

EXAMPLES & EXPLANATIONS

ASPEN PUBLISHERS

Environmental Law

Fifth Edition

Steven Ferrey



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Professor of Law
Suffolk University Law School



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*For Curran and Cameron, and the many wondrous days
ahead on this mystical planet:*

“To see a World in a Grain of Sand
And a Heaven in a Wild Flower,
Hold Infinity in the palm of your hand
And Eternity in an hour.”

— *William Blake*
Auguries of Innocence

“A small group of thoughtful people could change the world.
Indeed, it’s the only thing that ever has.”

— *Margaret Meade*

Preface and Acknowledgments

“What’s past is prologue.”

William Shakespeare, The Tempest

Environmental law is everywhere and influences every type of law. This book will help you decipher and understand the complex multitude of issues, statutes, agency regulations, and court decisions that make up environmental law. It breaks down the primary topics of environmental and energy law into key concepts and rules, and then it reassembles them in a format that makes them easier to work with.

There is an emphasis herein on providing you with the scientific background to understand each area of environmental and energy law. Each chapter is intended to ground you in the technical, legal, scientific, and policy aspects of real-world environmental law practice. In addition, each chapter provides questions with answers, or Examples and Explanations, that place you in the position of counsel to corporations, environmental groups, the government, or lenders, and in the position of prosecutor or environmental policymaker, to help you see how the law applies in real situations. This information is detailed enough to provide a complete foundation even for advanced-level environmental or energy law courses.

The sequence of chapters follows the order of topics as they appear in many environmental law casebooks. Specific topics may be located easily either in the table of contents or in the index. There also is a detailed glossary of key terms and a list of abbreviations at the back of the book.

Environmental and energy law are new, exciting, and growing areas of the law. And there is no end in sight to their growth. There is no Restatement of Environmental Law. We are still just beginning the “statement” — the Restatement is something you may author during your career.

In preparing this book and the Fifth Edition, I gratefully acknowledge the generous support of the Dean at Suffolk University Law School. I also express a special thanks to my friend and colleague, Professor Joseph Glannon, whose vision and creativity paved the way for the *Examples and Explanations* series. I also acknowledge the valuable contributions of my environmental law students and research assistants over the years who helped with the creation of the original book and later editions: Abigail Albee, Neil Alexander, Caroline Cho, Joseph Cipriano, William D’Alissandro, Jennifer

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Steven Ferrey

November 2009

Summary of Contents

<i>Contents</i>	<i>xi</i>
<i>Preface and Acknowledgments</i>	<i>xxiii</i>
Chapter 1 Environmental Ethics, Standards, Markets, and the Common Law	1
Chapter 2 Administrative Procedure for Environmental Regulation	39
Chapter 3 The National Environmental Policy Act	81
Chapter 4 Constitutional Issues: The Commerce Clause and Environmental Preemption	145
Chapter 5 Air Quality Regulation	175
Chapter 6 Water Pollution	247
Chapter 7 Rights to Use Water	291
Chapter 8 The Management of Hazardous and Solid Wastes: RCRA	317
Chapter 9 The Superfund: Hazardous Substance Remediation	367
Chapter 10 Local Environmental Controls	463
Chapter 11 Preservation of Natural Areas: Wetlands and Open Space	505
Chapter 12 Energy and the Environment	537
Chapter 13 The Endangered Species Act	581
Chapter 14 TSCA and FIFRA: Regulating Chemical Manufacture and Distribution	601
Chapter 15 International Environmental Law	621
<i>Glossary</i>	<i>641</i>
<i>Abbreviations</i>	<i>651</i>
<i>Table of Cases</i>	<i>655</i>
<i>Index</i>	<i>667</i>

Contents

Preface and Acknowledgments

xxiii

Chapter 1	Environmental Ethics, Standards, Markets, and the Common Law	I
	The Concept of Environmental Regulation	1
	Ecosystems and Cycles	1
	Ethics and Efficiency: The Moral Basis of Pollution Control	6
	The EPA and Its Authority to Permit and Enforce	7
	Setting the Standard for Emissions to the Environment	12
	Conventional Pollutants	12
	Toxic Pollutants	13
	Tools and Techniques of Environmental Protection	13
	Technology Forcing Standards	13
	Regulation of Existing Versus New Emitters	14
	Taxes and Subsidies	15
	Flexible Market Incentives	16
	Risk Assessment	18
	Environmental Equity	20
	Common Law Environmental Remedies	21
	Key Distinctions	21
	Nuisance	23
	Trespass	28
	Negligence	28
	Strict Liability	29
	Public Trust Doctrine	31
	The Availability of Criminal Sanctions	33
Chapter 2	Administrative Procedure for Environmental Regulation	39
	Where the Action Is	39
	Drawing the Line: The Nondelegation Doctrine	42
	Staying Within the Tent: The Ultra Vires Doctrine	43

