



THE ENVIRONMENTAL LAW AND COMPLIANCE HANDBOOK

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The Environmental Law and Compliance Handbook

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The Environmental Law and Compliance Handbook

*For Lynn,
Who makes it all worthwhile*

J.F.B.

*For Tracey,
Who makes even the cloudy days
seem sunny and bright*

M.S.D.

Preface

Environmental professionals—whether they are working as in-house environmental managers or outside environmental consultants—must possess a full understanding of the seemingly unmanageable body of environmental laws and regulations, and know how those regulations apply to particular types of business operations, manufacturing processes, hazardous substances and wastes, and so forth. Even though most environmental laws have been in existence for quite some time, the broad system of environmental regulation remains complex, and its understanding is further confounded by periodic statutory amendments, ongoing changes to existing regulations, and the continuing introduction of new ones. *The Environmental Law and Compliance Handbook* is intended to serve the needs of environmental professionals by providing comprehensive guidance on the complex array of federal environmental laws and implementing regulations that environmental professionals must know and master in order to be successful in their positions as environmental managers, compliance officers, engineers, and consultants.

The book has been organized into eight distinct parts, each of which essentially corresponds to a particular type of environmental medium (i.e., water, land, and air) or specialized area governed by the environmental laws presented within that part. Part I, *Introduction*, serves to explain the purpose and coverage of the book, as well as introduce some basic principles of administrative law which are necessary to understand fully the nature and scope of authority granted to governmental agencies charged with the administration and enforcement of the environmental laws and implementing regulations. Part II, *Origins of U.S. Environmental Regulation*, first explains the common-law theories of trespass, strict liability for ultrahazardous activities, nuisance, and negligence, which may form the basis for claims of environmental liability and which are separate and distinct from the statutory claims that may arise under environmental laws enacted by federal and state legislatures. Also included in this part is a full discussion of the National Environmental Policy Act of 1969 and its system of environmental impact review. NEPA is included here because it was the first major federal environmental law enacted in the United

States, and laid a foundation for other environmental legislation that was soon to follow. Part III, *Water Pollution Control*, focuses on federal laws that control water quality, and includes chapters dealing with the regulation of water pollution under the Clean Water Act and Safe Drinking Water Act. Part IV, *Air Pollution Control*, explains the detailed regulatory scheme for controlling air pollutant emissions under the Clean Air Act. Part V, *Hazardous and Toxic Substance Regulation*, is the largest part of the book and covers the primary federal laws governing the generation, storage, handling, disposal, and cleanup of hazardous substances and wastes, as required by the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Toxic Substances Control Act. In Part VI, *Pollution Prevention*, the authors turn to a full discussion of the important subject of pollution prevention, explaining the policy and goals of the Pollution Prevention Act of 1990, and examine federal and state programs that focus on waste minimization and recycling. Part VII, *Environmental Control of Land Use*, explains environmental laws designed to control the adverse impacts of certain types of land use activities on the environment, in particular regulation of land use activities in wetlands, coastal areas, and endangered species habitats under Section 404 of the Clean Water Act, the Coastal Zone Management Act, and the Endangered Species Act. Finally, Part VIII, *The International Perspective*, rounds out the coverage of the book with a discussion of international environmental law and policy.

The authors have endeavored to write the book in such a way that it will serve the needs of the environmental professional regardless of the level of his or her experience. For the environmental professional in pursuit of an educational degree or license, the book functions as a detailed textbook of environmental law and regulation. For the experienced environmental manager, engineer, compliance officer, or consultant, the book is a professional desk reference that can be consulted to refresh one's knowledge or obtain answers to questions about a specific environmental law or set of regulations. For the less experienced environmental professional, or one who has specialized knowledge in a particular area of environmental regulation but only a general understanding of other areas, the book serves as a useful handbook for determining and evaluating regulatory compliance requirements.

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J.F.B.
M.S.D.

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