Index

ABANDONMENT OF SITE
Generally, § 17:7

ABATEMENT ACTIONS
Generally, § 9:98
Emergency abatement, RCRA § 7003, § 5:30

ACADEMIC LABORATORIES
Waste from, § 2:53

ACCESS TO INFORMATION
CERCLA and RCRA cases, generally, § 19:1 et seq.

ACCIDENTS
Financial assurance requirements, § 4:31

ACQUISITIONS
CERCLA liabilities, corporate generally, § 9:68 successor corporations, § 9:87

ACRONYMS
See Definitions and Acronyms (this index)

ACT OF GOD DEFENSE
Generally, § 14:64

ACT OF WAR DEFENSE
Generally, § 14:65

ADJACENT OWNERS
CERCLA § 107 exemptions, § 14:47 EPA CERCLA responses, effects on adjacent properties, § 9:94 UST remedies, § 6:29

ADMINISTRATIVE ENFORCEMENT
See also Civil Enforcement (this index) Abatement actions, CERCLA, § 9:98 Administrative order process, RCRA violations, § 5:4
Attorney fee orders, RCRA violations, § 5:10 Burden of proof, CERCLA, § 9:99

ADMINISTRATIVE ENFORCEMENT—Cont’d
ADMINISTRATIVE ENFORCEMENT
—Cont’d
Penalties—Cont’d
orders, noncompliance with, § 14:6
pre-enforcement judicial review, § 14:13
stipulated, § 13:27
Permit termination orders, § 5:8
Private causes of actions and, § 9:98
Processes, NCP cost recovery, § 9:51
RCRA violations
generally, § 5:1 et seq.
administrative order process, § 5:4
attorney fee orders, § 5:10
corrective action orders, § 5:7
elements, § 5:2
imminent hazard authority under RCRA § 7003, § 5:30
judicial review, § 5:5
orders, § 5:1 et seq.
OSHA administrative enforcement orders,
§ 5:11
penalty policy, § 5:3
permit termination orders, § 5:8
self-auditing orders, § 5:9
settlements, § 5:6
Remedies (this index)
Self-auditing orders, § 5:9
Settlements
generally, § 13:41 et seq.
see also Settlements (this index)
administrative orders on consent, § 13:42
CERCLA § 106 orders, § 13:43
Consent Decrees (this index)
consent orders, § 13:42
RCRA violations, § 5:6
removal/response action orders, § 13:43
unilateral orders, § 13:43
States as parties, § 15:12
Underground Storage Tank (UST) Regulations,
§ 6:28
AGENCY
See Environmental Protection Agency (this index)
AGENCY FOR TOXIC SUBSTANCES & DISEASE REGISTRY (ATSDR)—Cont’d
Mission, § 10:35
Non-CERCLA actions, duties in, § 10:45
NPL listing nominations, § 9:39
Practice pointers, § 10:42
Review of activities, § 10:40
AIRPORT HYDRANT FUEL DISTRIBUTION SYSTEMS (AHSs)
Underground storage tank (UST) regulations,
§ 6:26
AIR QUALITY
Clean Air Act, § 4:56
Container requirements, § 4:77
Facility air emissions standards
generally, § 4:74 et seq.
container requirements, § 4:77
equipment leak requirements, § 4:76
leaks, equipment, § 4:76
process vent requirements, § 4:75
surface impoundments, § 4:77
tanks, § 4:77
vent requirements, § 4:75
Tanks, air emissions standards, § 4:77
ALL APPROPRIATE INQUIRIES
Third-party defense, § 14:71
ALLOCATING LIABILITIES
Generally, § 9:86
Liabilities (this index)
Parties (this index)
Potentially Responsible Parties (this index)
ALTERNATE SITE
CERCLA Superfund alternative approach (SAA),
§ 11:9
ALTERNATIVE DISPUTE RESOLUTION
Generally, § 13:24 et seq.
CERCLA arbitration, § 13:25
Consent decree dispute resolution provisions,
§§ 13:26, 13:27
Dispute resolution provision, § 13:26
Model RD/RA consent decree, § 13:26
APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS (ARAR)
Generally, § 11:26
ARRANGERS
CERCLA liabilities
generally, §§ 9:71, 9:73
case decisions, § 9:74
Definition, § 9:15
Status determinations, § 9:74
INDEX

ASSESSMENTS
Preliminary Assessments (this index)

ATTORNEY FEE AWARDS
Administrative enforcement, § 5:10
Citizen suits, § 5:45
FOIA litigation, § 19:13
RCRA violations
   administrative enforcement, § 5:10
   citizen suits, § 5:45

ATTORNEYS
Cleanup costs recovery, attorneys’ obligations,
   generally, § 20:14
   nonhazardous waste generators, § 20:16

AUDITS
Discovery, § 19:17
Incentives for self-policing, §§ 5:47, 9:81
Self-auditing orders, RCRA, § 5:9

AUTO EMISSIONS
CERCLA definitions, § 14:80

AVOIDANCE OF CERCLA LIABILITY
Generally, § 9:81 et seq.
See also CERCLA (this index)

BANKRUPTCY
Generally, § 17:2 et seq.
See also Financial Responsibility (this index)
Abandonment of site, § 17:7
Administrative expenses, § 17:6
Automatic stays, § 17:3
CERCLA liabilities, § 9:78
Claims, dischargeability, § 17:4
Injunctions, dischargeability, § 17:5

BASELINE RISK ASSESSMENT
Generally, § 12:38

BEVILL-BENTSEN AMENDMENT WASTES
Specific waste determinations/exclusions, RCRA, § 2:46 et seq.

BIDEN ADMINISTRATION
Environmental Protection Agency, approaches at, § 1:2

BOILERS
See Combustion Facilities (this index)

BONA FIDE PROSPECTIVE PURCHASERS
See Real Estate Sales (this index)

BOTTOM ASH WASTE
RCRA specific waste determinations/exclusions, § 2:49

BROKERS
CERCLA liabilities, corporate relationships and, § 9:64

BROWNFIELDS
CERCLA and brownfields remedies, §§ 9:11, 9:12
Federal initiatives, §§ 9:11, 9:13
RCRA Brownfields prevention initiative, § 7:38
Return to Use Initiative, § 9:13
State law programs
   generally, §§ 15:26, 15:28
   voluntary cleanups, §§ 9:12, 15:27
Superfund redevelopment, §§ 9:13, 11:32

BUILD ACT
Generally, § 9:9

BURDEN OF PROOF
CERCLA
   administrative enforcement, § 9:99
   private party suits, § 9:115
Hazardous waste determinations, § 2:40

CAVEAT EMPTOR
Defense, § 14:122

CERCLA
Generally, § 9:1 et seq.
Abatement actions, § 9:98
Act of God defense, § 14:64
Act of war defense, § 14:65
Administrative process
   generally, § 11:1 et seq.
   administrative reforms, § 11:5
EPA regional offices, § 11:3
judicial review, § 11:6
On-Scene Coordinators (OSC), § 11:4
potentially responsible parties (PRP), § 11:4
pre-implementation judicial review, § 11:6
remedial project managers (RPM), § 11:4
rulemaking reforms, § 11:5
Agency for Toxic Substances & Disease Registry (this index)
Allocations
   generally, § 12:69 et seq.
   committees, § 12:68
   equitable considerations, § 12:73
facets, § 12:69 et seq.
Gore Amendment, § 12:72
insignificant contributions, § 14:58
nonbinding preliminary allocation of responsibility (NBAR), § 13:5
orphan share allocations, §§ 12:71, 14:57
particular parties, issues as to, § 12:74
PRP, § 12:70
settlements, § 13:7
uniform acts, § 12:75
CERCLA—Cont’d
Alternative approach (SAA), § 11:9
Alternative dispute resolution
generally, § 13:24 et seq.
decrees, dispute resolution provision, §§ 13:26, 13:27
Alternative liability, Section 107 actions, § 14:62
Amendments
legislative history, § 9:3
Lender Protection Amendments, § 9:7
Liability Relief Amendments, § 9:9
National Contingency Plan (NCP), § 9:46
need for improvement, § 9:6
1996, § 9:7
1999, § 9:8
Scrap Amendments, § 9:8
Superfund Amendments and Reauthorization
Act (SARA), § 9:5
Superfund Recycling Act, § 14:130
2002, § 9:9
Applicable or relevant and appropriate require-
ments (ARAR), Phase I, § 11:26
Arbitration, § 13:25
Arranger status
case decisions, § 9:74
definition, § 9:15
effect of, § 9:71
liability through, § 9:73
Assumption of liability by post-closure liability
fund, § 14:49
Assurances, state, §§ 10:4, 15:3 et seq.
Auditing, EPA policy, incentives for self-polic-
ing, § 9:81
Avoidance of CERCLA liability
generally, § 9:81 et seq.
dissolved corporations, liabilities of, § 9:82
EPA audit policy, incentives for self-policing,
§ 9:81
estates, liabilities of, § 9:82
petroleum exclusion, §§ 9:84, 14:76
procedures, § 9:81
recycled oil, § 9:84
recyclers, § 9:83
scrap dealers, § 9:83
transporters, § 9:76
trusts, liabilities of, § 9:82
Bankruptcy, financial responsibilities and, § 9:78
Baseline risk assessment, § 12:38
Bona fide prospective purchaser exemptions,
§ 14:48
Brownfields (this index)
Burden of proof
efficiency remedies, § 9:99
private party suits, § 9:115
Business effects, due process challenges,
§ 14:128
Caveat emptor defense, § 14:122
CERCLIS listings, § 12:7
Citizen suits
generally, §§ 9:129 et seq., 9:153
continuing violations, § 9:138
defendants, § 9:132
elements of action, § 9:130
federal facilities, § 9:134
funding clean-up activities, § 9:145
Hazardous Substance Superfund (Trust Fund),
§ 9:145
intervention, § 9:140
limitations of actions, §§ 9:143, 9:147
mootness, § 9:141
notice, § 9:144
other litigation, § 9:142
overview, § 9:129
plaintiffs, § 9:131
reclusion of suits, § 9:136
procedural issues, § 9:135
proper defendants, § 9:132
proper plaintiffs, § 9:131
reinstating designated taxes to fund Superfund
(Trust Fund), § 9:145
remedies, § 9:139
sovereign immunity, § 9:133
special account receipts from settlement agree-
ments, § 9:145
standing, § 9:137
states, immunities of, § 9:133
Superfund, funding, § 9:145
timing of suits, § 9:147
who may be sued, § 9:132
who may sue, § 9:131
Civil enforcement
contribution actions, § 9:148
timing of suits, § 9:147
Claims
failure to state claim, § 14:110
limitations of actions, § 9:147 et seq.
Section 309, § 9:167
Cleanup activities funding, § 9:145
Cleanup process, § 11:7
Cleanup standards, state superfund statutes,
§ 15:24
Collateral estoppel defense, § 14:120
Commencement date. Federally required com-
mencement date, below
Community involvement/training, contractors,
§ 10:29
Community relation plans, § 10:11
Condemnation of property
generally, § 14:73
owner/operator designations, § 14:77
CERCLA—Cont’d
Congressional intent, § 9:2
Consent decrees or orders, preenforcement review, § 12:51

Constitutional challenges
generally, § 14:123 et seq.
business effects, due process, § 14:128
Contracts Clause, § 14:131
due process, § 14:126 et seq.
Eleventh Amendment, § 14:133
enforcement remedies, § 9:97
equal protection, § 14:132
judicial review, §§ 12:56, 14:17, 14:124
lien impositions, due process, § 14:127
NCP-based EPA actions, § 14:129
retroactivity, § 14:125
sovereign immunity, § 14:133
Supremacy Clause, § 14:134

Contaminant defined, § 9:163
Continuing violations, § 9:138
Contractors. See Contractors, CERCLA (this index)
Contracts, states’ roles, §§ 10:7, 15:7
Contracts Clause challenges, § 14:131

Contribution. See Contribution Actions (this index)

Cooperative agreements
generally, § 15:7
states’ roles, § 10:5

Corporate relationships and liability
generally, § 9:58 et seq.
brokerage issues, § 9:64
close corporations and individuals, § 9:65
individuals, close corporations and, § 9:65
intent, § 9:60
lease-based liability, § 9:63
merger and acquisition based liabilities, § 9:68
multiple defendants, § 9:72
nature of waste, § 9:61
owners, § 9:59
owner status, effect of, § 9:71
parents and subsidiaries, § 9:62
real estate issues, § 9:64
successor corporations, § 9:87
Supreme Court view, § 9:58

Cost recovery actions
generally, § 9:98
see also Cost Recovery Actions (this index)

Costs of suit, recovery of
private party suits, § 9:116
whistleblower actions, § 9:171

Covenants not to sue
generally, §§ 9:85, 13:14 et seq.
see also Covenants Not to Sue (this index)
CERCLA—Cont’d
Definitions—Cont’d
operator, §§ 9:21, 14:38
owner, §§ 9:21, 14:38
person, § 9:22
personal injury, § 9:162
petroleum exception, § 9:20
pollutant, §§ 9:23, 9:163
property damages, § 9:162
reasonably should have known, § 9:164
recycling, § 14:86
release, §§ 9:24, 14:78, 14:79
remedy/remedial action, § 9:32
remove/removal, § 9:32
response costs, § 9:32
responsible party, § 9:25
ROD, § 10:15
state, § 9:22
statutory, defenses related to, § 14:74
treatment, § 9:26
useful product, § 14:85
waste, § 9:27
whistleblower, § 9:169
Delays and multiple contributors, § 9:156 et seq.
Deletions from NPL list, § 9:42
Delistings, public notice of, § 10:19
De micromis activities
committees, site management, § 12:65
Section 107 exemptions, § 14:45
settlements, § 13:35
De minimis activities
generally, see De Minimis Activities (this index)
committees, site management, § 12:65
defenses, § 14:114
settlements, § 13:28 et seq.
Disposal
capacity, state law, § 15:5
definition, §§ 9:16, 9:77
parties liable, § 9:77
Divisibility defenses, § 14:89
Due process challenges, § 14:126 et seq.
Eleventh Amendment challenges, § 14:133
Eminent domain
generally, § 14:73
owner/operator designations, § 14:77
Enactment, § 1:1
Enforcement remedies
generally, § 9:95 et seq.
abatement actions, § 9:98
burden of proof, § 9:99
constitutional challenges, § 9:97
cost recovery actions, § 9:98
criminal enforcement, §§ 9:176, 9:177
declaratory judgments, § 9:100
CERCLA—Cont’d
Enforcement remedies—Cont’d
joint and several liability, § 9:101
judicial review, § 9:96
orders, § 9:95
private causes of actions, § 9:98
procedural and practical considerations, criminal enforcement, § 9:177
unilateral orders, § 9:95
Environment defined, § 9:17
EPA enforcement role
generally, § 10:1 et seq.
see also Environmental Protection Agency (this index)
auditing, EPA policy, incentives for self-policing, § 9:81
powers of EPA, § 10:2
structure of EPA, § 10:1
EPA Land revitalization program. Land Revitalization Program, below
EPA listing decisions, §§ 9:40, 12:15
EPA responses
generally, § 9:88 et seq.
remedial actions
generally, § 9:90
distinctions between removal and remedial actions, § 9:91
removal actions
generally, § 9:89
distinctions between removal and remedial actions, § 9:91
site inspections, below
Equal protection challenges, § 14:132
Equitable defenses
generally, § 14:111 et seq.
caveat emptor, § 14:122
collateral estoppel, § 14:120
de minimis, § 14:114
de minimis defenses, § 14:114
equitable estoppel, § 14:118
laches, § 14:115
in pari delicto, § 14:121
release, § 14:117
res judicata, § 14:120
Section 106, § 14:112
Section 107, § 14:113
Section 113, § 14:113
unclean hands, § 14:116
unjust enrichment, § 14:119
waiver, § 14:117
Equitable estoppel defense, § 14:118
Equitable tolling of limitations of actions, § 9:154
Evolution of legislation, § 9:4
Exclusions
definition, § 9:28
CERCLA—Cont’d
Exclusions—Cont’d
petroleum exclusion, § 14:76
recycled oil exclusion, § 9:84
Exemptions from § 107 liability
generally, § 14:25
parties, § 14:37 et seq.
Expanded site inspections, § 12:11
Facilities
definition, §§ 9:18, 9:166
site inspections, below
False Claims Act litigation
private party suits, § 9:124
Feasibility studies (FS)
generally, § 12:41 et seq.
EPA position on PRP participations, § 12:44
guiding development, § 12:42
Phase I, §§ 11:24, 11:27
PRP participations, § 12:44
remedial alternatives, screening, § 12:42
screening remedial alternatives, § 12:42
viable remedial alternative analysis, § 12:43
Federal agency liability, Section 107, § 14:22
Federal immunity, § 9:55
Federally permitted release
definition, § 9:29
section 107 actions, defenses to, § 14:43
Federally required commencement date (FRCD)
generally, § 9:156 et seq.
limitations of actions, discovery rule, § 9:152
purpose, § 9:157
statutes/rules of repose, effect on, § 9:158
Federal-state conflicts, local government roles,
§ 10:16
Federal Tort Claims Act defenses, § 14:98
Fertilizer application defenses, § 14:82
Financial arrangements/assurance and bankruptcy,
§ 9:78
Focused site inspections, § 12:10
Gore Amendment, § 12:72
Hazardous substance defined, § 9:19
Hazardous Substance Superfund (Trust Fund),
§ 9:145
Hold harmless agreements under § 107, § 14:24
Identifying PRPs, § 12:21
Imminent danger defined, § 9:30
Immunities
generally, § 9:55 et seq.
federal immunity, § 9:55
local governments, § 10:12
local issues, § 9:57
Section 107 claims, § 14:97
Sovereign Immunity (this index)
state issues, § 9:56
Indemnification agreements under § 107, § 14:24
CERCLA—Cont’d
Indian tribes
CERLA § 107 actions, § 14:39
limitation of actions by, § 9:151
response programs, Brownfields, § 15:28
tribal Brownfields programs, §§ 9:12, 15:28
Indispensable parties, nonjoinder of, § 14:109
Information request and site access under
§ 104(e), recoverable response costs,
§ 14:127
In pari delicto defense, § 14:121
Innocent landowner third-party defense, § 14:68
Inspections. Site inspections, below
Involuntary acquisitions by governmental entities
generally, § 14:73
owner/operator designations, § 14:77
Joiner of indispensable parties, § 14:109
Joint and several liability
enforcement remedies, § 9:101
state superfund statutes, § 15:20
Judicial review
citizen suits under § 113, § 14:15
constitutional challenges, §§ 12:56, 14:17, 14:124
cost recover or contribution actions, § 14:12
order enforcement, § 14:13
penalty assessments, § 14:13
preenforcement
generally, § 12:49 et seq.
citizen suits, § 12:55
consent decrees or orders, § 12:51
constitutional challenges, §§ 12:56, 14:124
contribution actions, § 12:53
cost recover actions, § 12:53
cost recover or contribution actions, § 14:12
exceptions, § 12:52 et seq.
exceptions to preclusion of review, § 14:11 et seq.
penalty assessments, § 12:54
preclusion of review, §§ 12:52 et seq., 14:11 et seq.
scope, § 12:50
Section 113(j), § 12:57
Section 106 orders, § 12:54
Sections 106 and 107 actions, § 14:10 et seq.
state law, actions brought under, § 12:50
timing, § 12:49
pre-implementation, § 11:6
private party suits, § 9:121
reimbursement orders, § 14:14
remedial action enforcements, § 14:16
Section 113(j), § 12:57
Sections 106 and 107 actions
citizen suits under § 113, § 14:15
Index-7
CERCLA—Cont’d
Judicial review—Cont’d
Sections 106 and 107 actions—Cont’d
constitutional challenges, § 14:17
cost recover or contribution actions, § 14:12
exceptions to preclusion of review, § 14:11 et seq.
order enforcement, § 14:13
penalty assessments, § 14:13
preclusion of review, § 14:11 et seq.
reimbursement orders, § 14:13
remedial action enforcements, § 14:16
Section 113(j), § 14:18
state law, preenforcement review of actions brought under, § 12:50
whistleblower protections, §§ 9:171, 9:174
Jurisdiction, removal actions, § 9:149
Laches defense, § 14:115
Land Revitalization Programs
generally, §§ 9:10, 11:32
federal Brownfields programs, § 9:11
hazardous waste sites, Superfund redevelopment, § 9:13
response programs, Brownfields, § 15:28
site reuse/redevelopment administrative process, § 11:32
state Brownfields programs, §§ 9:12, 15:27
Superfund redevelopment, § 9:13
tribal Brownfields programs, §§ 9:12, 15:28
Lease-based liability, § 9:63
Legislative history, § 9:3
Lender obligations, private party suits, § 9:126
Lender Protection Amendments, § 9:7
Liabilities
allocating liabilities, § 9:86
dissolved corporations, liabilities of, § 9:82
estates, liabilities of, § 9:82
local governments’ protections from, § 10:12
shifting liabilities, § 9:86
trusts, liabilities of, § 9:82
Liability Relief Amendments, § 9:9
Lien impositions, due process challenges, § 14:127
Limitations of actions
citizen suits, generally, § 9:153
claims, § 9:147 et seq.
contribution, § 14:60
contribution actions, § 9:148
cost recovery actions, § 9:149
discovery rule, § 9:152
equitable tolling, § 9:154
Federally required commencement date, above federal periods, § 9:160
identical state and federal periods, § 9:160

CERCLA—Cont’d
Limitations of actions—Cont’d
Indian tribes, § 9:151
natural resource damages, § 9:150
private party suits, § 9:125
remedial actions, § 14:26 et seq.
removal actions, §§ 9:149, 14:26 et seq.
Section 107, § 14:26 et seq.
state periods, § 9:160
timing of review, extensions of time for, § 9:155
timing of suits, § 9:147
whistleblower protections, § 9:170
Limitations of liability, § 107
generally, § 14:25
parties, § 14:37 et seq.
Listings
generally, § 9:35 et seq.
see also National Priorities List (this index)
ATSDR nominations, § 9:39
challenges against listings
generally, § 9:41
arguments for, § 12:17
site inspection challenges, § 12:16
deletions from list, § 9:42
designation by states, § 12:14
disputed listings, §§ 9:41, 12:16, 12:17
effects of listings, § 9:36
EPA listing decisions, §§ 9:40, 12:15
methods of listing, § 9:37
nominations by ATSDR, § 9:39
nominations by states, § 9:38
public notice of, § 10:18
state actions, § 9:43
state designation, § 12:14
state nominations, § 9:38
Local government roles
generally, § 10:8 et seq.
community relation plans, § 10:11
federal-state conflicts, § 10:16
funding, participation, § 10:14
immunity, § 10:12
liabilities, protection from, § 10:12
participation funding, § 10:14
public meetings, § 10:13
remedial actions, roles in, § 10:50
removal actions, §§ 10:10, 10:46 et seq.
response actions, § 10:9
ROD activities, roles in, § 10:49
ROD changes, § 10:15
roles of parties
post-RI phase, § 10:52
pre-RI phase, § 10:51
Long-term removals, roles in, § 10:49
INDEX

CERCLA—Cont’d
Management
generally, § 11:1 et seq.
administrative reforms, § 11:5
EPA regional offices, § 11:3
judicial review, § 11:6
On-Scene Coordinators (OSC), § 11:4
potentially responsible parties (PRP), § 11:4
pre-implementation judicial review, § 11:6
remedial project managers (RPM), § 11:4
rulemaking reforms, § 11:5
Media relations
generally, § 10:20 et seq.
National Contingency Plan (this index)
practice pointers, § 10:22
Medium-term removals, roles in, § 10:48
Memoranda of agreement
generally, § 15:8
states’ roles, § 10:6
Merger and acquisition based liabilities, § 9:68
Mixed funding settlements, § 13:6
Monitor defined, § 9:30
Multiple contributors. See Contribution Actions
(this index)
Naming PRPs, § 12:20
National Contingency Plan (this index)
National Priorities List (this index)
Natural resource damages
generally, § 9:150
see also Natural Resources Damages (this index)
Section 107 claims, §§ 14:21, 14:105
state superfund statutes, § 15:23
Nature of waste, corporate relationships and
liability, § 9:61
NCP, consistency with, private party suits,
§ 9:117
NCP-based EPA action challenges, § 14:129
Negotiations, EPA-led, § 15:10
Nonbinding preliminary allocation of responsibility
(NBAR), § 13:5
Nonhazardous Wastes (this index)
Notices and notifications
generally, § 9:33 et seq.
NPL, § 9:33 et seq.
overview of process, § 11:8
public, § 9:128
quantities of releases, reportable, § 9:34
RCRA notice requirements, § 12:4
reportable quantities of releases, § 9:34
requirements generally, § 9:33
Section 103, § 12:3
site management, below
NPL
generally, § 11:12 et seq.