xi

Contents

The Administrative Procedure Act	44
Types of Agency Actions	44
Informal Rulemaking	46
Formal Rulemaking	47
Adjudications	48
Hybrid Procedures	48
Staying Current	49
Reg-Neg	49
The Process and Judicial Review	50
Standing to Sue	50
Ripeness of the Action	57
Exhaustion of Administrative Remedies and Estoppel	59
Standards of Judicial Review	61
What Can Be Appealed to the Courts	62
The Choice of Standard	64
Remedies and Fees	70
Federal Tort Claims Act	70
Equal Access to Justice Act	71
Public Access to Information	74
Freedom of Information Act	74
Federal Advisory Committee Act	76
The Sunshine Act	77
Chapter 3 The National Environmental Policy Act	81
The Structure of NEPA	81
The NEPA Text	83
In the Beginning: Substance and Procedure	83
The EIS Process	87
The Administrative Process	87
The Threshold Decision	90
Major Federal Action	91
Significantly Affecting the Quality of the Human Environment	93
The Human Environment	96
Judicial Review Under NEPA	98
Timing and Scope of the EIS	107
When: Timing of the EIS	107
Who, What, and Where: Scope of the EIS	110
Actions: Program Impact Statements, Segmentation, and the Small Handle Problem	111
Alternatives to the Proposed Action	115
When Again: The Supplemental EIS	117
Adequacy of the EIS: Analysis and Alternatives	124

Contents

Analysis of Sufficient Environmental Impacts	124
To Analyze or Not to Analyze? EIS Uncertainty and Possible Delay	125
Worst-Case Risk Analysis	125
Cost-Benefit Analysis	126
Treatment of Alternatives	127
No-Action Alternative	128
Primary Alternatives	128
Secondary Alternatives	129
Mitigation Measures	129
Judicial Review of Adequacy: Substance Versus Procedure	130
Exemptions from NEPA	131
Statutory Exemptions	131
Statutory Conflicts: The <i>Flint Ridge</i> Case	132
National Security	133
International Environmental Effects	135

Chapter 4 Constitutional Issues: The Commerce Clause and Environmental Preemption 145

The Commerce Clause and Environmental Regulation	146
Issue One: The Plenary Power of Congress to Regulate Interstate Commerce	146
Direct Federal Regulation	146
The Tenth Amendment Limitation on Federal Power to Regulate	147
Issue Two: Restriction of State Power — The Dormant Commerce Clause	150
Geographically Discriminatory Legislation	150
The Balancing Test for State Legislation That Is Not Facially Discriminatory but May Burden Interstate Commerce	156
Market Participant Analysis: When a State Does Not Regulate	159
Federal Preemption of State Environmental Regulation	165
Express Preemption	166
Implied Preemption	167
Savings Clauses in Environmental Statutes	170

Chapter 5 Air Quality Regulation 175

The Basics of Air Pollution Regulation	176
Sources of Air Pollution	176
Air Pollution Regulation Prior to 1970	177

Contents

The Clean Air Act Amendments of 1970	178
Ambient Air Quality: Area Regulation	178
Source Controls: Regulation of Individual Emitters of Pollutants	185
The Clean Air Act Amendments of 1977	188
The Concept of Nonattainment: Geographic Standards	189
Existing Sources: RACT	190
Nonattainment Areas: New Source Review (NSR)	191
Attainment Areas: Prevention of Significant Deterioration (PSD)	192
Summary of Permitting	196
The Clean Air Act Amendments of 1990	201
Attainment and Maintenance of NAAQS: Title I	202
Failure to Achieve Compliance	202
Pollutant-Specific Requirements for Nonattainment Areas	203
Regulating Mobile Sources: Title II	213
Emission Controls	213
Fuel Programs	214
Vehicle Fleet Programs	215
Hazardous Air Pollutants (NESHAPs): Title III	219
Acid Deposition Control: Title IV	223
Stratospheric Ozone Protection: Title VI	226
Enforcement Provisions: Title VII	227
EPA Enforcement	228
Citizen Suits	229
Criminal Penalties	230
Privileged Legal Information	230
Climate Change: Global Warming and CO ₂ Regulation	235
The Science of Warming	235
The Kyoto Protocol	239
The European Union Carbon System	240
RGGI in the United States	241
California GHG Regulation	242
Regional U.S. Carbon Regulation	243
State Carbon Constitutional Issues	243
Carbon Litigation	244

Chapter 6 Water Pollution 247

The Importance of Water	247
Water Quality and Pollution	249
Primary Sources of Water Pollution	249
Point Sources	249
Nonpoint Sources	251

