Author’s Introduction
RCRA & Superfund: A Practice Guide–Fall 2021–2022

Thank you for subscribing to RCRA & Superfund: A Practice Guide. Highlights for this update include:

Information on:
  Biden Administration efforts to, among other things:
  – apply a ‘whole of government’ focus to environmental issues
  – restore science and transparency to EPA decision-making
  – focus on marginalized communities through, e.g. incorporating environmental justice issues into EPA programs
  – promote federal –state partnerships
  – revisit DOJ policies on settlement and Supplemental Environmental Projects

Application of RCRA and CERCLA at Federal Facilities

  Relationships, overlaps and distinctions between RCRA and CERCLA, e.g. in cleanup actions

  Office of Inspector General Reports re: EPA activities under RCRA and CERCLA

  Emerging Fuels and regulation under RCRA UST regulations

  Legislative efforts to reinvigorate the Superfund trust fund

Court decisions on RCRA issues including:
  – Application of RCRA to radioactive material waste
  – Collateral attacks on permit decisions
  – Criminal penalties under RCRA

Court decisions analyzing CERCLA issues including:
  – Supreme Court decision, Territory of Guam v. United States, resolving a split in circuits as to triggers for contribution actions under CERCLA
  – Declaratory judgment actions
  – Settlement actions & impacts
  – Class action opportunities
  – EPA regulatory procedure for recovery from the trust fund under ‘preauthorization’
  – EPA cost recovery
– Contribution protection
– Subject matter jurisdiction issues

New discussion of:
– Brownfield sites including Environmental justice issues; availability of Uniform Environmental Covenants Act (UECA)
– CERCLA Players & Roles (Chapter 10 revisions)