CERCLA—Cont’d
NPL—Cont’d
see also National Priorities List (this index)
Office of Superfund Remedia...
CERCLA—Cont’d

Parties liable—Cont’d
disposals, § 9:77
financial arrangements/assurance and bankruptcy, § 9:78
individuals, close corporations and, § 9:65
innocent owner defenses, § 9:80
intent, § 9:75
lease-based liability, § 9:63
merger and acquisition based liabilities, § 9:68
multiple defendants, § 9:72
nature of waste, § 9:61
operator liabilities, § 9:69
overview, § 11:4
owner status, effect of, § 9:71
partnership liabilities, § 9:67
passive inactivity, effect of, § 9:70
recyclers, § 9:83
scrap dealers, § 9:83
shifting liabilities, § 9:86
states as parties
defendant, § 15:13
plaintiff, § 15:12
transporters, § 9:76
Partnership liabilities, § 9:67
Passive inactivity, effect of, § 9:70
Personal injury defined, § 9:162
Person defined, § 9:22
Petitions
Section 105, § 12:5
site management, § 12:5
Petroleum exception, § 9:20
Petroleum exclusion, §§ 9:84, 14:76
Phase I
generally, § 12:1
applicable or relevant and appropriate requirements (ARAR), § 11:26
feasibility studies (FS), §§ 11:24, 11:27
post-ROD additions, § 11:30
PRP organization, § 12:61 et seq.
records of decision (ROD), § 11:29
remedial investigations (RI), §§ 11:24, 11:25
remedy selection, § 11:28
site management, § 12:61 et seq.
Phase II
generally, § 12:1
operation and maintenance (O&M) measures, § 11:31
PRP organization, § 12:76 et seq.
remedial investigations (RI), § 11:31
site management, § 12:76 et seq.
Plaintiffs, states as, § 15:12
Pollutant defined, §§ 9:23, 9:163
Post-closure liability fund, assumption of liability by, § 14:49

CERCLA—Cont’d

Preemption issues, § 9:146
Pre-implementation judicial review, § 11:6
Preliminary assessments (PA) generally, § 11:20
site management, §§ 12:8, 12:9
Preventive law. Avoidance of CERCLA liability, above
Private causes of actions, enforcement remedies and, § 9:98
Private party suits
generally, § 9:114 et seq.
burden of proof, § 9:115
costs, § 9:116
False Claims Act litigation, § 9:124
judicial review, § 9:121
lender obligations, § 9:126
limitations of actions, § 9:125
limitations on, § 9:119
NCP, consistency with, § 9:117
other statutes, § 9:127
procedures, § 9:122
real estate issues, § 9:120
Section 107, § 9:118
Section 113, § 9:118
state authority, § 9:123
Procedural considerations, criminal enforcement, § 9:177
Professional development, contractors, § 10:29
Property damages defined, § 9:162
Prospective purchaser exemptions, § 14:48
Public participation
generally, § 10:17 et seq.
consent decrees, § 13:4
cost recovery actions, § 9:149
delisting, public notice of, § 10:19
listings, public notice of, § 10:18
meetings, local government roles, § 10:13
state superfund statutes, § 15:25
Punitive damages, state superfund statutes, § 15:22
Purposes
generally, § 9:2
consent decree, consistency with, § 13:40
RCRA purposes compared, § 9:1
remedial, § 9:2
Quantities of releases, reportable, § 9:34
RCRA Corrective Action Programs, relation to, § 7:35
Real estate sales
civil suits, § 9:120
corporate relationships and CERCLA liabilities, § 9:64
Records of Decision (ROD) generally, § 12:46 et seq.
CERCLA—Cont’d
Records of Decision (ROD)—Cont’d
amendments, § 12:47
changes, § 10:15
local government roles, § 10:15
Phase I
generally, § 11:29
post-ROD additions, § 11:30
PRP influences on, § 12:48
roles of parties generally, § 10:53
Recoupment
cleanup costs recovery, § 9:111
defenses, § 14:88
Recoverable response costs, § 14:34
Recovering cleanup costs
generally, § 9:102 et seq.
see also Cost Recovery Actions (this index)
Recycled oil exclusion, § 9:84
Recycling
defenses, § 14:86
exemptions, § 14:50
liabilities, § 9:83
Regional Rail Act defenses, § 14:99
Regulatory overview
generally, § 2:1 et seq.
evolution, § 2:3
policy, § 2:4
political aspects, § 2:2
Release
defense, § 14:117
definition, §§ 9:24, 14:78 et seq.
exceptions to definition, §§ 14:79 to 14:82
Remedial actions (RA)
generally, §§ 9:90, 11:31
defined, § 9:32
National Contingency Plan (NCP), § 11:23
roles in, § 10:50 et seq.
site management, § 12:58
Remedial design (RD)
generally, § 11:31
site management, § 12:58
Remedial investigations (RI)
baseline risk assessment, § 12:38
field investigations, § 12:37
involvement of PRPs, opportunities for,
§ 12:40
opportunities for PRP involvement, § 12:40
Phase I, §§ 11:24, 11:25
Phase II, § 11:31
PRP-conducted, § 12:35
PRP liabilities
generally, § 12:34 et seq.
baseline risk assessment, § 12:38
field investigations, § 12:37
involvement, opportunities for, § 12:40
CERCLA—Cont’d
Remedial investigations (RI)—Cont’d
PRP liabilities—Cont’d
opportunities for PRP involvement, § 12:40
PRP-conducted investigations, § 12:35
requirements, §§ 12:36, 12:39
treatability studies, § 12:37
roles of parties
post-RI phase, § 10:52
pre-RI phase, § 10:51
treatability studies, § 12:37
Remedial project managers (RPM), § 11:4
Remedial purposes, § 9:2
Remedial responses, contractors, § 10:25
Remedial site evaluation, overview of process,
§ 11:11
Remedies
defined, § 9:32
enforcement of remedies, above
selection
generally, § 12:45
Phase I, § 11:28
state law, § 15:9
Removal actions
generally, § 9:89
contractors, § 10:25
definition, § 9:32
distinctions between removal and remedial
actions, § 9:91
jurisdiction, § 9:149
local government roles, § 10:10
long-term removals, § 10:49
medium-term removals, § 10:48
National Contingency Plan (NCP), § 11:22
negotiation moratoria, § 12:33
roles in, § 10:46 et seq.
short-term removals, § 10:47
state law, § 15:11
Removal site evaluation, § 11:10
Reopeners, § 13:16
Reports
generally, § 9:33 et seq.
see also National Priorities List; Records
and Reports (this index)
notification requirements, § 9:33
NPL, § 9:33 et seq.
quantities of releases, reportable, § 9:34
reportable quantities of releases, § 9:34
Repose, state rules/statutes of, effect of federally
required commencement date (FRCD),
§ 9:158
Residential landowner defenses, § 14:51
Res judicata defense, § 14:120
Response actions
generally, § 11:17

Index-11
CERCLA—Cont’d
Response actions—Cont’d
costs, definition, § 9:32
local government roles, § 10:9
National Contingency Plan (NCP) generally, § 11:17
preliminary assessments (PA), § 11:20
site inspections (SI), § 11:21
types of actions, § 11:19 et seq.
negotiation moratoria, § 12:32
preliminary assessments (PA), § 11:20
site inspections (SI), § 11:21
types of actions, § 11:19 et seq.
Response programs, Brownfields, § 15:28
Responsible party defined, § 9:25
Retroactive liability challenges, § 14:125
state superfund statutes, § 15:18
SAA (Superfund alternate approach), § 11:9
Scrap Amendments, § 9:8
Scrap dealers’ liabilities, § 9:83
Section 103, § 12:3
Section 104 generally, § 12:22 et seq.
see also Potentially Responsible Parties (this index)
Section 105, § 12:5
Section 106 generally, §§ 14:1 et seq.
causation defenses, § 14:40
cleanup standards, § 14:4
Constitutional challenges, above
damages for noncompliance with orders, §§ 14:6, 14:7
defenses generally, § 14:9
causation, § 14:90
natural resource damage claims, § 14:142
sufficient cause defense, § 14:8
equitable defenses, above
judicial review, above
Natural Resources Damages (this index)
necessary circumstances for order issuances, § 14:2
orders damages for noncompliance, §§ 14:6, 14:7
defenses for noncompliance, § 14:8
necessary circumstances for issuances, § 14:2
penalties for noncompliance, § 14:6
preenforcement review, § 12:54
sufficient cause defense, § 14:8
treble damages for noncompliance, § 14:7
penalties for noncompliance with orders, § 14:6
CERCLA—Cont’d
Section 106—Cont’d
practical strategies, § 14:3
reimbursement generally, § 14:5
orders, § 14:14
preenforcement judicial review, § 14:14
settlements, § 13:43
standards for cleanup, § 14:4
strategies, practical, § 14:3
treble damages for noncompliance with orders, § 14:7
unilateral administrative orders, § 13:43
Section 107 generally, §§ 14:19 et seq., 14:104
see also Cost Recovery Actions (this index)
act of God defense, § 14:64
act of war defense, § 14:65
adjacent owner exceptions, § 14:47
all appropriate inquiries defense, § 14:72
alternative liability, § 14:62
application of registered pesticides, § 14:42
assumption of liability by post-closure liability fund, § 14:49
auto emissions definition, § 14:80
bona fide prospective purchaser exemptions, § 14:48
care and advice defense, § 14:41
causation defenses, § 14:90
citizen suits and, § 14:103
condemnation property generally, § 14:73
owner/operator designations, § 14:77
consent decree challenges, § 14:104
Constitutional challenges, above
consumer product definition, § 14:84
contiguous owner exemptions, § 14:47
contribution actions generally, § 14:53 et seq.
alternative liability, § 14:62
declaratory judgments, § 14:59
insignificant contributions, § 14:58
jury trial rights, § 14:61
limitation of actions, § 14:60
orphan shares, § 14:57
proof, § 14:54
protection from contribution, § 14:55
defenses generally, § 14:23 et seq.
act of God, § 14:64
act of war, § 14:65
adjacent owner exemptions, § 14:47
all appropriate inquiries, § 14:72
application of registered pesticides, § 14:42
CERCLA—Cont’d
Section 107—Cont’d
defenses—Cont’d
assumption of liability by post-closure liability fund, § 14:49
auto emissions definition, § 14:80
bona fide prospective purchaser exemptions, § 14:48
causation, § 14:90
condemnation property, §§ 14:73, 14:77
c consumer product definition, § 14:84
contreus owner exemptions, § 14:47
contractual relationships, § 14:70
disposal definition, § 14:85
divisibility, § 14:89
due care, § 14:71
duiment domain, §§ 14:73, 14:77
demployer definition, § 14:79
e xceptions to definition of release, §§ 14:79 to 14:82
e xemptions from liability, §§ 14:25, 14:37 et seq.
facility definition, § 14:83
f ederally permitted releases, § 14:43
Federal Tort Claims Act, § 14:98
fertilizer applications, § 14:82
fiduciaries, § 14:44
hazardous substance definition, § 14:75
hold harmless agreements, § 14:24
indemnification agreements, § 14:24
indispensable parties, nonjoinder of, § 14:109
innocent landowner third-party defense, § 14:68
involuntary acquisitions by governmental entities, §§ 14:73, 14:77
jurisdictional, §§ 14:93 et seq., 14:100
 limitation of actions, § 14:26 et seq.
 limitations of liability, §§ 14:25, 14:37 et seq.
municipal solid waste, § 14:46
natural resource damage claims, § 14:142
NCP consistency, § 14:87
nonstatutory, § 14:92 et seq.
nuclear material definition, § 14:81
personal jurisdiction, § 14:93
pesticides, registered, application of, § 14:42
petroleum exclusions, § 14:76
prospective purchaser exemptions, § 14:48
recoupment, § 14:88
recycling exceptions, § 14:86
recycling exemptions, § 14:50
Regional Rail Act, § 14:99
release definition, § 14:78
rendering care and advice, § 14:41
residential landowners, § 14:51
settlement, § 14:91
solely caused by, § 14:69
sovereign immunity, § 14:97
standing challenges, §§ 14:101, 14:106
statutory defenses, § 14:63 et seq.
statutory definitions, defenses related to, § 14:74
third party defense, § 14:66 et seq.
useful product definition, § 14:85
workplace definition, § 14:79
de micromis exemptions, § 14:45
disposal defined, § 14:85
divisibility defenses, § 14:89
due care defense, § 14:71
duiment domain generally, § 14:73
owner/operator designations, § 14:77
employer definition, § 14:79
EPA indirect costs, recovery of, § 14:36
equitable defenses, above exemptions from liability generally, § 14:25
parties, § 14:37 et seq.
facility definition, § 14:83
pederal agency liability, § 14:22
federally permitted release defenses, § 14:43
Federal Tort Claims Act defenses, § 14:98
fertilizer application defenses, § 14:82
fiduciaries, limiting liabilities of, § 14:44
hazardous substance definition, § 14:75
hold harmless agreements, § 14:24
indemnification agreements, § 14:24
Indian tribes, § 14:39
indispensable parties, nonjoinder of, § 14:109
innocent landowner third-party defense, § 14:68
insignificant contributions, § 14:58
involuntary acquisitions by governmental entities generally, § 14:73
owner/operator designations, § 14:77
joinder of indispensable parties, § 14:109
judicial review, above
jurisdictional defenses, §§ 14:93 et seq.
jury trial rights, § 14:61
liability generally, § 14:20
limitations of actions generally, § 14:26 et seq.
contribution, § 14:60
limitations of liability generally, § 14:25
CERCLA—Cont’d
Section 107—Cont’d

limitations of liability—Cont’d
parties, § 14:37 et seq.
municipal solid waste defenses, § 14:46
natural resources damages, §§ 14:21, 14:105

Natural Resources Damages (this index)
NCP, consistency with
defenses, § 14:87
recoverable response costs, § 14:31
nonstatutory defenses, § 14:92 et seq.
nuclear material definition, § 14:81

parties
generally, § 14:37 et seq.
exemptions from liability, § 14:37 et seq.
Indian tribes, § 14:39
limitations of liability, § 14:37 et seq.
personal jurisdiction, § 14:93
pesticides, registered, application of, § 14:42
petroleum exclusions, § 14:76
post-closure liability fund, assumption of liability by, § 14:49
private party suits, § 9:118
proof, contribution actions, § 14:54
prospective purchaser exemptions, § 14:48
recoupment defenses, § 14:88
recoverable response costs
generally, § 14:29 et seq.
declaratory judgments, § 14:34
EPA indirect costs, § 14:36

federal liens
generally, § 14:33
due process challenges, § 14:127
information request and site access under § 104(e), § 14:127
indirect costs, § 14:36
liens
generally, § 14:33
due process challenges, § 14:127
NCP, consistency with, § 14:31
practical considerations, § 14:35
scope of recovery, § 14:32
types of costs recoverable, § 14:32
recycling
definition, § 14:86
exemptions, § 14:50
Regional Rail Act defenses, § 14:99
release definition, § 14:78
rendering care and advice defense, § 14:41
residential landowner defenses, § 14:51
Section 113 actions compared, § 14:102
settlement defense, § 14:91
solely caused by defense, § 14:69
sovereign immunity, § 14:97

CERCLA—Cont’d
Section 107—Cont’d

standing challenges
generally, §§ 14:101, 14:106 et seq.
intervenors, § 14:107
other environmental statutes, § 14:108
Section 113 intervenors, § 14:107

statutory definitions, defenses related to,
§ 14:74
third party defense, § 14:66 et seq.
useful product definition, § 14:85
workplace definition, § 14:79

Section 110, § 9:172
Section 113
generally, § 12:49
citizen suits, preenforcement judicial review of, § 14:15
claims, § 9:118
Constitutional challenges, above
contribution actions compared, § 14:102
equitable defenses, above
intervenors, standing, § 14:107
judicial review, above
limitations on recovery of future clean up costs, § 9:104
private party suits, § 9:118
recovering future cleanup costs, limitations on, § 9:104
Section 107 actions compared, § 14:102
settlement defense, § 14:91
standing of intervenors, § 14:107

Section 127, § 14:130
Section 309, § 9:167
Service station dealer exemption, §§ 9:84, 14:52

Settlements
generally, § 9:113
Consent Decrees (this index)
Settlements (this index)
special account receipts from settlement agreements, § 9:145

Short-term removals, roles in, § 10:47
Site, alternates, overview of process, § 11:9
Site access under § 104(e), recoverable response costs, § 14:127
Site discovery, overview of process, § 11:8
Site inspections (SI)
generally, § 9:92 et seq.
see also Potentially Responsible Parties (this index)

access
generally, § 9:93
Section 104 letters
generally, § 12:26
enforcement, § 12:27
adjacent properties, effect of CERCLA actions on, § 9:94
INDEX

CERCLA—Cont’d

Site inspections (SI)—Cont’d

Site management, § 12:8 et seq.
deferrals, NPL, § 12:19
delistings, NPL, § 12:18
effects on adjacent properties, § 9:94
EPA listing determinations, § 12:15
expanded site inspections, § 12:11
feasibility studies, above
focused inspections, § 12:10
hazard ranking system, § 12:13
mini-CERCLA lists, state, § 12:19
National Priorities List (NPL) generally, §§ 12:12 et seq.
challenges, §§ 12:16, 12:17
deferrals, § 12:19
delistings, §§ 11:14, 12:18
EPA determinations, § 12:15
hazard ranking system, § 12:13
mini-CERCLA lists, state, § 12:19
state designations, § 12:14
overview, § 11:21
searches, § 9:93
Section 104 letters generally, § 12:26
enforcement, § 12:27
state NPL designations, § 12:14
Section 103 notices, § 12:3
Section 105 petitions, § 12:5
settlements, PRP, § 12:76 et seq.
sole PRP strategies, § 12:60
technical committees, § 12:66
trust agreements, § 12:77

