE LOSSES FROM SURFACE WATER, GROUNDWATER, AND ATMOSPHERIC CONTAMINATION: A CATALOG (Comm. Print 1980).


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.).


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


HAZARDOUS WASTE REPORT (ASPEN SYSTEMS CORP.) (1979-).
HAZARDOUS WASTE/HAZARDOUS MATERIALS LEGAL REPORTER (BUREAU OF LAW & BUSINESS, INC.) (1983-).

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).


J. QUARLES, FEDERAL REGULATION OF HAZARDOUS WASTES: A GUIDE TO RCRA (1982).


Rosbe, RCRA and Regulation of Hazardous and Nonhazardous Solid Wastes: Closing the Circle of Environmental Control, 35 BUS. LAW. 1519 (1980).


B. Government Documents


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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).


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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


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


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CONGRESSIONAL RESEARCH SERVICE, LIBRARY OF CONGRESS, SENATE COMM. ON ENVIRONMENT AND PUBLIC WORKS, 96TH CONG., 2D SESS., SIX CASE STUDIES OF COMPENSATION FOR TOXIC SUBSTANCES POLLUTION: ALABAMA, CALIFORNIA, MICHIGAN, MISSOURI, NEW JERSEY, AND TEXAS (Comm. Print 1980) (prepared by the Environmental Law Institute).


HOUSE COMM. ON ENVIRONMENT AND PUBLIC WORKS, 97TH CONG., 2D SESS.,
LEGISLATIVE HISTORY OF THE COMPREHENSIVE ENVIRONMENTAL
RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 (SUPERFUND),
PUBLIC LAW 96-510, VOL. 1 (Comm. Print 1983).

HOUSE COMM. ON INTERSTATE AND FOREIGN COMMERCE, HAZARDOUS WASTE
CONTAINMENT ACT OF 1980, H.R. REP. NO. 1016, PT. 1, 96TH CONG., 2D SESS.
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SUBSTANCES, AND HAZARDOUS WASTE RESPONSE, LIABILITY, AND COMPEN-
SATION ACT OF 1980, MESSAGE FROM THE PRESIDENT, H.R. DOC. NO. 149,
96TH CONG., 1ST SESS. (1979).

HOUSE COMM. ON PUBLIC WORKS AND TRANSPORTATION, COMPREHENSIVE OIL
POLLUTION LIABILITY AND COMPENSATION ACT, H.R. REP. NO. 172, PT. 2,
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323, 98TH CONG., 1ST SESS. (1983).

HOUSE COMM. ON WAYS AND MEANS, COMPREHENSIVE OIL POLLUTION LIAB-
ILITY AND COMPENSATION ACT, H.R. REP. NO. 172, PT. 3, 96TH CONG., 2D
SESS. (1980).

HOUSE COMM. ON WAYS AND MEANS, HAZARDOUS WASTE CONTAINMENT ACT

Implementation of the Comprehensive Environmental Response, Compensation, and Liability
Act of 1980: Hearings Before the Subcomm. on Environmental Pollution of the Senate

Oil and Hazardous Substances Liability: Hearings on H.R. 29 and H.R. 85 Before the Sub-
comm. on Coast Guard and Navigation of the House Comm. on Merchant Marine and

Oversight of the Comprehensive Environmental Response, Compensation, and Liability Act of
1980 (Superfund): Hearing Before the Subcomm. on Environmental Pollution of the Senate

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