HAZARDOUS WASTE LAW

Prof. Neumann – Spring 2007

Syllabus

Contact Information

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Course Summary

This course examines the federal hazardous waste statutes implemented by the U.S. Environmental Protection Agency, including the Resource Conservation and Recovery Act of 1976 (“RCRA”), 42 U.S.C. § 6901 et seq., and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (“CERCLA”), 42 U.S.C. § 9601 et seq. The course will analyze the RCRA “cradle-to-grave” hazardous waste program, including the requirements applicable to generators, transporters and treatment, storage and disposal facilities. In addition, the course will address the evolving CERCLA liability scheme and cleanup process.

Course Materials: MILLER & JOHNSTON, HAZARDOUS WASTE LAW (2d ed. 2005); West’s ENVIRONMENTAL LAW STATUTES

Office Hours: I will hold office hours on Wednesdays before class from 3:30 p.m. to 4:30 p.m.

Grading: Grades for this course will be based on both class participation (5%) and a final exam (95%).

Topics


1. 1/17 pp. 107 to 123; 145 to 171 – Standing Issues; Defining Solid Waste

2. 1/24 pp. 171 to 210 – Defining Hazardous Waste; Used Oil; Duration of Regulation as Hazardous Waste
3. 1/31 pp. 210 to 249 – Generator and Transporter Requirements; TSD Requirements; Interim Status

4. 2/7 pp. 249 to 290 – Permits; State Programs; Information Gathering Authorities

5. 2/14 pp. 290 to 338 – Information Gathering Authorities

6. 2/21 pp. 339 to 386 – EPA Enforcement – Administrative, Civil, Criminal

7. 2/28 pp. 395 to 429 – EPA Enforcement – Intergovernmental Frictions; Enforcement Discretion; Citizen Suits

8. 3/7 pp. 430 to 452; 498 to 507 – Citizen Suits; CERCLA Historical Background


9. 3/14 pp. 508 to 557 – CERCLA Jurisdiction; Cleanup Mechanisms and Cost-Recovery Authorities

10. 3/21 pp. 558 to 606 – Cleanup Mechanisms and Cost-Recovery Authorities; Liability – Nature of Liability

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11. 4/4 pp. 606 to 634; 649 to 671 – Liability – Liable Parties: Owners and Operators; Liability – Liable Parties: Arrangers and Derivative Liability

12. 4/11 pp. 671 to 718 – Liability – Liable Parties: Derivative Liability; Defenses; The Cleanup Process

13. 4/18 pp. 718 to 741; 771 to 799 – The Cleanup Process; Extent of Liability – Recoverable Costs and NRD

14. 4/25 pp. 799 to 805; 814 to 857 – Extent of Liability – NRD and Allocation; Settlements

4/28 Reading Days begin

Final Exams -- April 30 to May 10, Time and Location TBA