Sovereign immunity

generally, § 14:133
Section 107 claims, § 14:97

Special account receipts from settlement agreements, § 9:145

State defined, § 9:22

State law

generally, § 15:1 et seq.
see also State Actions and State Laws (this index)

assurances, state, § 15:3 et seq.
brownfield programs, § 15:26
cleanup cost sharing, § 15:4
contracts

states’ roles, §§ 10:7, 15:7
cooperative agreements

generally, § 15:7
states’ roles, § 10:5
defendants, states as, § 15:13
disposal capacity, § 15:5
liability of states for regulation, § 15:14
maintenance, § 15:6
memoranda of agreement

generally, § 15:8
states’ roles, § 10:6
mini-CERCLA lists

generally, § 11:15
site inspection determinations, § 12:19
negotiations, EPA-led, § 15:10
operations, § 15:6
parties, states as, § 15:12
plaintiffs, states as, § 15:12
private party suits, § 9:123
remedy selection, § 15:9
<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>CERCLA—Cont’d</td>
<td></td>
</tr>
<tr>
<td>State law—Cont’d</td>
<td></td>
</tr>
<tr>
<td>removal activities, § 15:11</td>
<td></td>
</tr>
<tr>
<td>Superfund statutes, state, below voluntary cleanup programs, §§ 9:12, 15:26, 15:27</td>
<td></td>
</tr>
<tr>
<td>waste disposal capacity, § 15:5</td>
<td></td>
</tr>
<tr>
<td>States’ roles in enforcement</td>
<td></td>
</tr>
<tr>
<td>generally, § 10:3 et seq.</td>
<td></td>
</tr>
<tr>
<td>assurances, state, § 10:4</td>
<td></td>
</tr>
<tr>
<td>community relation plans, § 10:11</td>
<td></td>
</tr>
<tr>
<td>contracts, § 10:7</td>
<td></td>
</tr>
<tr>
<td>cooperative agreements, § 10:5</td>
<td></td>
</tr>
<tr>
<td>federal-state conflicts, § 10:16</td>
<td></td>
</tr>
<tr>
<td>Local Governments (this index)</td>
<td></td>
</tr>
<tr>
<td>memoranda of agreement, § 10:6</td>
<td></td>
</tr>
<tr>
<td>remedial actions, roles in, § 10:50</td>
<td></td>
</tr>
<tr>
<td>removal actions, roles in, § 10:46 et seq.</td>
<td></td>
</tr>
<tr>
<td>RI phase, §§ 10:51, 10:52</td>
<td></td>
</tr>
<tr>
<td>ROD activities, roles in, § 10:53</td>
<td></td>
</tr>
<tr>
<td>Strict liability, state superfund statutes, § 15:19</td>
<td></td>
</tr>
<tr>
<td>Superfund, use of term, § 11:1</td>
<td></td>
</tr>
<tr>
<td>Superfund alternative approach (SAA), § 11:9</td>
<td></td>
</tr>
<tr>
<td>Superfund Amendments and Reauthorization Act (SARA)</td>
<td></td>
</tr>
<tr>
<td>generally, § 11:1</td>
<td></td>
</tr>
<tr>
<td>significance of, § 9:5</td>
<td></td>
</tr>
<tr>
<td>Superfund funding, § 9:145</td>
<td></td>
</tr>
<tr>
<td>Superfund Recycling Act, § 14:130</td>
<td></td>
</tr>
<tr>
<td>Superfund statutes, state</td>
<td></td>
</tr>
<tr>
<td>generally, § 15:15 et seq.</td>
<td></td>
</tr>
<tr>
<td>cleanup standards, § 15:24</td>
<td></td>
</tr>
<tr>
<td>joint and several liability, § 15:20</td>
<td></td>
</tr>
<tr>
<td>natural resource damages, § 15:23</td>
<td></td>
</tr>
<tr>
<td>nature of liability, § 15:18</td>
<td></td>
</tr>
<tr>
<td>order issuance authority, § 15:21</td>
<td></td>
</tr>
<tr>
<td>persons liable, § 15:17</td>
<td></td>
</tr>
<tr>
<td>public participation requirements, § 15:25</td>
<td></td>
</tr>
<tr>
<td>punitive damages, § 15:22</td>
<td></td>
</tr>
<tr>
<td>retroactive liability, § 15:18</td>
<td></td>
</tr>
<tr>
<td>scope, §§ 15:17, 15:18</td>
<td></td>
</tr>
<tr>
<td>strict liability, § 15:19</td>
<td></td>
</tr>
<tr>
<td>types of statutes, § 15:16</td>
<td></td>
</tr>
<tr>
<td>Superfund taxes, reinstatement controversy, § 9:145</td>
<td></td>
</tr>
<tr>
<td>Supremacy Clause challenges, § 14:134</td>
<td></td>
</tr>
<tr>
<td>Technical committees, site management, § 12:66</td>
<td></td>
</tr>
<tr>
<td>Technical Enforcement Support Coordination Division, § 10:28</td>
<td></td>
</tr>
<tr>
<td>Third party defense, § 14:66 et seq.</td>
<td></td>
</tr>
<tr>
<td>Timing of review, extensions of time for, § 9:155</td>
<td></td>
</tr>
<tr>
<td>Timing of suits, § 9:147</td>
<td></td>
</tr>
<tr>
<td>Transporters, liabilities, § 9:76</td>
<td></td>
</tr>
<tr>
<td>Treatment defined, § 9:26</td>
<td></td>
</tr>
<tr>
<td>Tribal Brownfields programs, §§ 9:12, 15:28</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>CERCLA—Cont’d</td>
<td></td>
</tr>
<tr>
<td>Unclean hands defense, § 14:116</td>
<td></td>
</tr>
<tr>
<td>Uniform Comparative Fault Act, § 12:75</td>
<td></td>
</tr>
<tr>
<td>Uniform Contribution Among Tortfeasors Act, § 12:75</td>
<td></td>
</tr>
<tr>
<td>Unjust enrichment defense, § 14:119</td>
<td></td>
</tr>
<tr>
<td>Viable remedial alternative analysis, § 12:43</td>
<td></td>
</tr>
<tr>
<td>Voluntary cleanup programs</td>
<td></td>
</tr>
<tr>
<td>generally, § 15:26</td>
<td></td>
</tr>
<tr>
<td>state, §§ 9:12, 15:27</td>
<td></td>
</tr>
<tr>
<td>tribal, § 9:12</td>
<td></td>
</tr>
<tr>
<td>Waiver defense, § 14:117</td>
<td></td>
</tr>
<tr>
<td>Waste defined, § 9:27</td>
<td></td>
</tr>
<tr>
<td>Waste disposal capacity, § 15:5</td>
<td></td>
</tr>
<tr>
<td>Whistleblower protections</td>
<td></td>
</tr>
<tr>
<td>generally, § 9:169 et seq.</td>
<td></td>
</tr>
<tr>
<td>costs recoverable, § 9:171</td>
<td></td>
</tr>
<tr>
<td>definition, § 9:169</td>
<td></td>
</tr>
<tr>
<td>immunity, § 9:175</td>
<td></td>
</tr>
<tr>
<td>judicial review, §§ 9:171, 9:174</td>
<td></td>
</tr>
<tr>
<td>limitation of actions, § 9:170</td>
<td></td>
</tr>
<tr>
<td>scope of protection, § 9:169</td>
<td></td>
</tr>
<tr>
<td>Section 110, impact of, § 9:172</td>
<td></td>
</tr>
<tr>
<td>sovereign immunity, § 9:173</td>
<td></td>
</tr>
</tbody>
</table>

| CERCLIS LISTINGS                                                    |         |
| Generally, § 12:7                                                  |         |
| CITIES                                                               |         |
| See Local Governments (this index)                                 |         |
| CITIZEN SUITS                                                       |         |
| Generally, § 5:31 et seq.                                          |         |
| See also Civil Enforcement (this index)                             |         |
| Business effects, due process challenges, § 14:128                 |         |
| Caveat emptor defense, § 14:122                                     |         |
| CERCLA                                                               |         |
| generally, §§ 9:129 et seq., 9:153                                 |         |
| ATSDR, effect on CERCLA actions, §§ 10:38, 10:43                    |         |
| continuing violations, § 9:138                                      |         |
| defendants, § 9:132                                                |         |
| elements of action, § 9:130                                        |         |
| federal facilities, § 9:134                                       |         |
| funding clean-up activities, § 9:145                                |         |
| Hazardous Substance Superfund (Trust Fund), §§ 9:145                |         |
| intervention, § 9:140                                              |         |
| limitations of actions, § 9:143                                    |         |
| mootness, § 9:141                                                  |         |
| notice                                                               |         |
| generally, § 9:144                                                 |         |
| public, § 9:128                                                    |         |
| other litigation, § 9:142                                          |         |
| overview, § 9:129                                                  |         |
| plaintiffs, § 9:131                                                |         |
INDEX

CITIZEN SUITS—Cont’d
CERCLA—Cont’d
preclusion of suits, § 9:136
procedural issues, § 9:135
proper defendants, § 9:132
proper plaintiffs, § 9:131
reinstating designated taxes to fund Superfund (Trust Fund), § 9:145
remedies, § 9:139
removal actions, § 9:149
Section 107 and, § 14:103
Section 106 and 107 actions generally, § 14:1
sovereign immunity, § 9:133
special account receipts from settlement agreements, § 9:145
standing, § 9:137
states, immunities of, § 9:133
Superfund taxes, reinstating, § 9:145
timing of suits, § 9:147
who may be sued, § 9:132
who may sue, § 9:131
Collateral estoppel defense, § 14:120
Constitutional defenses, § 14:123 et seq.
Continuing violations, § 9:138
Contracts Clause challenges, § 14:131
Contributions
see also Contribution Actions (this index)
limitation of actions, § 9:148
Covenants not to sue
generally, § 13:14 et seq.
see also Covenants Not to Sue (this index)
Damages (this index)
Defendants, state as, § 15:13
De minimis defense, § 14:114
De minimis settlements
generally, § 13:28 et seq.
see also De Minimis Activities (this index)
Discovery Practice (this index)
Due process challenges, § 14:126 et seq.
Elements of CERCLA action, § 9:130
Eleventh Amendment challenges, § 14:133
EPA enforcement actions. See Civil Enforcement (this index)
Equal protection challenges, § 14:132
Equitable estoppel defense, § 14:118
Federal facilities
generally, § 8:19
CERCLA, § 9:134
Hazardous Substance Superfund (Trust Fund), § 9:145
Immunity, RCRA litigation, § 5:44
Intervention, CERCLA, § 9:140
Judicial review, preenforcement, § 12:55
Laches defense, § 14:115
CITIZEN SUITS—Cont’d
Limited impositions, due process challenges, § 14:127
Limitations of actions, CERCLA, § 9:143
Mootness, § 9:141
Natural Resources Damages (this index)
NCP-based EPA action challenges, § 14:129
Notice
CERCLA, § 9:144
public, § 9:128
RCRA litigation, § 5:32
In pari delicto defense, § 14:121
Parties, state as, § 15:12
Past violations, § 5:43
Policy issues, § 5:46
Preclusion
CERCLA, § 9:136
RCRA, § 5:42
Preenforcement review, § 12:55
Procedural issues, CERCLA, § 9:135
RCRA
generally, § 5:31 et seq.
defenses, § 5:39
immunity, § 5:44
legal fees, § 5:45
notice, § 5:32
past violations, § 5:43
policy issues, § 5:46
preclusion by governmental actions, § 5:42
remedies, §§ 5:36, 5:38
sovereign immunity, § 5:44
standing issues, § 5:40
state activities, § 5:41
Reinstating designated taxes to fund Superfund (Trust Fund), § 9:145
Release defense, § 14:117
Remedies
see also Remedies (this index)
CERCLA, § 9:139
RCRA, § 5:38
Removal actions, § 9:149
Res judicata defense, § 14:120
Retroactivity challenges, § 14:125
Sovereign immunity
CERCLA, § 9:133
challenges, § 14:133
RCRA, § 5:44
Sovereign Immunity (this index)
Standing, §§ 5:40, 9:137
State activities, § 5:41
States, immunities of, § 9:133
States as parties, § 15:12
Superfund Recycling Act challenges, § 14:130
Superfund taxes, reinstatement, § 9:145
Supremacy Clause challenges, § 14:134
CITIZEN SUITS—Cont’d
Unclean hands defense, § 14:116
Unjust enrichment defense, § 14:119
Waiver defense, § 14:117
Who may be sued, § 9:132
Who may sue, § 9:131

CIVIL ENFORCEMENT
Generally, § 5:12 et seq.
See also Administrative Enforcement; Criminal Enforcement (this index)
Abatement actions, § 9:98
Burden of proof, CERCLA, § 9:115
Business effects, due process challenges, § 14:128
CERCLA
abatement actions, § 9:98
ATSDR, effect on CERCLA actions, §§ 10:38, 10:43
cost recovery actions, § 9:98
declaratory judgments, § 9:100
limitations of actions, § 9:147 et seq.
private causes of actions and, § 9:98
removal actions, § 9:149
timing of suits, § 9:147
CERCLA §§ 106 and 107 actions
generally, § 14:1
CERCLA, § 14:1
CERCLA cost recovery
generally, § 9:102 et seq.
see also Cost Recovery Actions (this index)
CERCLA private suits
generally, § 9:114 et seq.
burden of proof, § 9:115
costs, § 9:116
False Claims Act litigation, § 9:124
judicial review, § 9:121
lender obligations, § 9:126
limitations of actions, § 9:125
limitations on, § 9:119
NCP, consistency with, § 9:117
other statutes, § 9:127
procedures, § 9:122
real estate issues, § 9:120
Section 107, § 9:118
Section 113, § 9:118
state authority, § 9:123
Citizen Suits (this index)
Consent Decrees (this index)
Contracts Clause challenges, § 14:131
Contribution
see also Contribution Actions (this index)
limitation of actions, § 9:148
necessity of underlying CERCLA action, § 9:159
Costs, CERCLA, private suits, § 9:116

CIVIL ENFORCEMENT—Cont’d
Covenants not to sue
generally, § 13:14 et seq.
see also Covenants Not to Sue (this index)
Damages (this index)
Declaratory judgments, § 9:100
Defendants, state as, § 15:13
Defenses, RCRA violations, § 5:17
De minimis defenses, § 14:114
De minimis settlements
generally, § 13:28 et seq.
see also De Minimis Activities (this index)
Discovery Practice (this index)
Due process challenges, § 14:126 et seq.
Eleventh Amendment challenges, § 14:133
EPA efforts, compliance and enforcement, § 5:48
Equal protection challenges, § 14:132
Exhaustion of remedies, § 9:106
False Claims Act litigation, § 9:124
Federal facilities, RCRA compliance
generally, § 8:13 et seq.
Section 3008, § 8:14
Section 7003, § 8:15
Section 9006, § 8:16
Imminent Hazards (this index)
Incentives for self-policing, §§ 5:47, 9:81
Indian tribes, limitation of actions by, § 9:151
Judicial review, § 9:121
Lender obligations, § 9:126
Lien impositions, due process challenges, § 14:127
Limitations of actions, § 9:125
Natural Resources Damages (this index)
NCP, consistency with, § 9:117
NCP-based EPA action challenges, § 14:129
Parties, state as, § 15:12
Petitions, § 9:105
Private causes of actions and CERCLA, § 9:98
Private party suits generally, § 9:114 et seq.
Procedures, CERCLA private suits, § 9:122
Process, RCRA violations, § 5:13
RCRA violations
generally, § 5:12 et seq.
burdens, § 5:14
defenses, § 5:17
process, § 5:13
remedies, § 5:15
settlement, § 5:18
state actions, § 5:16
Remedies, RCRA violations
generally, § 5:15
see also Remedies (this index)
imminent hazard authority of EPA under RCRA § 7003, § 5:30
Removal actions, CERCLA, § 9:149
CIVIL ENFORCEMENT—Cont’d
  Retroactivity challenges, § 14:125
  Settlement
    Consent Decrees (this index)
    RCRA violations, § 5:18
    Settlements (this index)
  Sovereign immunity challenges
    generally, § 14:133
    see also Sovereign Immunity (this index)
  State actions, RCRA violations, § 5:16
  State authority, CERCLA, private suits, § 9:123
  States as parties, § 15:12
  Superfund Recycling Act challenges, § 14:130
  Supremacy Clause challenges, § 14:134
  Underground Storage Tank (UST) Regulations
    generally, § 6:28
    adjacent owners’ remedies, § 6:29

CLAIMS
  Bankruptcy, dischargeability, § 17:4
  CERCLA § 309, § 9:167
  False Claims Act, § 9:124
  Release, § 14:117

CLEAN AIR ACT
  Hazardous waste combustion facilities, § 4:56
  RCRA hazardous waste combustion facilities,
    CAA requirements, § 4:56

CLEANUP
  CERCLA (this index)
  Contribution Actions (this index)
  Cost Recovery Actions (this index)
  Non-recoverable costs, § 9:108
  RCRA (this index)
  Remediation (this index)

CLOSE CORPORATIONS
  See Corporations (this index)

CLOSURES OF FACILITIES
  Generally, § 4:26 et seq.
  Financial assurance requirements, §§ 4:29 et seq., 4:32
  Landfill closure requirements, §§ 4:29 et seq., 4:32
  Military munitions ranges, § 4:44
  Permits
    see also Permits (this index)
    post-closure, § 4:17
  RCRA rules, CAMU, § 7:29
  Reports, § 4:26 et seq.
  Underground Storage Tank (UST) Regulations,
    § 6:22

COAL ASH WASTE
  RCRA specific waste determinations/exclusions,
    § 2:49

COAL COMBUSTION WASTE
  Definition, § 20:4

COLLATERAL ESTOPPEL
  Generally, § 14:120

COMBUSTION FACILITIES
  Generally, § 4:49 et seq.
  Boilers and industrial furnaces (BIF), § 4:52
  Garbage incineration, § 18:3
  Incinerators, § 4:51
  Municipal liabilities, garbage incineration, § 18:3
  Performance standards, § 4:54
  Permits, § 4:16
  RCRA regulation
    generally, § 4:49 et seq.
    boilers and industrial furnaces (BIF), §§ 2:49, 4:52
    CAA requirements, § 4:56
    incinerators, § 4:51
    operating requirements, § 4:55
    overview, § 4:50
    performance standards, § 4:54
    regulation generally, § 4:53

COMBUSTION WASTE
  RCRA listed waste exceptions, § 2:49

COMMERCIAL WASTE
  Definition, § 20:5

COMMITTEES, PRP
  See Potentially Responsible Parties (this index)

COMMUNITIES
  Local Governments (this index)
  Public Participation (this index)

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)
  See CERCLA (this index)

CONDEMNATION PROPERTY
  Generally, § 14:73
  Owner/operator designations, § 14:77

CONFLICTS OF INTEREST
  CERCLA contractors, § 10:30

CONGRESSIONAL INTENT
  CERCLA, § 9:2

CONSENT DECREES
  Generally, § 13:1 et seq.
  See also Settlements (this index)
  Administrative settlements
    generally, § 13:41 et seq.
    see also Settlements (this index)
    administrative orders on consent, § 13:42
  CERCLA § 106 orders, § 13:43
CONSENT DECREES—Cont’d
Administrative settlements—Cont’d
consent orders, § 13:42
removal/response action orders, § 13:43
unilateral orders, § 13:43
CERCLA
preeenforcement review, § 12:51
Section 107 challenges, § 14:104
Challenging
generally, § 13:36 et seq.
CERCLA § 107 and, § 14:104
CERCLA purpose, consistency with, § 13:40
factors, review, § 13:37 et seq.
fairness, §§ 13:38, 13:39
procedural fairness, § 13:38
reasonableness, § 13:37
review factors, § 13:37 et seq.
standard of review, § 13:37 et seq.
substantive fairness, § 13:39
Consent orders, EPA, § 13:42
Contribution protection
generally, § 13:20
matters addressed, § 13:21
technical impracticability clause, § 13:23
waivers, § 13:22
Court approvals of settlements, § 13:10
Covenants not to sue
generally, § 13:14 et seq.
see also Covenants Not to Sue (this index)
De minimis settlements
generally, § 13:28 et seq.
see also De Minimis Activities (this index)
Department of Justice settlement approvals,
§ 13:9
Dispute resolution provision
generally, § 13:26
stipulated penalties, § 13:27
EPA consent orders, § 13:42
Fairness challenges
procedural fairness, § 13:38
substantive fairness, § 13:39
Government technical personnel and attorneys,
involvement in negotiations, § 13:12
Model RD/RA consent decree, § 13:26
Moratoria triggered by special notice letters,
§ 13:2
Negotiating teams, § 13:11
Negotiations, § 13:13
Nonbinding preliminary allocation of responsibility (NBAR), § 13:5
Preeenforcement review, § 12:51
PRP allocations, § 13:7
PRP negotiating teams, § 13:11
Reasonableness challenges, § 13:37

CONSENT DECREES—Cont’d
Remedial action/design consent decrees, covenants not to sue in, § 13:15
Review factors, § 13:37 et seq.
Special notice letters, moratoria triggered by,
§ 13:2
Standard of review, § 13:37 et seq.
Steering committee organization, § 13:3
Stipulated penalties, § 13:27
Waivers, contribution, § 13:22
CONSTRUCTION WASTE
Definition, § 20:6
CONSUMER PRODUCTS
Definition, § 14:84
CONTAINED-IN WASTES
Generally, § 2:43
CONTAMINANT
Definition, § 9:163
CONTIGUOUS OWNERS
See Adjacent Owners (this index)
CONTINGENCY PLANS
National Contingency Plan (this index)
RCRA requirements, § 4:21
CONTINUING VIOLATIONS
CERCLA citizens suits, § 9:138
CONTRACTORS, CERCLA
Generally, § 10:23 et seq.
Administrative sanctions against, § 10:31
Community involvement/training, § 10:29
Conflicts of interest, § 10:30
Green cleanup, § 10:26
Green remediation, § 10:26
Indemnification, § 10:33
Liabilities, § 9:66
Liability, § 10:27
Limitations on liability, § 10:32
On-scene coordinators, § 10:25
Professional development, § 10:29
Remedial actions, roles in, § 10:50
Remedial responses, § 10:25
Removal actions, § 10:25
Removal actions, roles in, § 10:46 et seq.
ROD activities, roles in, § 10:53
Roles of
generally, § 10:23
post-RI phase, § 10:52
pre-RI phase, § 10:51
Technical Enforcement Support Coordination Division, § 10:28
Tools, § 10:24

Index-20
CONTRACTS CLAUSE
Constitutional challenges in CERCLA litigation, § 14:131

CONTRIBUTION ACTIONS
Alternative liability, § 14:62
Business effects, due process challenges, § 14:128
Caveat emptor defense, § 14:122
CERCLA § 106
generally, § 14:1
orders, preenforcement judicial review of, § 14:12
CERCLA § 107
generally, §§ 14:1, 14:53 et seq.
see also CERCLA (this index)
insignificant contributions, § 14:58
jury trial rights, § 14:61
limitation of actions, § 14:60
orders, preenforcement judicial review of, § 14:12
orphan shares, § 14:57
proof, § 14:54
protection from contribution, § 14:55
Section 113 actions compared, § 14:102
CERCLA § 309, § 9:167
CERCLA, limitation of actions, § 9:148
Collateral estoppel defense, § 14:120
Consent decrees, § 13:20 et seq.
Constitutional defenses, § 14:123 et seq.
Contaminant defined, § 9:163
Contracts Clause challenges, § 14:131
Cost recovery actions compared, § 14:102
Cost recovery and contribution compared, § 14:102
Covenants not to sue
generally, § 13:14 et seq.
see also Covenants Not to Sue (this index)
Definitions
generally, § 9:162 et seq.
contaminant, § 9:163
facility, § 9:166
personal injury, § 9:162
pollutant, § 9:163
property damages, § 9:162
reasonably should have known, § 9:164
released into environment, § 9:165
De minimis defense, § 14:114
De minimis settlements
generally, § 13:28 et seq.
see also De Minimis Activities (this index)
Divisibility defenses, § 14:89
Due process challenges, § 14:126 et seq.
Eleventh Amendment challenges, § 14:133