Contents

Types and Measurements of Water Pollution	252
Biological Hazards	252
Chemical Hazards	253
Early Water Quality and Effluent Regulation	256
The River and Harbors Act of 1899	256
Twentieth-Century Pre-1972 Water Pollution Control	257
Federal Water Pollution Control Act	259
The Structure	259
Permits for Point Source Discharges to U.S. Waters	259
Toxic Pollutants	263
Health-Based and Technology-Based Standards	263
Health-Based Standards	263
Technology-Based Standards	264
Amendments Regulating Specific Discharges	266
Existing Industrial Sources	266
POTWs	269
New Industrial Sources	270
Nonpoint Sources	271
FDF Variances	273
Water-Quality Standards	278
Enforcement	280
Additional Federal Water Pollution Statutes	283
The Safe Drinking Water Act	283
Other Water Pollution Statutes	284
The Coastal Zone Management Act	284
The Oil Pollution Act	286
The Marine Protection Act	288
The Fish and Wildlife Coordination Act	289

Chapter 7 Rights to Use Water 291

Surface Water Rights	292
Riparian Water Rights: Geographic Determination	293
What Are Riparian Water Rights?	293
Water Types Subject to Riparian Rights	293
Riparian Land	296
The Evolution of the Reasonable Use Rule	297
The Effect of Non-Use and Prescription	299
The System of Prior Appropriation: First in Time	302
Development of Prior Appropriation	303
Obtaining Priority Rights: Appropriation	303
Water That May Be Appropriated	305
The Transfer or Conveyance of Water Rights	306

Contents

	Dual System States	306
	Administrative Permit Systems	307
	Constitutional Issues	308
	Groundwater Allocation	313
	Riparian Rights	313
	Prior Appropriation Rights	314
	Federal and Tribal Rights	314
Chapter 8	The Management of Hazardous and Solid Wastes: RCRA	317
	What Waste Is Regulated?	318
	RCRA's Purpose and Goals	318
	Trigger One: RCRA Regulates "Wastes"	319
	Recycling	320
	Trigger Two: RCRA Regulates Hazardous Wastes	321
	Criteria for Identifying Regulated Hazardous Wastes	321
	Hazardous Wastes Regulated Under Other Statutes	
	Are Excluded from RCRA Regulation	323
	Other Unregulated or Minimally Regulated Wastes	326
	Regulation of Hazardous Waste Generators	331
	Regulation of Hazardous Waste Transporters	334
	TSD Facility Regulation	336
	Interim Status Facilities	336
	Permanent Permitted Status Facilities	337
	Relation to Other Regulation	339
	The Land Ban	339
	State and Local Government Regulation	342
	Overfiling	343
	Wrestling the Tiger: Enforcement by Agencies and Citizens	346
	Information Gathering by the EPA: §3007	346
	Information	347
	Inspections	347
	Monitoring and Testing: §3013	348
	Citizen Suits: §7002	349
	Imminent and Substantial Endangerment	
	Actions: §7003	353
	The Contribution	353
	The Actors	355
	Remedies	355
	Criminal Violations	356
	Scienter	357
	Penalties	359
	RCRA Remedies and Bankruptcy Powers	360

Contents

Subsidiary RCRA Regulatory Programs	361
Underground Storage Tanks (UST)	361
Medical Waste Tracking Act of 1988	363

Chapter 9 The Superfund: Hazardous Substance Remediation 367

The Mechanics of CERCLA	368
How Superfund Is Different from Other Environmental Laws	368
Prospective or Retrospective	368
Wastes and Other Substances	369
Persons and Places	371
Common Law Distinctions	372
Basic Structure	372
Information and Inspection: §§103 and 104	373
Key CERCLA Definitions	375
Cleanup Authority: §§104 and 105	377
The Superfund: §§111 and 112	381
Liability Allocation: §107	381
The 1986 SARA Amendments	382
EPA Tools to Accomplish Pollution Abatement and Impose Liability: §§106 and 107	391
The Four Basic Tools	391
§106 Orders and Injunctive Remedies	391
§107 Litigation	392
§104 Friendly Persuasion	393
Strict Liability	393
Proximate Cause	394
Generators	395
Owners and Operators	396
Officer Liability	400
Transporters	401
Basic Defenses	401
Assignment and Allocation of Liability to Private Parties	413
Joint and Several, or Several, Liability?	413
Divisibility of the Harm	414
Equitable Factors as Apportionment Tools	416
Private PRP §107 Actions	417
Private Party Allocation: §113	418
Uniform Contribution Among Tortfeasors Act (UCATA)	419
Uniform Comparative Fault Act (UCFA)	420
Strategic CERCLA Litigation Choices and Outcomes	421