CONTRIBUTION ACTIONS—Cont’d
Equal protection challenges, § 14:132
Equitable estoppel defense, § 14:118
Equitable tolling, § 9:154
Facility defined, § 9:166
Federally required commencement date (FRCD) generally, § 9:156 et seq.
see also CERCLA (this index)
Insignificant contributions, § 14:58
Judicial review, preenforcement, §§ 12:53, 14:12
Jury trial rights, § 14:61
Laches defense, § 14:115
Lien impositions, due process challenges, § 14:127
Limitation of actions
see also Limitations of Actions (this index)
CERCLA, § 9:148
CERCLA § 107, § 14:60
NCP-based EPA action challenges, § 14:129
Negotiations, § 13:20 et seq.
Orphan share allocations, §§ 12:71, 14:57
In pari delicto defense, § 14:121
Personal injury defined, § 9:162
Pollutant defined, § 9:163
Preenforcement judicial review, § 14:12
Preenforcement review, § 12:53
Proof, § 14:54
Property damages defined, § 9:162
Protection from contribution under CERCLA § 107, § 14:55
Reasonably should have known, definition of term, § 9:164
Release defense, § 14:117
Released into environment, definition of term, § 9:165
Res judicata defense, § 14:120
Retroactivity challenges, § 14:125
Scope of action, § 9:167
Settlement
generally, § 13:20 et seq.
Consent Decrees (this index)
Settlements (this index)
Sovereign immunity challenges, § 14:133
Superfund Recycling Act challenges, § 14:130
Supremacy Clause challenges, § 14:134
Technical impracticability clause in settlement, § 13:23
Unclean hands defense, § 14:116
Underlying CERCLA action, necessity of, § 9:159
Unjust enrichment defense, § 14:119
Waiver defense, § 14:117
Waivers, § 13:22
CORPORATIONS
CERCLA liabilities, corporate relationships and generally, § 9:58 et seq.
brokerage issues, § 9:64
close corporations and individuals, § 9:65
individuals, close corporations and, § 9:65
intent, § 9:60
lease-based liability, § 9:63
merger and acquisition based liabilities, § 9:68
multiple defendants, § 9:72
nature of waste, § 9:61
owners, § 9:59
owner status, effect of, § 9:71
parents and subsidiaries, § 9:62
real estate issues, § 9:64
successor corporations, § 9:87
Supreme Court view, § 9:58
Close corporations and individuals, CERCLA liabilities, § 9:65
Dissolved corporations, CERCLA liabilities of, § 9:82
Individuals, close corporations and, CERCLA liabilities, § 9:65
Lease-based CERCLA liability, § 9:63
Merger and acquisition based CERCLA liabilities, § 9:68
Nature of waste and CERCLA liabilities, § 9:61
Owners’ CERCLA liabilities, § 9:59
Owner status and CERCLA liabilities, § 9:71
Parents and subsidiaries, CERCLA liabilities, § 9:62
Successor corporations, CERCLA liabilities, § 9:87
CORRECTIVE ACTION FOUNDATION
See RCRA (this index)
CORRECTIVE ACTION MANAGEMENT UNITS (CAMU)
See RCRA (this index)
CORROSION PROTECTION
Underground Storage Tank (UST) Regulations, § 6:9
COST RECOVERY ACTIONS
Administrative enforcement of CERCLA violations, §§ 9:98, 9:102 et seq.
Attorneys’ obligations, § 9:112
Business effects, due process challenges, § 14:128
Caveat emptor defense, § 14:122
CERCLA § 106
generally, § 14:1
orders, preenforcement judicial review of, § 14:12
CERCLA § 107
generally, §§ 14:1, 14:29 et seq.
COST RECOVERY ACTIONS—Cont’d
CERCLA § 107—Cont’d
declaratory judgments, § 14:34
EPA indirect costs, § 14:36
federal liens
generally, § 14:33
due process challenges, § 14:127
indirect costs, § 14:36
liens
generally, § 14:33
due process challenges, § 14:127
NCP, consistency with, § 14:31
orders, preenforcement judicial review of, § 14:12
practical considerations, § 14:35
scope of recovery, § 14:32
Sections 113 and 107 actions compared, § 14:102
types of costs recoverable, § 14:32
CERCLA, parties, § 9:102 et seq.
CERCLA private actions, § 9:98
Cleanup cost recovery
generally, § 9:102 et seq.
state law, § 15:4
Collateral estoppel defense, § 14:120
Consent Decrees (this index)
Consistency of costs with NCP, § 9:110
Constitutional defenses, § 14:123 et seq.
Contracts Clause challenges, § 14:131
Contribution
see also Contribution Actions (this index)
limitation of actions, § 9:148
Covenants not to sue
generally, § 13:14 et seq.
see also Covenants Not to Sue (this index)
Declaratory judgments, CERCLA § 107, § 14:34
Defenses, § 9:109
De minimis defense, § 14:114
De minimis settlements
generally, § 13:28 et seq.
see also De Minimis Activities (this index)
Due process challenges, § 14:126 et seq.
Eleventh Amendment challenges, § 14:133
EPA indirect costs, CERCLA § 107, § 14:36
Equal protection challenges, § 14:132
Equitable estoppel defense, § 14:118
Exhaustion of remedies, § 9:106
Federal liens
generally, § 14:33
due process challenges, § 14:127
Future clean up costs, limitation on, § 9:104
Indirect costs, CERCLA § 107, § 14:36
Information request and site access under § 104(e), liens, § 14:127
Judicial review, preenforcement, §§ 12:53, 14:12
INDEX

COST RECOVERY ACTIONS—Cont’d
Laches defense, § 14:115
Liens
generally, § 14:33
due process challenges, § 14:127
information request and site access under § 104(e), § 14:127
Limitation of actions, § 9:103
National Contingency Plan (NCP), § 11:18
NCP, consistency of costs with, § 9:110
NCP-based EPA action challenges, § 14:129
NCP cost recovery
generally, § 9:49 et seq.
see also National Contingency Plan (this index)
Non-recoverable costs, § 9:108
Owner liability, § 9:107
In pari delicto defense, § 14:121
Petitions, § 9:105
Preenforcement judicial review, § 14:12
Preenforcement review, § 12:53
Private actions, § 9:98
Public involvement, § 9:149
Recoupment, § 9:111
Release defense, § 14:117
Res judicata defense, § 14:120
Retroactivity challenges, § 14:125
Scope of recovery, CERCLA § 107, § 14:32
Settlement
Consent Decrees (this index)
Settlements (this index)
Site access under § 104(e), liens, § 14:127
Sovereign immunity challenges, § 14:133
Superfund Recycling Act challenges, § 14:130
Supremacy Clause challenges, § 14:134
Types of costs recoverable, CERCLA § 107, § 14:32
Unclean hands defense, § 14:116
Unjust enrichment defense, § 14:119
Waiver defense, § 14:117

COSTS OF SUIT, RECOVERY OF
Generally, § 9:116
Response costs, definition, § 9:32
Whistleblower actions, § 9:171

COUNSELING WASTE HANDLERS
Generally, § 20:14
Nonhazardous waste generators, § 20:16

COVENANTS NOT TO SUE
Generally, § 13:14 et seq.
CERCLA liabilities, § 9:85
De minimis settlements, § 13:19
Prospective purchaser agreements, § 13:18
RA/RD consent decrees, § 13:15
Reopeners, § 13:16

CRIMINAL ENFORCEMENT
See also Civil Enforcement (this index)
Avoidance, RCRA violations, § 5:25
CERCLA, §§ 9:176, 9:177
Definitions, RCRA violations, § 5:22
Department of Justice, settlement approvals, § 13:9
Elements, RCRA violations, § 5:19
Evidence, RCRA violations, § 5:23
Federal facilities, RCRA compliance, § 8:17
History, RCRA violations, § 5:26
Imminent danger, RCRA violations, § 5:21
Individual liability, RCRA violations, § 5:24
Intent
CERCLA liabilities, § 9:75
corporate CERCLA liabilities, § 9:60
Penalties
CERCLA, §§ 13:27, 14:6
orders, noncompliance with, § 14:6
preenforcement judicial review, § 14:13
stipulated, § 13:27
Procedural considerations, CERCLA, § 9:177
RCRA violations
avoidance, § 5:25
definitions, § 5:22
elements, § 5:19
evidence, § 5:23
history, § 5:26
imminent danger, § 5:21
individual liability, § 5:24
penalties, § 5:20
state prosecutions, § 5:27
Settlement approvals, Department of Justice, § 13:9
State environmental crimes, § 5:27
State prosecutions, RCRA violations, § 5:27

CRUDE OIL EXPLORATION,
DEVELOPMENT, OR PRODUCTION
RCRA specific waste determinations/exclusions, § 2:50

DAMAGES
Costs (this index)
As damages, interpretation of term in insurance policies, § 16:24
Federally required commencement date (FRCD), state law actions for injury or damages from hazardous substances, § 9:156 et seq.
Insurance, § 16:24
Legal damage for insurance purposes, § 16:24
Natural resources
generally, § 15:23
see also Natural Resources Damages (this index)
Orders, noncompliance with
generally, § 14:6
DAMAGES—Cont’d
Orders, noncompliance with—Cont’d
treble damages, § 14:7
State superfund statutes
generally, § 15:21 et seq.
authority to order, § 15:21
cleanup standards, § 15:24
natural resource damages, § 15:23
punitive, § 15:22
Treble damages, noncompliance with orders,
§ 14:7
Valuation of natural resources damages, § 14:138

DECLARATORY JUDGMENTS
Generally, § 9:100
CERCLA § 107
contribution actions, § 14:59
cost recovery actions, § 14:34

DECREES
See Consent Decrees (this index)

DEFENSES
CERCLA (this index)
RCRA (this index)

DEFINITIONS AND ACRONYMS
ARAR, § 11:26
Arranger, § 9:15
ATSDR, § 10:34
Auto emissions, § 14:80
CAMU, §§ 7:9 et seq., 7:24
CERCLA statutory definitions, § 9:14 et seq.
CERCLIS, § 12:7
CGL, § 16:7
Coal combustion waste, § 20:4
Commercial waste, § 20:5
Construction waste, § 20:6
Consumer product, § 14:84
Contaminant, contribution actions, § 9:163
Criminal enforcement, RCRA violations, § 5:22
Demolition waste, § 20:6
Derived-from wastes, § 2:22
Discarded, § 2:10
Disposal
CERCLA, §§ 9:16, 9:77, 14:85
RCRA, § 2:11
EIL, § 16:4
Employer, § 14:79
Environment, § 9:17
Exceptions to definition of release, §§ 14:79 to 14:82
Exclusions, § 9:28
Facility
CERCLA, §§ 9:18, 14:83
contribution actions, § 9:166
Federaally permitted release, § 9:29

DEFINITIONS AND ACRONYMS—Cont’d
FRCD, § 9:156
FS, § 11:24
Grandfathered CAMU, § 7:11
Hazardous substance, §§ 9:19, 14:75
Hazardous waste and hazardous constituents,
§ 7:14
HRS, § 11:13
HWIR-media rule, § 2:21
Imminent danger, § 9:30
Imminent hazards, § 5:33
Industrial solid waste, § 20:4
Innocent owner, § 9:80
Land disposal, § 2:14
Manifest, § 2:20
Medical waste, § 20:7
Military munitions, § 4:58
Mixture wastes, § 2:22
Monitor, § 9:31
MSW, § 13:33
Municipal solid waste, § 20:3
NBAR, § 13:5
NCP, §§ 10:21, 11:16
Nonhazardous waste, § 20:2
NPL, § 11:12
Nuclear material, § 14:81
O&M, § 11:31
Open dumps, § 2:15
Operator, §§ 9:21, 14:38
OSC, § 11:4
OSRTI, § 11:2
Owner, §§ 9:21, 14:38
PA, § 11:20
Person, § 9:22
Petroleum exception, § 9:20
Pollutant
CERCLA, § 9:23
contribution actions, § 9:163
Product, § 2:12
RCRA, § 2:8
RD/RA, § 11:31
Release
CERCLA, §§ 9:24, 14:78
RCRA, § 7:15
Remedial action plans (RAP), § 7:16
Remediation waste, §§ 2:21, 7:18
Remediation waste management site, § 7:17
Residual waste, § 2:16
Responsible party, § 9:25
RI, §§ 10:51, 11:24
ROD, § 10:15
RPM, § 11:4
SARA, § 11:1
SI, § 11:21
Solid waste, § 2:9
DEFINITIONS AND ACRONYMS—Cont’d
Solid waste management unit, § 7:19
Staging pile, § 7:20
State, § 9:22
Statutory, § 9:17
Superfund, § 11:1
Temporary units, §§ 7:21, 7:25
Treatment
CERCLA, § 9:26
RCRA, § 2:13
Unit, solid waste management, § 7:19
Universal waste, § 2:18
Used oil, § 2:17
Useful product, § 9:169
Workplace, § 14:79

DELISTING
See Listing and Listed Substances (this index)

DE MICROMIS ACTIVITIES
CERCLA § 107 exemptions, § 14:45
PRP committees, § 12:65
Settlements, § 13:35

DE MINIMIS ACTIVITIES
Defenses to CERCLA actions, § 14:114
Landowners, de minimis, § 13:31 et seq.
Municipal solid waste (MSW), § 13:33
Prospective purchasers, § 13:32
PRP committees, § 12:65
Settlements
generally, § 13:28 et seq.
ability to pay, expedited settlements, § 13:34
covenants not to sue, § 13:19
de micromis settlements, § 13:35
expedited settlements, ability to pay, § 13:34
landowners, de minimis, § 13:31 et seq.
municipal solid waste (MSW), settlements involving, § 13:33
parties, de minimis, § 13:30
prospective purchasers, § 13:32
terms generally, § 13:30
waste contributors, de minimis, § 13:29
Waste contributions, de minimis, § 14:114

DEMOLITION WASTE
Definition, § 20:6

DEPARTMENT OF JUSTICE
Settlement approvals, § 13:9

DISCARDED
Defined, § 2:10

DISCOVERY PRACTICE—Cont’d
Privileges, § 19:16
Records, § 19:15
Rules, § 19:14
Site discovery, § 11:8
Subpoenas, § 19:15

DISCOVERY RULE
Generally, § 9:152
See also Limitations of Actions (this index)

DISEASE REGISTRY
See Agency for Toxic Substances & Disease Registry (this index)

DISPOSAL
See also RCRA (this index)
CERCLA liabilities generally, § 9:77
Definitions
CERCLA, §§ 9:16, 9:77, 14:85
RCRA, § 2:11

DISPOSAL FACILITIES
Generally, § 4:1 et seq.
Accident liability financial assurance requirements, § 4:31
Advanced financial assurance mechanisms, § 4:33
Air emission standards generally, § 4:74 et seq.
container requirements, § 4:77
equipment leak requirements, § 4:76
leaks, equipment, § 4:76
process vent requirements, § 4:75
surface impoundments, § 4:77
tanks, § 4:77
Appeals, § 4:79
Capacity, § 15:5
Closure
generally, § 4:26
see also Closures of Facilities (this index)
financial assurance requirements, § 4:32
Combustion permits, § 4:16
Container requirements, air emission standards, § 4:77
Containers, standards for, § 4:36
Containment buildings, standards for, § 4:37
Contingency plans, § 4:21
Counseling waste handlers
generally, § 20:14
nonhazardous waste generators, § 20:16
Design requirements, § 4:42
Drip pads, standards for, § 4:39
Emergency permits, § 4:13
Emergency procedures, § 4:21
Financial assurance requirements, § 4:29 et seq.
General facility requirements, § 4:20 et seq.
DISPOSAL FACILITIES—Cont’d
Groundwater monitoring, § 4:73
Hazardous waste combustion facilities
generally, § 4:49 et seq.
boilers and industrial furnaces (BIF), §§ 2:49, 4:52
CAA requirements, § 4:56
incinerators, § 4:51
operating requirements, § 4:55
overview, § 4:50
performance standards, § 4:54
regulation generally, § 4:53
Incinerators, § 4:51
Inspections of landfills, § 4:43
Interim status facilities, § 4:10
Judicial review, § 4:79
Land-based units, standards for, § 4:38 et seq.
Land Disposal Restriction Program
generally, § 4:62 et seq.
alternative treatment standards, § 4:70
applicability of requirements, § 4:63
certifications, § 4:71
dilution prohibition, § 4:65
disposal prohibition, § 4:67 et seq.
history of program, § 4:72
notification requirements, § 4:71
prohibitions, § 4:64 et seq.
recordkeeping, § 4:71
scope, § 4:63
storage prohibition, § 4:66
treatment standards
generally, § 4:68
variances, § 4:69
variances from treatment standards, § 4:69
Land disposal restriction (LDR) records, § 4:25
Landfill standards
generally, § 4:40 et seq.
closure requirements, § 4:44
design requirements, § 4:42
inspections, § 4:43
Land Disposal Restriction Program, above
operating requirements, § 4:42
permit obligations, § 4:41
release prevention and response, § 4:43
Land treatment units
generally, § 4:45
surface impoundments, § 4:46
waste piles, § 4:47
Manifest requirements, § 4:22 et seq.
Nonhazardous Wastes (this index)
Operating requirements, § 4:42
Overview of requirements, § 4:2 et seq.
Permits
generally, § 4:4 et seq.
INDEX

DISPOSAL FACILITIES—Cont’d
Waste piles, § 4:47

DISSOLVED CORPORATIONS
CERCLA liabilities of, § 9:82

DUE CARE
Third-party defense, § 14:71

DUE PROCESS
Constitutional challenges in CERCLA litigation, § 14:126 et seq.

ELECTRONIC WASTE (E-WASTE)
RCRA hazardous waste regulation, § 2:54

ELEVENTH AMENDMENT
See also Sovereign Immunity (this index)
Constitutional challenges in CERCLA litigation, § 14:133

EMERGENCIES
EPA’s imminent hazard authority, RCRA § 7003, § 8:30
Office of Superfund Remediation and Technology Innovation (OSRTI), § 11:2

EMERGENCY PERMITS
RCRA requirement, § 4:13

EMERGENCY PROCEDURES
RCRA requirements, § 4:21

EMINENT DOMAIN
Generally, § 14:73
Owner/operator designations, § 14:77

EMPLOYMENT RELATIONSHIPS
Employer, CERCLA definition, § 14:79
Whistleblower protections generally, § 9:169 et seq.
see also CERCLA (this index)

ENFORCEMENT
Administrative Enforcement (this index)
Citizen Suits (this index)
Civil Enforcement (this index)
Criminal Enforcement (this index)

ENVIRONMENT
Definition, CERCLA, § 9:17

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Cont’d
Burden of proof, hazardous waste determinations, § 2:40
CERCLA §§ 106 and 107 actions generally, § 14:1
CERCLA, § 14:1
CERCLA enforcement remedies generally, § 9:95 et seq.
abatement actions, § 9:98
burden of proof, § 9:99
constitutional challenges, § 9:97
cost recovery actions, § 9:98
declaratory judgments, § 9:100
joint and several liability, § 9:101
judicial review, § 9:96
orders, § 9:95
private causes of actions, § 9:98
unilateral orders, § 9:95
CERCLA management generally, § 11:1 et seq.
administrative reforms, § 11:5
judicial review, § 11:6
Office of Superfund Remediation and Technology Innovation (OSRTI), § 11:2
On-Scene Coordinators (OSC), § 11:4
potentially responsible parties (PRP), § 11:4
pre-implementation judicial review, § 11:6
regional offices, § 11:3
remedial project managers (RPM), § 11:4
rulemaking reforms, § 11:5
CERCLA negotiations, EPA-led, § 15:10
CERCLA § 106 orders, § 13:43
CERCLA responses generally, § 9:88 et seq.
remedial actions generally, § 9:90
distinctions between removal and remedial actions, § 9:91
removal actions generally, § 9:89
distinctions between removal and remedial actions, § 9:91
site inspections, below
CERCLA role generally, § 10:1 et seq.
see also CERCLA (this index)
powers of EPA, § 10:2
site reuse/development. Land Revitalization Program, below
structure of EPA, § 10:1
Civil Enforcement (this index)
Consent Decrees (this index)
Consent orders, § 13:42
ENVIRONMENTAL PROTECTION AGENCY (EPA)—Cont’d
Constitutional challenges, CERCLA enforcement remedies, § 9:97
Contained-in policy, special regulatory conventions, § 2:43
Corrective action orders, RCRA violations, § 5:7
Cost recovery actions, CERCLA enforcement remedies, § 9:98
Declaratory judgments, CERCLA enforcement remedies, § 9:100
Defining hazardous wastes by listing, §§ 2:32 to 2:36
De Minimis Activities (this index)
Enforcement
Administrative Enforcement (this index)
Civil Enforcement (this index)
Criminal Enforcement (this index)
Enforcement and compliance, § 5:48
Facilities. Site inspections, below
Feasibility studies (FS)
generally, § 12:41 et seq.
see also Feasibility Studies (this index)
guiding development, § 12:42
remedial alternatives, screening, § 12:42
screening remedial alternatives, § 12:42
Generators, EPA identification numbers, § 3:3
Government Performance and Results Act (GPRA), § 7:32
Hazardous remediation waste management requirements, § 7:29
HWIR media rule, § 7:29
Identifying PRPs, § 12:21
Imminent Hazards (this index)
Incentives for self-policing, §§ 5:47, 9:81
Indirect costs recovery of under CERCLA § 107, § 14:36
Inspections. Site inspections, below
Judicial review
CERCLA enforcement remedies, § 9:96
citizen suits under § 113, § 14:15
constitutional challenges, § 14:17
cost recover or contribution actions, § 14:12
order enforcement, § 14:13
penalty assessments, §§ 12:54, 14:13
preenforcement, § 12:57
proposed CERCLA actions
generally, § 12:49 et seq.
citizen suits, § 12:55
consent decrees or orders, § 12:51
constitutional challenges, §§ 12:56, 14:124
contribution actions, §§ 12:53, 14:12
cost recover actions, §§ 12:53, 14:12
exceptions, §§ 12:52 et seq., 14:11 et seq.
penalty assessments, § 12:54
Environment

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Cont’d
Judicial review—Cont’d
proposed CERCLA actions—Cont’d
preclusion of review, §§ 12:52 et seq., 14:11 et seq.
scope, § 12:50
Section 106 orders, § 12:54
Sections 106 and 107 actions, § 14:10 et seq.
state law, actions brought under, § 12:50
timing, § 12:49
reimbursement orders, § 14:14
remedial action enforcements, § 14:16
Sections 106 and 107 actions
citizen suits under § 113, § 14:15
constitutional challenges, § 14:17
cost recover or contribution actions, § 14:12
exceptions to preclusion of review, § 14:11 et seq.
order enforcement, § 14:13
penalty assessments, § 14:13
preclusion of review, § 14:11 et seq.
proposed CERCLA actions, § 14:10 et seq.
reimbursement orders, § 14:14
remedial action enforcements, § 14:16
Section 113(j), § 14:18
Land Revitalization Program
generally, §§ 9:10, 11:32
federal Brownfields programs, § 9:11
hazardous waste sites, Superfund redevelopment, § 9:13
response programs, Brownfields, § 15:28
site reuse/redevelopment administrative process, § 11:32
state Brownfields programs, §§ 9:12, 15:27
Superfund redevelopment, § 9:13
tribal Brownfields programs, §§ 9:12, 15:28
Lender liability rule, § 17:10
Listed wastes
see also Listing and Listed Substances (this index)
decisions, listing, §§ 9:40, 12:15
listings, generally, § 2:32
review of EPA listing decisions, § 2:36
Mixed waste rule, § 8:9
Mixture/derived-from rule, special regulatory conventions, § 2:42
Naming PRPs, § 12:20
National Contingency Plan (this index)
National Priorities List (NPL), site determinations by agency, § 12:15
NCP, constitutional challenges to EPA actions under, § 14:129
Negotiations, EPA-led, § 15:10
Nonhazardous wastes, § 20:8
INDEX

ENVIRONMENTAL PROTECTION AGENCY
(EPA)—Cont’d
NPL listing decisions, §§ 9:40, 12:15
Office of Superfund Remediation and Technology
Innovation (OSRTI), § 11:2
On-Scene Coordinators (OSC), § 11:4
Orders
see also Administrative Enforcement (this
index)
CERCLA § 106, § 14:2
CERCLA enforcement, § 9:95
consent, § 13:42
damages for noncompliance, § 14:6
damages for noncompliance with orders, § 14:7
defenses for noncompliance, § 14:8
penalties for noncompliance, § 14:6
preenforcement judicial review, § 14:13
RCRA violations, § 5:1 et seq.
reimbursement orders, preenforcement judicial
review, § 14:14
sufficient causes defense for noncompliance,
§ 14:8
treble damages for noncompliance with orders,
§ 14:7
unilateral, § 9:95
unilateral orders, § 13:43
Organization, § 10:1
Penalty assessments, judicial review, § 12:54
Policy documents
generally, § 19:5 et seq.
Federal Register, § 19:7
publications, § 19:8
waste site operations, impacts on, § 19:6
website postings, § 19:7
Potentially responsible parties (PRP), § 11:4
Powers of, § 10:2
Private causes of actions, CERCLA enforcement
remedies and, § 9:98
PRPs, remedial investigations by, § 12:35
Public, EPA and
generally, § 10:17 et seq.
CERCLA enforcement, § 10:17 et seq.
delistings, public notice of, § 10:19
listings, public notice of, § 10:18
Publications, § 19:8
RCRA § 7003, imminent hazard authority under,
§ 5:30
Records and reports, generally. See Records and
Reports (this index)
Records of decision (ROD)
generally, § 12:46 et seq.
changes, § 10:15
local government roles, § 10:15
ENVIRONMENTAL PROTECTION AGENCY
(EPA)—Cont’d
Records of decision (ROD)—Cont’d
Phase I
generally, § 11:29
post-ROD additions, § 11:30
PRP influences on, § 12:48
Recovery of indirect costs under CERCLA § 107,
§ 14:36
Regional offices, § 11:3
Remedial Actions (this index)
Remedial alternatives, screening, § 12:42
Remedial investigations (RI), PRP-conducted,
§ 12:35
Remedial project managers (RPM), § 11:4
Remedy selections, § 12:45
Removal actions
generally, § 9:89
distinctions between removal and remedial
actions, § 9:91
Rulemaking
limitation of actions, § 9:155
National Contingency Plan (NCP), § 9:48
reforms, § 11:5
Screening remedial alternatives, § 12:42
Section 104 letters
generally, § 12:22 et seq.
see also Potentially Responsible Parties (this
index)
Self-auditing orders, § 5:9
Settlements
see also Settlements (this index)
administrative
generally, § 13:41 et seq.
administrative orders on consent, § 13:42
CERCLA § 106 orders, § 13:43
consent orders, § 13:42
removal/response action orders, § 13:43
unilateral orders, § 13:43
Consent Decrees (this index)
RCRA violations, § 5:6
Site determinations, NPL, by agency, § 12:15
Site inspections (SI)
generally, § 9:92 et seq.
access
generally, § 9:93
Section 104 letters
generally, § 12:26
enforcement, § 12:27
adjacent properties, effect of CERCLA actions
on, § 9:94
effects on adjacent properties, § 9:94
searches, § 9:93
Special regulatory conventions
generally, § 2:41

Index-29
ENVIRONMENTAL PROTECTION AGENCY
(EPA)—Cont’d
Special regulatory conventions—Cont’d
contained-in policy, § 2:43
hazardous waste identification, § 2:44
mixture/derived from rules, § 2:42
regulatory developments, § 2:44
State law negotiations, EPA-led, § 15:10
Structure, § 10:1
Underground Storage Tank Regulations (this index)
Unilateral orders
generally, § 13:43
CERCLA enforcement remedies, § 9:95
Viable remedial alternative analysis, § 12:43
EQUAL PROTECTION
Constitutional challenges in CERCLA litigation,
§ 14:132
EQUITABLE ESTOPPEL
Generally, § 14:118
EQUITABLE TOLLING
Generally, § 9:154
See also Limitations of Actions (this index)
ESTATES
CERCLA § 107 defenses, § 14:44
Liabilities of, § 9:82
E-WASTE
RCRA hazardous waste regulation, § 2:54
EXCLUSIONS
Definition, § 9:28
EXPLOSIVES
Definitions, § 4:58
RCRA regulation
generally, § 4:57 et seq.
closure of ranges, § 4:60
solid waste, treatment of munitions as, § 4:59
storage of munitions and explosives, § 4:61
EXPORTS
E-waste, § 2:54
Listed waste exceptions, RCRA, § 2:52
FACILITIES—Cont’d
CAMU facilities, § 7:13
Closure
generally, § 4:26
see also Closures of Facilities (this index)
Definitions
CERCLA, §§ 9:18, 14:83
contribution actions, § 9:166
Disposal Facilities (this index)
Expanded site inspections, § 12:11
Federal Facilities (this index)
FACILITIES—Cont’d
Financial assurance requirements, § 4:29 et seq.
Focused site inspections, § 12:10
General facility requirements, § 4:20 et seq.
Inspections
Inspections (this index)
Site Inspections (this index)
Interim status facilities, § 4:10
Inventories
federal facilities
RCRA regulation
generally, § 8:7
reports, § 8:10
RCRA Facility Assessment (RFA), § 7:3
RCRA Facility Investigation (RFI), § 7:4
RCRA regulation, § 2:27
Records and Reports (this index)
Remedial action plans (RAP). RCRA (this index)
Site Inspections (this index)
Site management
generally, § 12:1 et seq.
see also CERCLA (this index)
Storage Facilities (this index)
Treatment Facilities (this index)
Underground Storage Tank Regulations (this index)
FALSE CLAIMS ACT
CERCLA private party suits, § 9:124
FEASIBILITY STUDIES (FS)
Generally, § 12:41 et seq.
Guiding development, § 12:42
Phase I, §§ 11:24, 11:27
Remedial alternatives, screening, § 12:42
Screening remedial alternatives, § 12:42
Viable remedial alternative analysis, § 12:43
FEDERAL FACILITIES
See also Facilities (this index)
CERCLA citizens suits, § 9:134
CERCLA § 107 claims, § 14:22
Citizen suits, § 8:19
Criminal enforcement of RCRA, § 8:17
EPA mixed waste rule, § 8:9
Executive Orders, RCRA regulation, § 8:2
Federal Facilities Restoration and ReUse Office (FFRRO), § 8:20
Federal Facility Compliance Act (FFCA), § 8:2
Immunity waiver, RCRA regulation, § 8:3
Indian Tribes, enforcement of RCRA by, § 8:18
Inspections, RCRA regulation, § 8:6
Inventories of facilities
generally, § 8:7
reports, § 8:10
Military munitions, RCRA regulation, § 8:5
Minimization of waste, RCRA regulation, § 8:4
FEDERAL FACILITIES—Cont’d

Mixed waste
generally, § 8:8
EPA rule, § 8:9
RCRA enforcement
generally, § 8:13 et seq.
citizen enforcement, § 8:19
criminal enforcement, § 8:17
Indian Tribes, § 8:18
Section 3008, § 8:14
Section 7003, § 8:15
Section 9006, § 8:16
state law, § 8:18
RCRA regulation
generally, §§ 2:28, 8:1 et seq.
Executive Orders, § 8:2
Federal Facility Compliance Act (FFCA), § 8:2
immunity waiver, § 8:3
inspections, § 8:6
inventories of facilities
generally, § 8:7
reports, § 8:10
military munitions, § 8:5
minimization of waste, § 8:4
mixed waste
generally, § 8:8
EPA rule, § 8:9
treatment works, § 8:11
underground tanks, § 8:12
State law enforcement of RCRA, § 8:18
Treatment works, § 8:11
Underground tanks, § 8:12

FEDERAL IMMUNITY

Generally, § 9:55
See also Immunities (this index)

FEDERA LLY PERMITTED RELEASE

Definition, § 9:29
Section 107 action, defense to, § 14:43

FEDERA LLY REQUIRED COMMENCEMENT DATE (FRCD)

Generally, § 9:156 et seq.
See also Limitations of Actions (this index)

FEDERAL-STATE INTERACTION

CERCLA
limitation of actions, removal action, § 9:149
local government roles, § 10:16
removal actions, § 9:149
Section 107 defenses, § 14:43
Federal facilities, RCRA enforcement, § 8:18
Inspections, RCRA, § 5:29
Limitations periods, federal and state, § 9:160
Local government roles under CERCLA, § 10:16

FEDERAL-TORT CLAIMS ACT
CERCLA § 107 claims and, § 14:98

FERTILIZER APPLICATION
CERCLA defenses, § 14:82

FIDUCIARIES
CERCLA § 107 defenses, § 14:44

FIELD-CONSTRUCTED TANKS (FCTs)
Underground storage tank (UST) regulations,
§ 6:26

FIELD INVESTIGATIONS
Generally, § 12:37

FILES
See Records and Reports (this index)

FINANCIAL RESPONSIBILITY

Generally, § 17:1 et seq.
See also Bankruptcy (this index)
Accident liability, § 4:31
Advanced financial assurance mechanisms,
§ 4:33
CERCLA
generally, § 17:1
financial arrangements/assurance and bank-
ruptcy, § 9:78
Closure, § 4:32
Fiduciaries, § 17:12
Lender Liability (this index)
Other environmental statutes, § 17:13
Post-closure, § 4:32
RCRA, § 4:29 et seq.
Trustees, § 17:12
Underground Storage Tank (UST) Regulations,
§ 6:23

FLOW CONTROL
Nonhazardous wastes, § 20:13

FLUE GAS EMISSION CONTROL WASTE
RCRA specific waste determinations/exclusions,
§ 2:49

FLY ASH WASTE
RCRA specific waste determinations/exclusions,
§ 2:49
FREEDOM OF INFORMATION ACT (FOIA)
Generally, § 19:9 et seq.
Appeals, § 19:11
Attorney fee awards, § 19:13
Denial of requests, § 19:11
Exempt records, § 19:10
Litigating denials, § 19:12
Requests for information, § 19:9

FUNDING CLEAN-UP ACTIVITIES
Superfund, § 9:145

GASOLINE
See Petroleum (this index)

GENERATORS
Generally, § 3:1 et seq.
Closures of Facilities (this index)
Counseling waste generators, § 20:16
EPA identification numbers, § 3:3
Files, § 3:6
Identification numbers, § 3:3
Land disposal restrictions, § 3:7
Manifests, § 3:4
Numbers, § 3:3
Pre-transport obligations, § 3:5
RCRA regulation
generally, §§ 2:23, 3:1 et seq.
classifying wastes, § 3:2
ePA identification numbers, § 3:3
files, § 3:6
identification numbers, § 3:3
land disposal restrictions, § 3:7
manifests, § 3:4
numbers, § 3:3
pre-transport obligations, § 3:5
records and reports, § 3:6
steps in classifying wastes, § 3:2
transporters, generally, § 3:9
universal waste handlers, § 3:8
Records and reports, § 3:6
Small Quantity Generators (this index)
Steps in classifying wastes, § 3:2
Transporters
generally, § 3:9
also see other entries throughout this topic
Universal waste handlers, § 3:8

GEOTHERMAL ENERGY EXPLORATION,
DEVELOPMENT, OR PRODUCTION
RCRA specific waste determinations/exclusions, § 2:50

GOVERNMENT PERFORMANCE AND
RESULTS ACT (GPRA)
Generally, § 7:32

GRANTS
Underground storage tank (UST) regulations, § 6:32

GROUNDWATER MONITORING
RCRA requirements, § 4:73

HAZARDOUS SUBSTANCE
Definition, § 9:19

HAZARDOUS SUBSTANCE SUPERFUND
(TRUST FUND)
Funding, § 9:145

HAZARDOUS WASTE IDENTIFICATION
Generally, § 2:31 et seq.
See also RCRA (this index)
Background, § 2:33
CERCLA, § 9:35 et seq.
CERCLIS, § 12:7
delisting, § 2:35
discretion of the EPA, background, § 2:33
ePA discretion, § 2:33
exceptions, § 2:34
National Priorities List (this index)
Review of EPA listing decisions, § 2:36
Statutory and regulatory terms, § 2:32

HAZARD RANKING SCORES (HRS)
Generally, § 11:13
CERCLA site inspections, § 12:13

HAZARDS
Imminent Hazards (this index)

HEALTH
Agency for Toxic Substances & Disease Registry (this index)
Assessments, imminent hazard special remedies, § 5:37
CERCLA health assessments, §§ 10:36, 10:37

HOLD HARMLESS
CERCLA § 107 agreements, § 14:24

HOUSEHOLD WASTES
RCRA specific waste determinations/exclusions, § 2:45

HWIR-MEDIA RULE
Definition of remedial wastes, § 2:21

IMMINENT HAZARDS
Generally, § 5:33 et seq.
criminal enforcement of imminent danger RCRA violations, § 5:21
definitions, §§ 5:33, 9:30
IMMINENT HAZARDS—Cont’d
EPA’s imminent hazard authority under RCRA § 7003, § 5:30
Health assessments, § 5:37
RCRA
imminent danger criminal enforcement, § 5:21
imminent hazard authority of EPA, RCRA § 7003, § 5:30
Special remedies
generally, § 5:33 et seq.
burdens, § 5:34
evidence, § 5:35
health assessments, § 5:37

IMMUNITIES
See also Limitations of Liabilities (this index)
Audit discovery, § 19:17
CERCLA
generally, § 9:55 et seq.
federal immunity, § 9:55
local issues, § 9:57
Section 107 claims, § 14:97
Sovereign Immunity (this index)
state issues, § 9:56
whistleblower protections, §§ 9:173, 9:175
CERCLA citizens suits, § 9:133
Citizen suits, § 5:44
Eleventh Amendment, § 14:133
Federal facilities, § 8:3
Federal immunity, § 9:55
RCRA
citizen suits, § 5:44
federal facilities, § 8:3
states, § 2:29
Sovereign Immunity (this index)

IMPORTS
Listed waste exceptions, RCRA, § 2:52

INACTIVITY
Passive inactivity and CERCLA liabilities, § 9:70

INCENTIVES
CERCLA, self-policing, § 9:81
RCRA, self-policing, § 5:47

INCINERATORS
See Combustion Facilities (this index)

INDEMNIFICATION
See also Contribution Actions (this index)
CERCLA § 107 agreements, § 14:24
Contractors, CERCLA, § 10:33

INDIAN TRIBES
CERCLA, tribal Brownfields programs, §§ 9:12, 15:28
CERCLA § 107 actions, § 14:39
Civil enforcement actions, § 9:151

INDIAN TRIBES—Cont’d
Municipalities, recognition as, § 2:30
RCRA regulation, §§ 2:30, 6:31
Underground storage tank regulations, § 6:31

INDIRECT COSTS
Cost Recovery Actions, § 14:36

INDIVIDUAL LIABILITY
RCRA violations, criminal enforcement, § 5:24

INDUSTRIAL FURNACES
See Combustion Facilities (this index)

INDUSTRIAL SOLID WASTES
Definition, § 20:4

INFORMATION
Discovery Practice (this index)
Freedom of Information Act (this index)
Records and Reports (this index)

INJUNCTIONS
Bankruptcy discharge, § 17:5

INNOCENT OWNERS
Generally, § 9:80
Involuntary acquisitions of property, defense to CERCLA actions, § 14:77
Third-party defense, § 14:68

IN PARI DELICTO
Generally, § 14:121

INSOLVENCY
See Financial Responsibility (this index)

INSPECTIONS
Generally, § 5:28
See also Investigations (this index)
Federal facilities, § 8:6
Landfills, § 4:43
RCRA
federal facilities, § 8:6
landfills, § 4:43
Site Inspections (this index)
State-federal relationships, § 5:29

INSURANCE
Generally, § 16:1 et seq.
Absolute pollution exclusion, §§ 16:27, 16:28
Accident, §§ 16:16, 16:17
Accidental, sudden and accidental exclusions, § 16:26
Ambiguities, § 16:11
Availability of coverage, determining, § 16:6
Causes of third-party claims, § 16:32
Claims, § 16:36 et seq.
Comprehensive General Liability (CGL) policies
generally, §§ 16:3, 16:7 et seq.
defense, duty of, § 16:12
INSURANCE—Cont’d
Comprehensive General Liability (CGL) policies—Cont’d
dual duties of defense and indemnification, § 16:12
evaluating, § 16:8
indemnification, duty of, § 16:12
interpretation
  generally, § 16:9 et seq.
  ambiguities, § 16:11
  common rules, § 16:9
defense, duty of, § 16:12
dual duties of defense and indemnification, § 16:12
  indemnification, duty of, § 16:12
plain meaning rule, § 16:10
Cooperation duty, § 16:38
As damages, interpretation of term, § 16:24
Defense, duty of, § 16:12
Defense costs, § 16:15
Dual duties of defense and indemnification, § 16:12
Duty to defend, § 16:14
Environmental Impairment Liability (EIL) policies, § 16:4
Environmental policies
  accident, §§ 16:16, 16:17
defense costs, § 16:15
da duty to defend, § 16:14
  indemnity payments, § 16:15
interpretation of policies
  generally, § 16:13 et seq.
  accident, §§ 16:16, 16:17
defense costs, § 16:15
  duty to defend, § 16:14
  indemnity payments, § 16:15
objective or subjective standard of interpretation, § 16:20
occurrence, §§ 16:16, 16:18 et seq.
unexpected or unintended acts
  generally, § 16:19
  burden of proof, § 16:22
  standard of proof, § 16:21
objective or subjective standard of interpretation, § 16:20
occurrence, §§ 16:16, 16:18 et seq.
unexpected or unintended acts
  generally, § 16:19
  burden of proof, § 16:22
  standard of proof, § 16:21
Legal damage, § 16:24
Liability policies, § 16:3
Notice of claim, § 16:37
Objective or subjective standard of interpretation, § 16:20
Occurrence, §§ 16:16, 16:18 et seq.
Overview of policies, § 16:1
Owned property exclusions
  generally, § 16:30 et seq.
  causation of third-party claims, § 16:32
groundwater damage, § 16:34
threatened damage to third-parties, § 16:33
Plain meaning rule, § 16:10

INSURANCE—Cont’d
Exclusions—Cont’d
total pollution exclusion, §§ 16:27, 16:29
First party claims
  generally, § 16:2
  owned property exclusions, below
General liability policies, § 16:3
Groundwater damage, § 16:34
Indemnification, duty of, § 16:12
Indemnity payments, § 16:15
Interpretation of policies
  generally, § 16:9 et seq.
  accident, §§ 16:16, 16:17
  ambiguities, § 16:11
CGL policies
  generally, § 16:9 et seq.
  ambiguities, § 16:11
  common rules, § 16:9
  plain meaning rule, § 16:10
  common rules, § 16:9
as damages, use of term, § 16:24
environmental policies
  generally, § 16:13 et seq.
  accident, §§ 16:16, 16:17
defense costs, § 16:15
duty to defend, § 16:14
  indemnity payments, § 16:15
objective or subjective standard of interpretation, § 16:20
occurrence, §§ 16:16, 16:18 et seq.
unexpected or unintended acts
  generally, § 16:19
  burden of proof, § 16:22
  standard of proof, § 16:21
objective or subjective standard of interpretation, § 16:20
occurrence, §§ 16:16, 16:18 et seq.
plain meaning rule, § 16:10
unexpected or unintended acts
  generally, § 16:19
  burden of proof, § 16:22
  standard of proof, § 16:21
Legal damage, § 16:24
Liability policies, § 16:3
Notice of claim, § 16:37
Objective or subjective standard of interpretation, § 16:20
Occurrence, §§ 16:16, 16:18 et seq.
Overview of policies, § 16:1
Owned property exclusions
  generally, § 16:30 et seq.
  causation of third-party claims, § 16:32
groundwater damage, § 16:34
threatened damage to third-parties, § 16:33
Plain meaning rule, § 16:10
INSURANCE—Cont’d
Potentially responsible parties, determining availability of coverage, § 16:6
Property damage, § 16:23
Property policies, § 16:2
Subrogation rights, § 16:39
Sudden and accidental exclusions, § 16:26
Third-party claims causation, § 16:32
groundwater damage, § 16:34
threatened damage to third-parties, § 16:33
Third-party coverage, § 16:3
Threatened damage to third-parties, § 16:33
Timely notice of claim, § 16:37
Total pollution exclusion, §§ 16:27, 16:29
Trigger of coverage, § 16:35
Unexpected or unintended acts generally, § 16:19
burden of proof, § 16:22
standard of proof, § 16:21
Voluntary payments, § 16:38

INTENT
CERCLA liabilities, § 9:75
Corporate CERCLA liabilities, § 9:60

INTERVENTION
CERCLA citizens suits, § 9:140

INVENTORIES OF FEDERAL FACILITIES
Generally, § 8:7
Reports, § 8:10

INVESTIGATIONS
See also Inspections (this index)
Field investigations, § 12:37
RCRA Facility Investigation (RFI), § 7:4
Remedial investigations (RI)
Phase I, § 11:24
Phase II, § 11:31
roles of parties, §§ 10:51, 10:52
Site Inspections (this index)
Underground tanks, § 6:17

INVolvement of public
See Public Participation (this index)

JOINER
Indispensable parties, § 14:109

JOINT LIABILITY
CERCLA enforcement remedies, § 9:101
Contribution
see also Contribution Actions (this index)
limitation of actions, § 9:148

JUDGMENTS
Collateral estoppel defense, § 14:120
Res judicata defense, § 14:120

JUDICIAL REVIEW
Administrative enforcement
CERCLA, § 9:96
RCRA, § 5:5
CERCLA
administrative enforcement, § 9:96
citizen suits under § 113, § 14:15
consent decrees or orders, § 12:51
constitutional challenges, §§ 12:56, 14:17, 14:124
cost recover or contribution actions, § 14:12
order enforcement, § 14:13
penalty assessments, §§ 12:54, 14:13
preenforcement review generally, § 12:49 et seq.
citizen suits, § 12:55
consent decrees or orders, § 12:51
constitutional challenges, §§ 12:56, 14:124
contribution actions, § 12:53
cost recover actions, § 12:53
cost recover or contribution actions, § 14:12
exceptions, § 12:52 et seq.
extinctions to preclusion of review, § 14:11 et seq.
penalty assessments, § 12:54
preclusion of review, §§ 12:52 et seq., 14:11 et seq.
scope, § 12:50
Section 113(j), § 12:57
Section 106 orders, § 12:54
Sections 106 and 107 actions, § 14:10 et seq.
state law, actions brought under, § 12:50
timing, § 12:49
pre-implementation, § 11:6
private party suits, § 9:121
reimbursement orders, § 14:14
remedial action enforcements, § 14:16
Section 113(j), § 12:57
Sections 106 and 107 actions
citizen suits under § 113, § 14:15
constitutional challenges, § 14:17
cost recover or contribution actions, § 14:12
exceptions to preclusion of review, § 14:11 et seq.
order enforcement, § 14:13
penalty assessments, § 14:13
preclusion of review, § 14:11 et seq.
preenforcement review, § 14:10 et seq.
reimbursement orders, § 14:14
remedial action enforcements, § 14:16
Section 113(j), § 14:18
state law, actions brought under, § 12:50
whistleblower protections, §§ 9:171, 9:174
Citizen suits, preenforcement review, § 12:55

Index-35
JUDICIAL REVIEW—Cont’d
FOIA requests, § 19:11
Jurisdiction, timing of CERCLA § 113 claims, § 14:96
Penalty assessments, § 12:54
Private party suits, § 9:121
RCRA violations, administrative enforcement, §§ 2:7, 5:5
Whistleblower protections, §§ 9:171, 9:174

JURISDICTION
CERCLA
defenses, §§ 14:93 et seq., 14:100
removal actions, § 9:149
Judicial review, timing, § 14:96
Mootness, § 9:141
Personal, § 14:93
Removal actions, § 9:149
Standing
CERCLA citizens suits, § 9:137
CERCLA § 107 claims
generally, §§ 14:101, 14:106 et seq.
intervenors, § 14:107
other environmental statutes, § 14:108
Section 113 intervenors, § 14:107
intervenors, § 14:107
State law claims, § 14:95
Subject matter, §§ 14:94 et seq., 14:100

JURY TRIAL RIGHTS
Contribution actions, § 14:61

LACHES
Generally, § 14:115

LAND DISPOSAL RESTRICTION (LDR) PROGRAM
Generally, § 4:62 et seq.
Alternative treatment standards, § 4:70
Applicability of requirements, § 4:63
Certifications, § 4:71
Dilution prohibition, § 4:65
Disposal prohibition, § 4:67 et seq.
Generators, waste generator and transporter regulation, § 3:7
History of program, § 4:72
Notification requirements, § 4:71
Prohibitions, § 4:64 et seq.
Recordkeeping, § 4:71
Records, § 4:25
Scope, § 4:63
Storage prohibition, § 4:66
Treatment standards
generally, § 4:68
variances, § 4:69
Variances from treatment standards, § 4:69

LANDFILLS
Generally, § 4:40 et seq.
See also Disposal Facilities (this index)

LANDOWNERS
See Owners (this index)

LAND REVITALIZATION PROGRAMS
EPA programs. See CERCLA (this index)

LAND TREATMENT UNITS
RCRA regulation, § 4:45

LEACHING POTENTIAL
RCRA hazardous wastes, § 2:39

LEAD PAINT WASTE
Listed waste exceptions, § 2:45

LEAKS, SPILLS AND RELEASES
Underground Storage Tank Regulations (this index)

LEASED PROPERTY
CERCLA liability, lease-based, § 9:63

LENDER LIABILITY
Generally, § 17:8 et seq.
Background, § 17:9
Caveat emptor defense, § 14:122
CERCLA, private party suits, § 9:126
De minimis settlements
generally, § 13:28 et seq.
see also De Minimis Activities (this index)
EPA rule, § 17:10
Legislation, § 17:11
1996 Lender Protection Amendments, § 9:7
Underground Storage Tank (UST) Regulations,
§ 6:24

LENDER PROTECTION AMENDMENTS
See CERCLA (this index)

LETTERS
Ability to pay letters
generally, § 12:23
enforcement, § 12:24
CERCLA (this index)
General notice letters, § 12:30
Notice letters, § 12:29
RCRA (this index)
Section 104 letters
generally, § 12:22 et seq.
see also Potentially Responsible Parties (this index)
ability to pay letters
generally, § 12:23
enforcement, § 12:24
Special notice letters
generally, § 12:31
LETTERS—Cont’d
Special notice letters—Cont’d
moratoria triggered by, § 13:2

LIABILITIES
See also Financial Responsibility (this index)
Allocating liabilities, § 9:86
CERCLA
allocating liabilities, § 9:86
shifting liabilities, § 9:86
states, liabilities of for regulation, § 15:14
Covenants not to sue, § 9:85
Enforcement (this index)
Joint and several liability
CERCLA enforcement remedies, § 9:101
state superfund statutes, § 15:20
Lender Liability (this index)
Limitations of Liabilities (this index)
Retroactive, § 15:18
Shifting liabilities, § 9:86
States, liabilities of for regulation, § 15:14
Strict liability, state superfund statutes, § 15:19

LIENS
CERCLA § 107 federal liens, § 14:33
Constitutional challenges in CERCLA litigation, § 14:127

LIMITATIONS OF ACTIONS—Cont’d
Equitable tolling, § 9:154
Federally required commencement date (FRCD)
generally, § 9:156 et seq.
CERCLA, discovery rule, § 9:152
purpose, § 9:157
statutes/rules of repose, effect on, § 9:158
Indian tribes, actions by, § 9:151
Private party suits, § 9:125
Remedying cleanup costs, § 9:103
Remedial actions, § 14:26 et seq.
Removal actions, §§ 9:149, 14:26 et seq.
Statutes of repose, § 9:158
Whistleblower protections, § 9:170

LIMITATIONS OF LIABILITIES
See also Immunities (this index)
Contractors, CERCLA, § 10:32
Local governments, CERCLA, role in, § 10:12

LITIGATION
Citizen Suits (this index)
Civil Enforcement (this index)
Contribution Actions (this index)
Cost Recovery Actions (this index)
Criminal Enforcement (this index)

LOCAL GOVERNMENTS
CERCLA, role in
generally, § 10:8 et seq.
community relation plans, § 10:11
federal-state conflicts, § 10:16
funding, participation, § 10:14
immunity, § 10:12
liabilities, protection from, § 10:12
participation funding, § 10:14
public meetings, § 10:13
removal actions, § 10:10
response actions, § 10:19
ROD changes, § 10:15
Conflicts over sites, § 18:4
Counseling municipalities, § 20:15
Garbage incineration, § 18:3
Incineration of garbage, § 18:3
Indian tribes, recognition as municipalities, § 2:30
Municipal liabilities
generally, § 18:1 et seq.
conflicts over sites, § 18:4
garbage incineration, § 18:3
incineration of garbage, § 18:3
Indian tribes, recognition as municipalities, § 2:30
responses to environmental problems, § 18:2
Municipal solid waste (MSW), § 20:3
LOW-LEVEL MIXED WASTES (LLMW)
RCRA specific waste determinations/exclusions, § 2:45

MANIFESTS
Definitions, RCRA, § 2:20
Facilities, RCRA requirements, § 4:22 et seq.
Generator identification, § 3:4

MEDIA
CERCLA media relations generally, § 10:20 et seq.
see also National Contingency Plan (this index)
practice pointers, § 10:22
remedial actions, roles in, § 10:50
removal actions, roles in, § 10:46 et seq.
ROD activities, roles in, § 10:53
roles of parties
post-RI phase, § 10:52
pre-RI phase, § 10:51

MEDICAL MONITORING
Agency for Toxic Substances & Disease Registry (ATSDR), § 10:44

MEDICAL WASTE
Definition, § 20:7

MERGERS
CERCLA liabilities, corporate generally, § 9:68
successor corporations, § 9:87

MILITARY MUNITIONS
Generally, § 4:57 et seq.
Closure of ranges, § 4:60
Definitions, § 4:58
Federal facilities, § 8:5
Solid waste, treatment of munitions as, § 4:59
Storage of munitions and explosives, § 4:61

MINING WASTES
Specific waste determinations/exclusions, Bevill-Bentsen Amendments, § 2:46 et seq.

MIXED FUNDING SETTLEMENTS
Generally, § 13:6

MIXTURE/DERIVED-FROM WASTES
Generally, § 2:42

MIXTURE WASTES
Generally, § 2:51
Definition, § 2:22
Mixture/derived-from, § 2:42

MOOTNESS
CERCLA citizens suits, § 9:141

MORATORIA
Negotiation moratoria in CERCLA removal actions, §§ 12:33, 13:2

MTBE
Underground Storage Tank Regulations (this index)

MULTIPLE CONTRIBUTORS
See Contribution Actions (this index)

MUCIPALITIES
See Local Governments (this index)

MUNICIPAL SOLID WASTE (MSW)
See also Local Governments (this index)
CERCLA § 107 exemptions, § 14:46
Definition, § 20:3
De minimis settlements, § 13:33

NATIONAL CONTINGENCY PLAN (NCP)
Generally, § 9:44 et seq.
See also CERCLA (this index)
Administrative processes, § 11:16 et seq.
Amendments, § 9:46
Applicable or relevant and appropriate requirements (ARAR), Phase I, § 11:26
Burdens to cost recovery, § 9:49 et seq.
CERCLA § 107 actions
cost recovery, § 14:31
defenses, § 14:87
CERCLA private suits, costs consistency, § 9:117
Challenges to plan, § 9:47
Costs consistency
CERCLA private suits, § 9:117
recovering cleanup costs, § 9:110
EPA action based on, constitutional challenges in CERCLA litigation, § 14:129
EPA rulemaking, § 9:48
Feasibility studies (FS), §§ 11:24, 11:27
Media participation, § 10:21
Operation and maintenance (O&M) measures,
§ 11:31
Phase I
generally, §§ 11:24 et seq.
applicable or relevant and appropriate requirements (ARAR), § 11:26
feasibility studies (FS), §§ 11:24, 11:27
records of decision (ROD)
generally, § 11:29
INDEX

NATIONAL CONTINGENCY PLAN (NCP)—Cont’d
Phase I—Cont’d
records of decision (ROD)—Cont’d
post-ROD additions, § 11:30
remedial investigations (RI), §§ 11:24, 11:25
remedy selection, § 11:28
Phase II, § 11:31
Preliminary assessments (PA), § 11:20
Quality standards, § 9:45
Records of decision (ROD) generally, § 11:29
post-ROD additions, § 11:30
Recovery of costs under CERCLA § 107, § 14:31
Remedial actions, § 11:23
Remedial design/remedial action (RD/RA), § 11:31
Remedial investigations (RI), Phase I, §§ 11:24, 11:25
Remedy selection, Phase I, § 11:28
Removal actions, § 11:22
Response actions generally, § 11:17
preliminary assessments (PA), § 11:20
site inspections (SI), § 11:21
types of actions, § 11:19 et seq.
Rulemaking, § 9:48
Site inspections (SI), § 11:21

NATIONAL PRIORITIES LIST (NPL)—Cont’d
Generally, §§ 9:33 et seq., 11:12 et seq.
See also CERCLA (this index)
ATSDR nominations, § 9:39
CERCLA site inspections generally, § 12:12 et seq.
challenges, §§ 12:16, 12:17
deferrals, § 12:19
delistings, § 12:18
EPA determinations, § 12:15
hazard ranking system, § 12:13
mini-CERCLA lists, state, § 12:19
state designations, § 12:14
Challenges against listings generally, § 9:41
arguments for, § 12:17
site inspection challenges, § 12:16
Deferrals generally, § 11:15
CERCLA site inspections, § 12:19
Deletions from list, §§ 9:42, 11:14
Delistings, §§ 11:14, 12:18
Designations by states, § 12:14
Disputed listings, §§ 9:41, 12:16, 12:17
Effects of listings, § 9:36
EPA listing decisions, §§ 9:40, 12:15

NATIONAL PRIORITIES LIST (NPL)—Cont’d
Hazard ranking scores (HRS)
generally, § 11:13
CERCLA site inspections, § 12:13
Methods of listing, § 9:37
Mini-CERCLA lists generally, § 11:15
site inspection determinations, § 12:19
Nominations by ATSDR, § 9:39
Nominations by states, § 9:38
Notification requirements, § 9:35 et seq.
Notifications, § 9:33 et seq.
Quantities of releases, reportable, § 9:34
Reportable quantities of releases, § 9:34
Reports, § 9:33 et seq.
State actions, § 9:43
State designations, § 12:14
State nominations, § 9:38

NATURAL GAS EXPLORATION,
DEVELOPMENT, OR PRODUCTION
RCRA specific waste determinations/exclusions, § 2:50

NATURALLY OCCURRING AND / OR
ACCELERATOR-PRODUCED
RADIOACTIVE MATERIAL (NORM)
RCRA specific waste determinations/exclusions, § 2:45

NATURAL RESOURCES DAMAGES
Generally, § 14:135 et seq.
Causation, § 14:137
CERCLA § 106 actions, § 14:135 et seq.
CERCLA § 107 actions, § 14:135 et seq.
CERCLA overview, § 9:150
Defenses to claims, § 14:142
Framework of damage assessment, § 14:139
Overview, § 14:136
Proof of causation, § 14:137
Section 107 claims, §§ 14:21, 14:105
State superfund statutes, § 15:23
Type A assessments, § 14:140
Type B assessments, § 14:141
Valuation, § 14:138

NEGOTIATIONS
Generally, § 13:1 et seq.
See also Settlements (this index)
CERCLA arbitration, § 13:25
EPA-led negotiations and state law, § 15:10
Consent Decrees (this index)
Coverage protection generally, § 13:20
matters addressed, § 13:21
technical impracticability clause, § 13:23

Index-39
NEGOTIATIONS—Cont’d
Contribution protection—Cont’d
waivers, § 13:22
Court settlement approvals, § 13:10
Covenants not to sue
generally, § 13:14 et seq.
see also Covenants Not to Sue (this index)
De minimis settlements
generally, § 13:28 et seq.
see also De Minimis Activities (this index)
Department of Justice settlement approvals,
§ 13:9
EPA-led, § 15:10
Good faith offers, § 13:8
Government technical personnel and attorneys,
involvement in negotiations, § 13:12
Moratoria
CERCLA removal actions, § 12:33
CERCLA response actions, § 12:32
special notice letters triggering, § 13:2
Municipal solid waste (MSW), de minimis settle-
ments involving, § 13:33
Nonbinding preliminary allocation of responsibil-
ity (NBAR), § 13:5
Parties, § 13:11
PRP allocations, § 13:7
PRP negotiations, § 13:11
Public participation, § 13:4
Special notice letters, moratoria triggered by,
§ 13:2
Steering committees, § 13:11
Teams, negotiating, § 13:11
Waivers, contribution, § 13:22
NONBINDING PRELIMINARY
ALLOCATION OF RESPONSIBILITY
(NBAR)
Generally, § 13:5
See also Potentially Responsible Parties (this
index)
NONHAZARDOUS WASTES—Cont’d
Medical waste, § 20:7
Municipal solid waste, § 20:9
Planning, § 20:9
State law
generally, § 20:9 et seq.
fees, § 20:10
flow control, § 20:13
permits, § 20:11
planning, § 20:9
transport regulation, § 20:12
NOTICE AND NOTICES
CERCLA (this index)
Citizens suits, § 9:144
Letters (this index)
RCRA (this index)
Section 104 letters
generally, § 12:22 et seq.
see also Potentially Responsible Parties (this
index)
Underground Storage Tank (UST) Regulations,
§ 6:6
NPL
See National Priorities List (this index)
NUCLEAR MATERIAL
CERCLA definitions, § 14:81
OCCUPATIONAL SAFETY AND HEALTH
ACT (OSHA)
Administrative enforcement orders, RCRA viola-
tions, § 5:11
OFFICE OF SUPERFUND REMEDIATION
AND TECHNOLOGY INNOVATION
(OSRTI)
Generally, § 11:2
ON-SCENE COORDINATORS (OSC)
CERCLA (this index)
Definitions, § 11:4
OPEN DUMPS
Defined, § 2:15
OPERATION AND MAINTENANCE (O&M)
MEASURES
Generally, § 11:31
OPERATORS
CERCLA liabilities, §§ 9:54, 9:69
Closures of Facilities (this index)
Definition, § 9:21
Involuntary acquisitions of property from,
defense to CERCLA actions, § 14:77
RCRA regulation, § 2:26
ORDERS
Administrative Enforcement (this index)
ORDERS—Cont’d
Consent Decrees (this index)
Self-auditing orders, § 5:9

ORPHAN SHARE ALLOCATIONS
Generally, § 12:71
See also Potentially Responsible Parties (this index)
CERCLA § 107 claims, § 14:57

OVERFILL CONTROL
Underground Storage Tank (UST) Regulations, § 6:8

OWNERS
Adjacent owners, UST remedies, § 6:29
Adjacent Owners (this index)
CERCLA § 107, residential landowner defenses, § 14:51
CERCLA liability, § 9:54
Corporate CERCLA liabilities, corporate relationships and, § 9:59
Corporations, owner status and CERCLA liabilities, § 9:71
Definition, § 9:21
Innocent Owners (this index)
Involuntary acquisitions of property from, defense to CERCLA actions, § 14:77
RCRA regulation, § 2:26
Recovering cleanup costs from, § 9:107

PARENT CORPORATIONS
See Corporations (this index)

PARTICIPATION OF PUBLIC
See Public Participation (this index)

PARTIES—Cont’d
CERCLA—Cont’d
corporate relationships—Cont’d
individuals, close corporations and, § 9:65
intent, § 9:60
lease-based liability, § 9:63
merger and acquisition based liabilities, § 9:68
multiple defendants, § 9:72
nature of waste, § 9:61
non-owner operators, § 9:79
operators, § 9:79
owners, § 9:59
owner status, effect of, § 9:71
parents and subsidiaries, § 9:62
real estate issues, § 9:64
successor corporations, § 9:87
Supreme Court view, § 9:58
Cost Recovery Actions (this index)
covenants not to sue, § 9:85
disposals, § 9:77
financial arrangements/assurance and bankruptcy, § 9:78
individuals, close corporations and, § 9:65
innocent owner defenses, § 9:80
intent, § 9:75
lease-based liability, § 9:63
merger and acquisition based liabilities, § 9:68
multiple defendants, § 9:72
operator liabilities, § 9:69
overview, § 11:4
owner status, effect of, § 9:71
partnership liabilities, § 9:67
passive inactivity, effect of, § 9:70
recyclers, § 9:83
scrap dealers, § 9:83
Section 107 actions
generally, § 14:37 et seq.
Indian tribes, § 14:39
limitations of liability, § 14:37 et seq.
shifting liabilities, § 9:86
states as parties
defendant, § 15:13
plaintiff, § 15:12
transporters, § 9:76
Citizens suits
defendants, § 9:132
plaintiffs, § 9:131
Close corporations and individuals, CERCLA liabilities, § 9:65
Contractor CERCLA liabilities, § 9:66
Defendants, CERCLA citizens suits, § 9:132
De minimis parties
generally, § 13:30
see also De Minimis Activities (this index)
PARTIES—Cont’d
Estates, CERCLA liabilities of, § 9:82
Identifying PRPs, § 12:21
Indian tribes, CERCLA § 107 actions, § 14:39
Individuals, close corporations and, CERCLA liabilities, § 9:65
Intervention, CERCLA citizens suits, § 9:140
Joint and several liability, CERCLA enforcement remedies, § 9:101
Lease-based CERCLA liability, § 9:63

Lender Liability (this index)
Merger and acquisition based liabilities, § 9:68
Multiple contributors. See Contribution Actions (this index)
Naming PRPs, § 12:20
Partnership liabilities, § 9:67
Plaintiffs, CERCLA citizens suits, § 9:131

Real Estate Sales (this index)
Recyclers, § 9:83
Scrap dealers, § 9:83
Standing
CERCLA § 107 claims
generally, §§ 14:101, 14:106 et seq.
intervenors, § 14:107
other environmental statutes, § 14:108
Section 113 intervenors, § 14:107
citizens suits, § 9:137
intervenors, § 14:107
Third party defense, § 14:66 et seq.
Transporters, § 9:76
Trusts, § 9:82

PARTNERSHIPS
CERCLA liabilities, § 9:67

PENALTIES
CERCLA, §§ 13:27, 14:6
Orders, noncompliance with, § 14:6
Preenforcement judicial review, § 14:13
RCRA, § 5:20
Stipulated, § 13:27

PERMITS—Cont’d
Post-closure permits, § 4:17
RCRA requirements
generally, § 4:4 et seq.
applicability, § 4:5
application submission, § 4:7
combustion permits, § 4:16
conditions, § 4:9
demonstration permits, §§ 4:14, 4:15
denial of permit, § 4:8
development permits, § 4:14
emergency permits, § 4:13
interim status facilities, § 4:10
issuance of permit, § 4:8
landfills, § 4:41
land treatment demonstration permits, § 4:15
modification, § 4:9
post-closure permits, § 4:17
process generally, § 4:6 et seq.
remedial action permits, § 4:18
research permits, § 4:14
review of permit, § 4:8
rule, permits by, § 4:12
shield, permit as, § 4:5
special forms of, § 4:11 et seq.
standardized permits, § 4:19
term, § 4:9
termination orders, § 5:8
Remedial action permits, § 4:18
Research permits, § 4:14
Rule, permits by, § 4:12
Shield, permit as, § 4:5
Special forms of, § 4:11 et seq.
Standardized, § 4:19
State law, § 20:11
Term, § 4:9

PERSON
Definition, § 9:22

PESTICIDES
CERCLA § 107 defenses, § 14:42

PETROLEUM
CERCLA petroleum exclusion, § 14:76
CERCLA petroleum exclusion for recycled oil, § 9:84
Definition, § 9:20

Underground Storage Tank Regulations (this index)

PLANS
See Contingency Plans (this index)

POLLUTANT
Definition
CERCLA, § 9:23
contribution actions, § 9:163
POTENTIALLY RESPONSIBLE PARTIES (PRP)
See also CERCLA (this index)
Ability to pay
generally, § 12:23
enforcement, § 12:24
Allocations
generally, § 12:69 et seq.
committees, § 12:68
equitable considerations, § 12:73
factors, § 12:69 et seq.
Gore Amendment, § 12:72
individual parties, issues as to, § 12:74
insignificant contributions, § 14:58
nonbinding preliminary allocation of
responsibility (NBAR), § 13:5
orphan share allocations, §§ 12:71, 14:57
particular parties, issues as to, § 12:74
PRP, § 12:70
settlements, § 13:7
uniform acts, § 12:75
Alternative liability, § 14:62
Baseline risk assessment, § 12:38
CERCLA § 107 actions
generally, § 14:53 et seq.
see also Contribution Actions (this index)
CERCLA §§ 106 and 107 actions
generally, § 14:1
CERCLA, § 14:1
Committees
generally, § 12:63 et seq.
allocation committees, § 12:68
consent decree negotiation teams, § 13:11
de minimis and de micromis committees,
§ 12:65
initial agreements, § 12:62
legal committees, § 12:67
steering committees
generally, § 12:64
negotiation by, § 13:11
settlement and consent decrees, § 13:3
technical committees, § 12:66
Consent decree negotiation teams, § 13:11
Consent Decrees (this index)
Covenants not to sue
generally, § 13:14 et seq.
see also Covenants Not to Sue (this index)
Definition, § 11:4
De micromis settlements, § 13:35
De minimis and de micromis committees,
§ 12:65
EPA position on PRP participations, § 12:44
Feasibility studies (FS), § 12:44
Field investigations, § 12:37
Formation of PRP groups, § 12:59
Remedial investigations (RI)
generally, § 12:34 et seq.
hazardous substances remedial investigations, § 12:35
EPA position on PRP participations, § 12:44
field investigations, § 12:37
involvement, opportunities for, § 12:40
opportunities for PRP involvement, § 12:40
PRP-conducted investigations, § 12:35
requirements, §§ 12:36, 12:39
treatability studies, § 12:37
POTENTIALLY RESPONSIBLE PARTIES (PRP)—Cont’d

Removal actions
  negotiation moratoria, § 12:33
Response actions
  negotiation moratoria, § 12:32
Section 104 letters
  generally, § 12:22 et seq.
  ability to pay, §§ 12:23, 12:24
  information gathering, § 12:28
  information requests, §§ 12:23, 12:24
  practice pointers, § 12:25
  site access
    generally, § 12:26
    enforcement, § 12:27
Settlement
  generally, § 12:76 et seq.
  Consent Decrees (this index)
  proceeds, funding Hazardous Substances Superfund (Trust Fund), § 12:21
Settlements (this index)
  Sole PRP strategies, § 12:60
  Special notice letters
    generally, § 12:31
    moratoria triggered by, § 13:2
Steering committees
  generally, § 12:64
  negotiation by, § 13:11
  settlement and consent decrees, § 13:3
Technical committees, § 12:66
Treatability studies, § 12:37
Trust agreements, § 12:77
Uniform Contribution Among Tortfeasors Act, § 12:75

PRECLUSION
CERCLA citizens suits, § 9:136

PREEMPTION
See also Federal and State Interaction (this index)
CERCLA
  generally, § 9:146
  removal actions, § 9:149
  Citizen suits, RCRA litigation, § 5:42
  RCRA citizen suits, § 5:42
  Removal actions, § 9:149

PRELIMINARY ASSESSMENTS (PA)
  Generally, § 11:20
  CERCLA site management, §§ 12:8, 12:9

PREPAREDNESS AND PREVENTION PLANNING
  RCRA requirements, § 4:21

PREVENTIVE LAW
  Generally, § 9:81 et seq.

PRIORITIES LIST
  See National Priorities List (this index)

PRIVATE ACTIONS
  Citizen Suits (this index)
  Civil Enforcement (this index)
  Contribution Actions (this index)
  Cost Recovery Actions (this index)

PROCESS
  Civil enforcement, § 5:13

PRODUCT
  Definition, § 2:8
  Definition, RCRA, § 2:12

PROSPECTIVE PURCHASERS
  See Real Estate Sales (this index)

PRP
  See Potentially Responsible Parties (this index)

PUBLIC PARTICIPATION
  Generally, § 9:128
  Agency for Toxic Substances & Disease Registry (ATSDR)
    community petitions, § 10:39
  CAMUs, § 7:36
CERCLA
  generally, § 10:17 et seq.
  consent decrees, § 13:4
  delistings, public notice of, § 10:19
  listings, public notice of, § 10:18
  recovering cleanup costs, § 9:149
  remedial actions, roles in, § 10:50
  removal actions, roles in, § 10:46 et seq.
  ROD activities, roles in, § 10:53
  roles of parties
    post-RI phase, § 10:52
    pre-RI phase, § 10:51
    settlement, § 13:4
Citizen Suits (this index)
  Community petitions, ATSDR, § 10:39
  EPA and the public generally, § 10:17 et seq.
  Notice to public, § 9:128
RCRA
  CAMUs, § 7:36
  UST regulations, § 6:21
Settlements, CERCLA, § 13:4
  State superfund statutes, requirements of, § 15:25
  UST regulations, § 6:21

PUNITIVE DAMAGES
See Damages (this index)

PURCHASERS OF REAL PROPERTY
  See Real Estate Sales (this index)

QUALITY STANDARDS
  National Contingency Plan (NCP), § 9:45
INDEX

RADIOACTIVE WASTE
Listed waste exceptions, § 2:45

RCRA
For particular matters, see more specific entries throughout this index
Academic laboratories, waste, § 2:53
Accident liability financial assurance requirements, § 4:31
Administration
generally, § 2:5 et seq.
judicial review, § 2:7
rulemaking, § 2:7
state roles, § 2:6
structure, § 2:5
Advanced financial assurance mechanisms, § 4:33
Aerosol cans, § 2:55
Air emission standards
generally, § 4:74 et seq.
container requirements, § 4:77
equipment leak requirements, § 4:76
leaks, equipment, § 4:76
process vent requirements, § 4:75
surface impoundments, § 4:77
tanks, § 4:77
vent requirements, § 4:75
Appeals, §§ 2:7, 4:79
Audits, §§ 5:47, 9:81
Authority for CAMU rules, § 7:23
Beneficiation wastes, specific waste determinations/exclusions, § 2:46 et seq.
Bentsen Amendments, mineral processing wastes, § 2:50
Bevill-Bentsen Amendments, mineral processing wastes, § 2:46
Bevill-Bentsen Amendment wastes, § 2:46 et seq.
BIF rule, combustion wastes, specific waste determinations/exclusions, § 2:49
Boilers and industrial furnaces (BIF) combustion wastes, specific waste determinations/exclusions, § 2:49
hazardous waste combustion facilities, § 4:52
Bottom ash waste, specific waste determinations/exclusions, § 2:49
Brownfields programs, § 7:38
Burden of proof, hazardous waste determinations, § 2:40
Cement kiln dust, specific waste determinations/exclusions, § 2:49
CERCLA site management notices, § 12:4
Characteristics, defining hazardous wastes by generally, § 2:37 et seq.
burden of proof, § 2:40
RCRA—Cont’d
Characteristics, defining hazardous wastes by—Cont’d
classifying wastes, steps, § 3:2
leaching potential, § 2:39
methods of testing, § 2:38
mixed wastes, § 2:51
testing methods, § 2:38
Classifying wastes, steps, § 3:2
Clean Air Act requirements, hazardous waste combustion facilities, § 4:56
Cleanup reforms, § 7:31 et seq.
Closures of Facilities (this index)
Coal combustion waste, § 2:49
Combustion wastes, specific waste determinations/exclusions, § 2:49
Contained-in policy, EPA special regulatory conventions, § 2:43
Container requirements, air emission standards, § 4:77
Containers, standards for, § 4:36
Containment buildings, standards for, § 4:37
Contingency plans, § 4:21
Corrective action management units (CAMU) generally, §§ 7:9, 7:24
CERCLA programs, relation to, § 7:35
cleanup reforms, § 7:31 et seq.
cleanup regulations, § 7:29
corrective action completion, § 7:34
definitions, § 7:9 et seq.
eligible waste, § 7:12
facilities, § 7:13
Government Performance and Results Act (GPRA), § 7:32
grandfathered CAMUs generally, § 7:11
authority for rules, § 7:27
hazardous remediation waste management requirements, § 7:29
hazardous waste and hazardous constituents, § 7:14
HWIR media rule, § 7:29
public participation requirements, § 7:36 reforms, § 7:31 et seq.
releases, § 7:15
remedial action plan rules, § 7:30
Remedial action plans, below sites, remediation, § 7:17
staging piles generally, § 7:20
authority for rules, § 7:26
management, § 7:29
state programs, § 7:37
Temporary Units (TU) generally, § 7:21
authority for rules, § 7:25

Index-45
RCRA—Cont’d
Corrective action management units (CAMU)
—Cont’d
units, solid waste management, § 7:19
waste, remediation, § 7:18
Corrective Action program
generally, § 7:1 et seq.
action levels, § 7:7
authority for CAMU rules, § 7:23
CAMUs, § 7:24
corrective measure study, § 7:6
implementation status, § 7:22
interim actions, § 7:5
program overview, § 7:2
RCRA Facility Assessment (RFA), § 7:3
RCRA Facility Investigation (RFI), § 7:4
remedies, § 7:8
status of implementation, § 7:22
Temporary Units (TU), § 7:25
Crude oil exploration, development, or produc-
tion, § 2:50
Definitions
Corrective Action Management Unit (CAMU),
§ 7:9 et seq.
derived-from wastes, § 2:22
discarded, § 2:10
disposal, § 2:11
explosives, § 4:58
HWIR-media rule, § 2:21
land disposal, § 2:14
listed wastes, below
manifest, § 2:20
military munitions, § 4:58
mixture wastes, § 2:22
open dumps, § 2:15
product, §§ 2:8, 2:12
remediation wastes, § 2:21
residual waste, § 2:16
solid waste, § 2:9
Subtitle C hazardous waste, definition of solid
waste, § 2:9
Subtitle D solid waste, definition of solid
waste, § 2:9
treatment, § 2:13
Universal Treatment Standards, § 2:19
universal waste, § 2:18
used oil, § 2:17
waste, § 2:8
Delisting of listed wastes, § 2:35
De minimis settlements
generally, § 13:28 et seq.
see also De Minimis Activities (this index)
Derived-from wastes, definition, § 2:22
Discretion of the EPA, background, § 2:33
Disposal defined, § 2:11
RCRA—Cont’d
Disposal facilities
generally, § 4:1 et seq.
see also Disposal Facilities (this index)
regulation of, § 2:25
Drip pads, standards for, § 4:39
Electronic waste (E-waste), § 2:54
Emergency procedures, § 4:21
Enactment, § 1:1
Enforcement
Administrative Enforcement (this index)
Citizen Suits (this index)
Civil Enforcement (this index)
Criminal Enforcement (this index)
EPA, enforcement and compliance efforts, § 5:48
EPA discretion, listed wastes, § 2:33
EPA mixed waste rule, § 8:9
EPA’s emergency abatement authority under
§ 7003, § 5:30
EPA special regulatory conventions
contained-in policy, § 2:43
hazardous waste identification, § 2:44
mixture/derived-from rules, identification of
wastes, § 2:42
E-waste, § 2:54
Explosives
generally, § 4:57 et seq.
closure of ranges, § 4:60
definitions, § 4:58
solid waste, treatment of munitions as, § 4:59
storage of munitions and explosives, § 4:61
Exports, § 2:52
Extraction wastes, specific waste determinations/
exclusions, § 2:46 et seq.
Facilities
assessment (RFA), § 7:3
CAMU facilities, § 7:13
investigation (RFI), § 7:4
regulation of, § 2:27
Federal facilities
see also Federal Facilities (this index)
Federal Facilities Restoration and ReUse
Office (FFRRO), § 8:20
regulation of, § 2:28
Federal Facilities Restoration and ReUse Office
(FFRRO), § 8:20
Financial assurance requirements, § 4:29 et seq.
Flue gas emission control waste, § 2:49
Fly ash waste, § 2:49
Generators
generally, § 3:1 et seq.
see also Generators (this index)
manifests, § 3:4
regulation of, § 2:23
INDEX

RCRA—Cont’d
Geothermal energy exploration, development, or production, § 2:50
Government Performance and Results Act (GPRA), § 7:32
Grandfathered CAMUs generally, § 7:11
authority for rules, § 7:27
Groundwater monitoring, § 4:73
Hazardous remediation waste management requirements, § 7:29
Hazardous waste and hazardous constituents, CAMUs, § 7:14
Hazardous waste combustion facilities generally, § 4:49 et seq.
beneficial use of coal combustion wastes, § 2:49
boilers and industrial furnaces (BIF), §§ 2:49, 4:52
CAA requirements, § 4:56
incinerators, § 4:51
operating requirements, § 4:55
overview, § 4:50
performance standards, § 4:54
regulation generally, § 4:53
Hazardous waste identification generally, § 2:31 et seq.
academic laboratories, § 2:53
background, § 2:33
Bentsen Amendment wastes, § 2:50
Bevill-Bentsen Amendment wastes, §§ 2:46, 2:46 et seq.
burden of proof, § 2:40
characteristics, defining hazardous wastes by, § 2:37 et seq.
classifying wastes, above combustion waste, § 2:49
contained-in policy, § 2:43
delisting, § 2:35
discretion of the EPA, background, § 2:33
electronic waste (E-waste), § 2:54
EPA discretion, § 2:33
E-waste, § 2:54
exceptions, § 2:34
exports, § 2:52
household wastes, § 2:45
imports, § 2:52
leaching potential, § 2:39
lead paint waste, § 2:45
methods of testing, § 2:38
mineral processing wastes, § 2:48
mixed wastes, § 2:51
mixture/derived-from wastes, § 2:42
radioactive waste, § 2:45
review of EPA listing decisions, § 2:36
special case exemptions, § 2:45 et seq.

RCRA—Cont’d
Hazardous waste identification—Cont’d
specific waste determinations/exclusions, § 2:45 et seq.
statutory and regulatory terms, § 2:32
testing methods, § 2:38
Household wastes, § 2:45
HWIR-media rule generally, § 7:29
definitions, § 2:21
Imminent Hazards (this index)
Immunities
federal facilities, § 8:3
states, § 2:29
Imports, § 2:52
Incentives for self-policing, §§ 5:47, 9:81
Incinerators, § 4:51
Indian tribes, regulation of, § 2:30
Inspections (this index)
Judicial review, §§ 2:7, 4:79
Land-based units, standards for, § 4:38 et seq.
Land disposal definitions, § 2:14
restriction (LDR) records, § 4:25
Land Disposal Restriction Program generally, § 4:62 et seq.
alternative treatment standards, § 4:70
applicability of requirements, § 4:63
certifications, § 4:71
dilution prohibition, § 4:65
disposal prohibition, § 4:67 et seq.
history of program, § 4:72
notification requirements, § 4:71
prohibitions, § 4:64 et seq.
recordkeeping, § 4:71
scope, § 4:63
storage prohibition, § 4:66
treatment standards generally, § 4:68
variances, § 4:69
variances from treatment standards, § 4:69
Landfills generally, § 4:40 et seq.
closure requirements, § 4:44
design requirements, § 4:42
inspections, § 4:43
Land Disposal Restriction Program, above operating requirements, § 4:42
permit obligations, § 4:41
release prevention and response, § 4:43
Land treatment units generally, § 4:45
surface impoundments, § 4:46
waste piles, § 4:47
Leaching potential, § 2:39

Index-47
Lead paint waste, § 2:45
Low-level mixed wastes (LLMW), § 2:45
Manifests, definition, § 2:20
Methods of testing, § 2:38
Military munitions
generally, § 4:57 et seq.
closure of ranges, § 4:60
definitions, § 4:58
federal facilities, § 8:5
solid waste, treatment of munitions as, § 4:59
storage of munitions and explosives, § 4:61
Mineral processing wastes
Bevill/Bentsen Amendment wastes, § 2:46 et seq.
significant alteration, § 2:48
specific waste determinations/exclusions, § 2:48
uniquely associated, § 2:46
Minimization of waste, federal facilities, § 8:4
Mixed wastes
generally, § 2:45
mineral processing wastes, § 2:46
Mixture/derived-from wastes, § 2:42
Mixture wastes
generally, § 2:51
definition, § 2:22
mixture/derived-from wastes, § 2:42
Natural gas exploration, development, or production, § 2:50
Naturally occurring and/or accelerator-produced radioactive material (NORM), § 2:45
Nonhazardous Wastes (this index)
Notices
CERCLA site management, § 12:4
site management, CERCLA, § 12:4
Operators, regulation of, § 2:26
Owners, regulation of, § 2:26
Permits
generally, § 4:4 et seq.
appeals and judicial review of permitting decisions, § 4:79
applicability, § 4:5
application submission, § 4:7
combustion permits, § 4:16
conditions, § 4:9
demonstration permits, §§ 4:14, 4:15
denial of permit, § 4:8
development permits, § 4:14
emergency permits, § 4:13
interim status facilities, § 4:10
issuance of permit, § 4:8
landfills, § 4:41
land treatment demonstration permits, § 4:15
modification, § 4:9
Permits—Cont’d
post-closure permits, § 4:17
process generally, § 4:6 et seq.
remedial action permits, § 4:18
research permits, § 4:14
review of permit, § 4:8
rule, permits by, § 4:12
shield, permit as, § 4:5
special forms of, § 4:11 et seq.
standardized permits, § 4:19
term, § 4:9
termination orders, § 5:8
Persons regulated
generally, § 2:23 et seq.
disposal facilities, § 2:25
facilities, § 2:27
federal facilities, § 2:28
generators, § 2:23
Indian tribes, § 2:30
operators, § 2:26
owners, § 2:26
states, § 2:29
storage facilities, § 2:25
transporters, § 2:24
treatment facilities, § 2:25
Pharmaceuticals, § 2:55
Preparedness and prevention planning, § 4:21
Processing wastes, specific waste determinations/exclusions, § 2:46 et seq.
Product, § 2:8
Product, definition, § 2:12
Public participation requirements
CAMUs, § 7:36
UST regulations, § 6:21
Purposes
generally, § 2:4
CERCLA purposes compared, § 9:1
Radioactive waste, § 2:45
Records and reports
see also Records and Reports (this index)
generators, § 3:6
Land Disposal Restriction Program, § 4:71
Reforms, § 7:31 et seq.
Regulatory overview
generally, § 2:1 et seq.
evolution, § 2:3
policy, § 2:4
political aspects, § 2:2
Release prevention and response, § 4:43
Releases, CAMU, § 7:15
Remedial action permits, § 4:18
Remedial action plans (RAP)
definitions, § 7:16
rules, § 7:30
RCRA—Cont’d
Remedial action plans (RAP)—Cont’d
sites, § 7:17
staging piles, § 7:20
Temporary Units (TU), § 7:21
underground storage tank (UST) regulations, redevelopment programs, § 6:32
units, solid waste management, § 7:19
waste, remediation, § 7:18
waste management site, § 7:17
Remediation waste, §§ 2:21, 7:18
Residual waste, § 2:16
Restriction program. Land Disposal Restriction Program, above
Retail sector wastes, § 2:55
Review of EPA listing decisions, § 2:36
Rulemaking, § 2:7
Scope of act
listed wastes, above
persons regulated, above
Settlements, § 9:113
Sites, RAP, § 7:17
Slag waste, § 2:49
Solid waste
definition, § 2:9
Subtitle C hazardous waste, § 2:9
Subtitle D solid waste, § 2:9
treatment of munitions as, § 4:59
Special case exemptions from listed wastes
exports, § 2:52
imports, § 2:52
Specific standards for facilities, § 4:35 et seq.
Specific waste determinations/exclusions
generally, § 2:45 et seq.
beneficiation wastes, § 2:46 et seq.
Bentsen Amendments, § 2:50
Bevill-Bentsen Amendment wastes, §§ 2:46, 2:46 et seq.
BIF rule, § 2:49
boilers and industrial furnaces, combustion wastes, § 2:49
bottom ash waste, § 2:49
cement kiln dust, § 2:49
coal combustion waste, § 2:49
combustion waste, § 2:49
Crude oil exploration, development, or production, § 2:50
extraction wastes, § 2:46 et seq.
flue gas emission control waste, § 2:49
fly ash waste, § 2:49
géothermal energy exploration, development, or production, § 2:50
household wastes, § 2:45
low-level mixed wastes (LLMW), § 2:45
mineral processing wastes, § 2:46 et seq.
RCRA—Cont’d
Specific waste determinations/exclusions—Cont’d
natural gas exploration, development, or production, § 2:50
naturally occurring and /or accelerator-produced radioactive material (NORM), § 2:45
radioactive waste, § 2:45
slag waste, § 2:49
Staging piles
generally, § 7:20
authority for rules, § 7:26
State and federal roles in RCRA administration, § 4:78
States
administration, § 2:6
CAMUs, § 7:37
immunities, § 2:29
regulation of, § 2:29
Steps in classifying wastes, § 3:2
Storage facilities
generally, § 4:1 et seq.
see also Storage Facilities (this index)
regulation of, § 2:25
Surface impoundments
generally, § 4:46
air emission standards, § 4:77
Tanks
air emission standards, § 4:77
standards, § 4:36
Targeted site efforts, Brownfields programs, § 7:38
Temporary Units (TU)
generally, §§ 7:21, 7:25
authority for rules, § 7:25
Testing methods, § 2:38
Transports
generally, § 3:1 et seq.
see also Transports (this index)
regulation of, § 2:24
Treatment facilities
generally, § 4:1 et seq.
see also Treatment Facilities (this index)
definition, § 2:13
regulation of, § 2:25
Treatment units. Land treatment units, above
Units, solid waste management, § 7:19
Universal Treatment Standards, § 2:19
Universal waste
definition, § 2:18
handlers, regulation, § 3:8
Used oil, § 2:17
Waste, § 2:8
Waste minimization certification and documentation, § 4:24
RCRA—Cont’d
Waste piles, § 4:47
Waste remediation, § 7:18

REAL ESTATE SALES
Assumption of liability by post-closure liability
fund, § 14:49
Bona fide prospective purchasers, § 14:48
Caveat emptor defense, § 14:122
CERCLA civil suits, § 9:120
CERCLA § 107 exemptions, § 14:48
Condemnation property
generally, § 14:73
owner/operator designations, § 14:77
Corporate relationships and CERCLA liabilities,
§ 9:64
Covenants not to sue, § 13:18
De minimis parties
generally, § 13:32
see also De Minimis Activities (this index)
Eminent domain
generally, § 14:73
owner/operator designations, § 14:77
Involuntary acquisitions by governmental entities
generally, § 14:73
owner/operator designations, § 14:77
Post-closure liability fund, assumption of liability
by, § 14:49
Prospective purchasers, covenants not to sue,
§ 13:18

RECORDS AND REPORTS
Access to information in CERCLA and RCRA
cases, § 19:1 et seq.
CERCLA (this index)
Closure reports, § 4:26 et seq.
Correcting information, Internet access, § 19:4
Discovery Practice (this index)
EPA policy documents
generally, § 19:5 et seq.
Federal Register, § 19:7
publications, § 19:8
waste site operations, impacts on, § 19:6
website postings, § 19:7
EPA records, Internet access, § 19:2
Federal facility inventories, § 8:10
Federal Register, EPA policy documents in,
§ 19:7
Files, RCRA, § 3:6
Freedom of Information Act (this index)
Generators, § 3:6
Internet access
correcting information, § 19:4
EPA policy documents, § 19:7
EPA records, § 19:2
state records, § 19:3

RECORDS AND REPORTS—Cont’d
Inventories of federal facilities, § 8:10
Land Disposal Restriction Program, § 8:71
Land disposal restriction (LDR) records, § 4:25
Manifests (this index)
Post-closure care reports, § 4:28
RCRA requirements
generally, § 4:22
Federal facility inventories, § 8:10
files, § 3:6
inventories of federal facilities, § 8:10
RODs. See Records of Decision (this index)
State records, Internet access, § 19:3
Underground Storage Tank (UST) Regulations,
§ 6:12
Waste minimization certification and documenta-
tion, § 4:24

RECORDS OF DECISION (ROD)
Generally, § 12:46 et seq.
See also CERCLA (this index)

RECOUPEMENT
CERCLA § 107 claims, § 14:88
Cleanup costs, § 9:111

RECOVERY ACTIONS
See Cost Recovery Actions (this index)

RECYCLED OIL
CERCLA exclusion, § 9:84

RECYCLING
CERCLA defenses, § 14:86
CERCLA § 107 exemptions, § 14:50
CERCLA liabilities, § 9:83
Definitions, § 14:86
E-waste, § 2:54

REGIONAL RAIL ACT
CERCLA § 107 claims and, § 14:99

REGISTRY
See Agency for Toxic Substances & Disease Registry (this index)

REGULATORY OVERVIEW
Generally, § 2:1 et seq.
Evolution, § 2:3
Policy, § 2:4
Political aspects, § 2:2

RELEASES OF CLAIMS
Generally, § 14:117

RELEASES OF SUBSTANCES
See also National Priorities List (this index)
CAMUs, § 7:15
CERCLA definition
generally, § 14:78 et seq.
RELESE OF SUBSTANCES—Cont’d
CERCLA definition—Cont’d
exceptions to definition of release, §§ 14:79 to 14:82
CERCLA reports generally, § 9:33 et seq.
notification requirements, § 9:33
quantities of releases, reportable, § 9:34
reportable quantities of releases, § 9:34
Definition, § 9:24
Quantities of releases, reportable, § 9:34
RCRA landfill requirements, § 4:43

REMEDIAL ACTION PLANS (RAP)
See RCRA (this index)

REMEDIAL ACTIONS (RA)
Generally, §§ 9:90, 11:31
Consent decrees, covenants not to sue in, § 13:15
Definition, § 9:32
Distinctions between removal and remedial actions, § 9:91
Enforcements, judicial review, § 14:16
Environmental Protection Agency (EPA), § 9:90
Feasibility studies (FS)
  screening alternatives, § 12:42
  viable alternatives, analysis of, § 12:43
Limitation of actions, CERCLA § 107 actions, § 14:26 et seq.
Model consent decree, § 13:26
National Contingency Plan (NCP), § 11:23
Permits, § 4:18
Plans (RAP). See RCRA (this index)
Proposed plans, § 12:45
Screening alternatives, § 12:42
Viable alternatives, analysis of, § 12:43

REMEDIAL DESIGN (RD)
CERCLA site management, § 12:58
Consent decrees, covenants not to sue in, § 13:15
Remedial design/remedial action (RD/RA) generally, § 11:31
  model consent decree, § 13:26

REMEDIAL INVESTIGATIONS (RI)
Baseline risk assessment, § 12:38
Field investigations, § 12:37
Involvement of PRPs, opportunities for, § 12:40
Opportunities for PRP involvement, § 12:40
Phase I, §§ 11:24, 11:25
Phase II, § 11:31
PRP-conducted, § 12:35
PRP liabilities generally, § 12:34 et seq.
baseline risk assessment, § 12:38
field investigations, § 12:37
involvement, opportunities for, § 12:40

REMEDIAL INVESTIGATIONS (RI)—Cont’d
PRP liabilities—Cont’d
opportunities for PRP involvement, § 12:40
PRP-conducted investigations, § 12:35
requirements, §§ 12:36, 12:39
treatability studies, § 12:37
Roles of parties, §§ 10:51, 10:52
Treatability studies, § 12:37

REMEDIAL PROJECT MANAGERS (RPM)
CERCLA (this index)
Definitions, § 11:4

REMEDIAN
CERCLA cost recovery generally, § 9:102 et seq.
see also Cost Recovery Actions (this index)
Non-recoverable costs, § 9:108

REMEDIAN WASTE
Definition, § 2:21
RCRA, §§ 2:21, 7:18

REMEDIES
Adjacent owners, UST remedies, § 6:29
Brownfields remedies generally, §§ 9:11, 9:12, 15:27
see also Brownfields (this index)
CERCLA citizens suits, § 9:139
CERCLA cost recovery generally, § 9:102 et seq.
see also Cost Recovery Actions (this index)
CERCLA declaratory judgments, § 9:100
CERCLA enforcement remedies generally, § 9:95
see also CERCLA (this index)
Civil enforcement of RCRA violations, § 9:100
Declaratory judgments, § 9:100

IMMINENT RIGHTS (this index)
NCP cost recovery generally, § 9:49 et seq.
see also National Contingency Plan (this index)
RCRA violations, § 5:15
Recoupment, cleanup costs recovery, § 9:111
Selection
CERCLA National Contingency Plan (NCP), § 11:28
state law, § 15:9
Corrective Action program, § 7:8
Damages (this index)
National Contingency Plan (NCP), § 11:28
RCRA, § 7:8
state law, § 15:9

REMOVAL
Generally, § 9:89
See CERCLA (this index)
REMOVAL—Cont’d
Consent Decrees (this index)
Definition, § 9:32
Distinctions between removal and remedial actions, § 9:91
EPA orders, § 13:43
Limitation of actions, § 14:26 et seq.
Negotiation moratoria, § 12:33
Settlements
Consent Decrees (this index)
EPA orders, § 13:43
Settlements (this index)
REMOVAL OF ACTION TO FEDERAL COURT
Generally, § 9:149
See also Jurisdiction (this index)
REOPENERS
Generally, § 13:16
REPAIRS
Underground Storage Tank (UST) Regulations, § 6:11
REPORTS
See Records and Reports (this index)
REPOSE, STATE RULES/STATUTES OF
Federally required commencement date (FRCD), effect, § 9:158
RESIDENTIAL OWNERS
CERCLA § 107, residential landowner defenses, § 14:51
RESIDUAL WASTE
Definitions, § 2:16
RES JUDICATA
Generally, § 14:120
RESOURCE CONSERVATION RECOVERY ACT (RCRA)
For particular matters, see more specific entries throughout this index
Generally, RCRA (this index)
RESPONSE ACTIONS
CERCLA
generally, § 11:17
local governments, CERCLA role in, § 10:9
types of actions generally, § 11:19 et seq.
Costs, § 9:32
EPA orders, § 13:43
Local governments, CERCLA, role in, § 10:9
Negotiation moratoria, § 12:32
Settlements, EPA orders, § 13:43
RESPONSIBLE PARTY
See also Potentially Responsible Parties (this index)
Definition, § 9:25
RETAIL SECTOR WASTES
Generally, § 2:55
Aerosol cans, § 2:55
Pharmaceuticals, § 2:55
RETOACTIVITY
Constitutional challenges in CERCLA litigation, § 14:125
RETURN TO USE INITIATIVE
Brownfields, Superfund redevelopment, § 9:13
RISK ASSESSMENTS
Baseline risk assessment, § 12:38
RULEMAKING
RCRA, § 2:7
SAFETY
Agency for Toxic Substances & Disease Registry (this index)
SCRAP AMENDMENTS
Generally, § 9:8
SCRAP DEALERS
CERCLA liabilities, §§ 9:83, 14:52
SECURED LENDERS
See Lender Liability (this index)
SELECTION OF REMEDIES
See Remedies (this index)
SELF-AUDITS
See Audits (this index)
SERVICE STATION DEALER
CERCLA, exemption, §§ 9:84, 14:52
SETTLEMENTS
Generally, § 13:1 et seq.
See also Consent Decrees; Negotiations (this index)
Ability to pay, expedited settlements, § 13:34
Administrative
generally, § 13:41 et seq.
administrative orders on consent, § 13:42
CERCLA § 106 orders, § 13:43
consent orders, § 13:42
RCRA violations, § 5:6
removal/response action orders, § 13:43
unilateral orders, § 13:43
Approvals
court, § 13:10
DOJ, § 13:9
SETTLEMENTS—Cont’d
CERCLA
generally, § 9:113
site management
non-settling parties, § 12:78
settlements, PRP, § 12:76 et seq.
trust agreements, § 12:77
Consent orders, EPA, § 12:78
Contribution protection
generally, § 13:20
matters addressed, § 13:21
technical impracticability clause, § 13:23
waivers, § 13:22
Court approvals, § 13:10
Covenants not to sue
generally, § 13:14 et seq.
see also Covenants Not to Sue (this index)
Defense, settlement as, § 14:91
De micromis settlements, § 13:35
De minimis
generally, § 13:28 et seq.
see also De Minimis Activities (this index)
Department of Justice approvals, § 13:9
Department of Justice settlement approvals, § 13:9
EPA consent orders, § 13:42
Expeditied settlements, ability to pay, § 13:34
Good faith offers, § 13:8
Government technical personnel and attorneys, involvement in negotiations, § 13:12
Mixed funding settlements, § 13:6
Moratoria triggered by special notice letters, § 13:2
Municipal solid waste (MSW), de minimis settlements involving, § 13:33
Nonbinding preliminary allocation of responsibility (NBAR), § 13:5
Potentially responsible parties
generally, § 12:76 et seq.
non-settling parties, § 12:78
trust agreements, § 12:77
PRP allocations, § 13:7
Public participation, § 13:4
RCRA violations
generally, § 9:113
administrative enforcement, § 5:6
civil enforcement, § 5:18
Release of claim, § 14:117
Remedial action/design consent decrees, covenants not to sue in, § 13:15
Special account receipts from settlement agreements, funding Superfund, § 9:145
Special notice letters, moratoria triggered by, § 13:2
Steering committee organization, § 13:3
Stipulated penalties in consent decrees, § 13:27
SETTLEMENTS—Cont’d
Waivers, contribution, § 13:22
SHIFTING LIABILITIES
Generally, § 9:86
Liabilities (this index)
Parties (this index)
SITE ACCESS
CERCLA, information request and site access under § 104(e), § 14:127
SITE INSPECTIONS (SI)
Access
EPA CERCLA responses, § 9:93
Section 104 letters generally, § 12:26
enforcement, § 12:27
Adjacent properties, effects on, § 9:94
CERCLA site management, § 12:8
Deferrals, NPL, § 12:19
Delistings, NPL, § 12:18
Effects on adjacent properties, § 9:94
EPA CERCLA responses generally, § 9:92 et seq.
adjacent properties, effect of CERCLA actions on, § 9:94
effects on adjacent properties, § 9:94
physical access, § 9:93
searches, § 9:93
EPA listing determinations, § 12:15
Expanded site inspections, § 12:11
Focused inspections, § 12:10
Hazard ranking system, § 12:13
Mini-CERCLA lists, state, § 12:19
National Priorities List (NPL)
generally, § 12:12 et seq.
challenges, §§ 12:16, 12:17
deferrals, § 12:19
delstings, §§ 11:14, 12:18
EPA determinations, § 12:15
hazard ranking system, § 12:13
mini-CERCLA lists, state, § 12:19
state designations, § 12:14
Overview, § 11:21
PRPs
generally, § 12:20 et seq.
see also Potentially Responsible Parties (this index)
RCRA facility investigation (RFI), § 7:4
Searches, EPA CERCLA responses, § 9:93
Section 104 letters generally, § 12:26
enforcement, § 12:27
SITE MANAGEMENT
Generally, § 12:1 et seq.
SITE MANAGEMENT—Cont’d
See also CERCLA (this index)
Proposed plans, § 12:45
Remedy selections, § 12:45

SITES
Generally, see Facilities (this index)

SLAG WASTE
RCRA specific waste determinations/exclusions, § 2:49

SOLID WASTE
Definition, RCRA, § 2:9
Elements of action under RCRA § 7003, § 5:30
Subtitle C hazardous waste, § 2:9
Subtitle D solid waste, § 2:9

SOVEREIGN IMMUNITY
See also Immunities (this index)
CERCLA
citizens suits, § 9:133
Section 107 claims, § 14:97
whistleblower protections, § 9:173
Citizen suits
CERCLA, § 9:133
RCRA, § 5:44
Eleventh Amendment, § 14:133
Federal facilities, § 8:3
RCRA
citizen suits, § 5:44
federal facilities, § 8:3

SPECIFIC WASTE
DETERMINATIONS/EXCLUSIONS
RCRA listed wastes, § 2:45 et seq.

SPILL CONTROL
Underground Storage Tank (UST) Regulations, § 6:8

STANDING
CERCLA § 107 claims
generally, §§ 14:101, 14:106 et seq.
intervenors, § 14:107
other environmental statutes, § 14:108
Section 113 intervenors, § 14:107
Citizen suits, §§ 5:40, 9:137
Intervenors, § 14:107

STATE ACTIONS AND STATE LAWS—Cont’d
CERCLA—Cont’d
See also CERCLA (this index)
assurances, state, § 15:3 et seq.
brownfield programs, § 15:26
cleanup cost sharing, § 15:4
contracts, state roles in, §§ 10:7, 15:7
cooperative agreements
generally, § 15:7
states’ roles, § 10:5
defendants, states as, § 15:13
disposal capacity, § 15:5
Federally required commencement date (FRCD), actions for injury or damages from hazardous substances, § 9:156 et seq.
liability of states for regulation, § 15:14
Local Governments (this index)
maintenance, § 15:6
memoranda of agreement
generally, § 15:8
states’ roles, § 10:6
mini-CERCLA lists
generally, § 11:15
site inspection determinations, § 12:19
negotiations, EPA-led, § 15:10
operations, § 15:6
parties, states as, § 15:12
plaintiffs, states as, § 15:12
preenforcement judicial review of actions brought under state laws, § 12:50
private party suits, state authority, § 9:123
remedy selection, § 15:9
removal activities, § 15:11
states’ roles
generally, § 10:3 et seq.
assurances, state, § 10:4
contracts, § 10:7
cooperative agreements, § 10:5
memoranda of agreement, § 10:6
Superfund statutes, state, below voluntary cleanup programs, §§ 9:12, 15:26, 15:27
waste disposal capacity, § 15:5
Citizen suits, RCRA litigation, § 5:41
Civil Enforcement (this index)
Cleanup cost sharing, § 15:4
Cleanup standards, state superfund statutes, § 15:24
Criminal enforcement, RCRA violations, § 5:27
Criminal laws, § 5:27
Damages under state superfund statutes
generally, § 15:21 et seq.
authority to order, § 15:21
cleanup standards, § 15:24
INDEX

STATE ACTIONS AND STATE LAWS—Cont’d

damages under state superfund statutes—Cont’d
natural resource damages, § 15:23
punitive, § 15:22
Definition of state, CERCLA, § 9:22
Disposal capacity, § 15:5
Eleventh Amendment, § 14:133
Environmental crimes, § 5:27
Federal facilities
enforcement of RCRA, § 8:18
RCRA enforcement, § 8:18
Federally required commencement date (FRCD),
state law actions for injury or damages from
hazardous substances, § 9:156 et seq.
Fees, nonhazardous wastes, § 20:10
Immunities, RCRA, § 2:29
Joint and several liability under state superfund
statutes, § 15:20
Judicial review, § 12:50
Jurisdiction, subject matter, § 14:95
Liability of states for regulation, § 15:14
Local Governments (this index)
Memoranda of agreement, CERCLA, § 10:6
Mini-CERCLA lists
generally, § 11:15
site inspection determinations, § 12:19
Natural resource damages, state superfund statutes, § 15:23
Nonhazardous wastes
generally, § 20:9 et seq.
fees, § 20:10
permits, § 20:11
transport regulation, § 20:12
NPL listings
generally, § 9:35 et seq.
see also National Priorities List (this index)
ATSDR nominations, § 9:39
challenges against listings
generally, § 9:41
arguments for, § 12:17
site inspection challenges, § 12:16
deletions from list, § 9:42
disputed listings, §§ 9:41, 12:16, 12:17
effects of listings, § 9:36
EPA listing decisions, §§ 9:40, 12:15
methods of listing, § 9:37
mini-CERCLA lists
generally, § 11:15
site inspection determinations, § 12:19
nominations
generally, §§ 9:38, 12:14
ATSDR, § 9:39
state actions, § 9:43
state designations generally, § 12:14

STATE ACTIONS AND STATE LAWS—Cont’d
Order issuance authority under state superfund statutes, § 15:21
Preenforcement judicial review of actions brought under state laws, § 12:50
Public participation requirements, § 15:25
Punitive damages, state superfund statutes, § 15:22
RCRA
administration, state and federal roles in, § 4:78
CAMU programs, authority for, § 7:37
citizen suits, § 5:41
civil enforcement, § 5:16
enforcement, federal facilities, § 8:18
regulation, § 2:29
state roles in administration, § 2:6
underground storage tank (UST) regulations,
Brownfields redevelopment programs, § 6:32
violations, criminal enforcement, § 5:27
Remedy selection, CERCLA, § 15:9
Removal activities, § 15:11
Retroactive liability, § 15:18
Sovereign immunity
see also Sovereign Immunity (this index)
RCRA citizen suits, § 5:44
Strict liability, § 15:19
Subject matter jurisdiction, § 14:95
Superfund statutes, state
generally, §§ 15:15 et seq.
cleanup standards, § 15:24
joint and several liability, § 15:20
natural resource damages, § 15:23
nature of liability, § 15:18
order issuance authority, § 15:21
persons liable, § 15:17
public participation requirements, § 15:25
punitive damages, § 15:22
retroactive liability, § 15:18
scope, §§ 15:17, 15:18
strict liability, § 15:19
types of statutes, § 15:16
Underground storage tank (UST) regulations
approvals of state programs, § 6:27
Brownfields redevelopment programs, § 6:32
Voluntary cleanup programs, Brownfields,
§§ 9:12, 15:26, 15:27
Waste disposal capacity, § 15:5

STATUTES OF LIMITATION
See Limitations of Actions (this index)

STATUTES OF REPOSE
See also Limitations of Actions (this index)
Federally required commencement date (FRCD),
effect on, § 9:158

Index-55
STATUTORY DEFINITIONS
Environment, § 9:17

STORAGE FACILITIES
Generally, § 4:1 et seq.
Accident liability financial assurance requirements, § 4:31
Advanced financial assurance mechanisms, § 4:33
Air emission standards
container requirements, § 4:77
equipment leak requirements, § 4:76
leaks, equipment, § 4:76
process vent requirements, § 4:75
surface impoundments, § 4:77
tanks, § 4:77
vent requirements, § 4:75
Appeals, § 4:79
Closure
Container requirements
air emission standards, § 4:77
Containment buildings, standards for, § 4:37
Contingency plans, § 4:21
Counseling waste handlers
nonhazardous waste generators, § 20:14
Drip pads, standards for, § 4:39
Emergency permits, § 4:43
Emergency procedures, § 4:21
Explosives
closure of ranges, § 4:60
definitions, § 4:58
solid waste, treatment of munitions as, § 4:59
Financial assurance requirements, § 4:29 et seq.
Groundwater monitoring, § 4:73
Hazardous waste combustion facilities
boilers and industrial furnaces (BIF), §§ 2:49, 4:52
CAA requirements, § 4:56
incinerators, § 4:51
operating requirements, § 4:55
overview, § 4:50
performance standards, § 4:54
regulation generally, § 4:53
Interim status facilities, § 4:10
Judicial review, § 4:79
Land-based units, standards for, § 4:38 et seq.
Land disposal restriction (LDR) records, § 4:25

STORAGE FACILITIES—Cont’d
Landfill standards, § 4:40 et seq.
Land treatment units
generally, § 4:45
surface impoundments, § 4:46
waste piles, § 4:47
Manifest requirements, § 4:22 et seq.
Military munitions
generally, § 4:57 et seq.
closure of ranges, § 4:60
definitions, § 4:58
solid waste, treatment of munitions as, § 4:59
Nonhazardous Wastes (this index)
Overview of requirements, § 4:2 et seq.
Permits
generally, § 4:4 et seq.
appeals and judicial review of permitting decisions, § 4:79
applicability, § 4:5
application submission, § 4:7
combustion permits, § 4:16
conditions, § 4:9
demonstration permits, §§ 4:14, 4:15
denial of permit, § 4:8
development permits, §§ 4:14
emergency permits, § 4:13
interim status facilities, § 4:10
issuance of permit, § 4:8
landfills, § 4:41
land treatment demonstration permits, § 4:15
modification, § 4:9
post-closure permits, § 4:17
process generally, § 4:6 et seq.
remedial action permits, § 4:18
research permits, § 4:14
review of permit, § 4:8
rule, permits by, § 4:12
shield, permit as, § 4:5
special forms of, § 4:11 et seq.
standardized permits, § 4:19
term, § 4:9
Post-closure care reports, § 4:28
Post-closure financial assurance requirements, § 4:32
Post-closure permits, § 4:17
Preparedness and prevention planning, § 4:21
RCRA regulation
generally, §§ 2:25, 4:1 et seq.
facility planning requirements, § 4:3
overview of requirements, § 4:2 et seq.
permits, above
planning requirements, § 4:3
procedural requirements, § 4:2 et seq.
substantive requirements, § 4:2 et seq.
Remedial action permits, § 4:18
STORAGE FACILITIES—Cont’d
Reports and records, § 4:22 et seq.
Solid waste, treatment of munitions as, § 4:59
Specific standards for facilities, § 4:35 et seq.
Standardized permits, § 4:19
State and federal roles in RCRA administration, § 4:78
Surface impoundments
  generally, § 4:46
  air emission standards, § 4:77
Tanks
  see also Underground Storage Tank Regulations (this index)
  air emission standards, § 4:77
  standards for, § 4:36
Treatment units, Land treatment units, above
Underground Storage Tank Regulations (this index)
  Waste minimization certification and documentation, § 4:24
  Waste piles, § 4:47

SUBROGATION
  Insurance, § 16:39

SUBSIDIARY CORPORATIONS
  See Corporations (this index)

SUCCESSOR CORPORATIONS
  See Corporations (this index)

SUPERFUND
  Generally, § 11:1
  See also CERCLA (this index)

SUPERFUND ALTERNATIVE APPROACH (SAA)
  CERCLA, § 11:9

SUPERFUND RECYCLING ACT
  Generally, § 14:130

SUPREMACY CLAUSE
  Constitutional challenges in CERCLA litigation, § 14:134

SURFACE IMPOUNDMENTS
  RCRA regulation, § 4:46

TANKS
  Underground Storage Tank Regulations (this index)

TARGETED SITE EFFORTS (TSEs)
  RCRA Brownfields programs, § 7:38

TEMPORARY UNITS (TU)
  Generally, § 7:25
  See also RCRA (this index)

TOLLING
  Equitable tolling, § 9:154

TRANSPORTERS
  Generally, § 3:9
  See also Generators (this index)
  CERCLA liabilities, § 9:76
  Counseling waste handlers
    generally, § 20:14
    nonhazardous waste generators, § 20:16
  Nonhazardous wastes, § 20:12
  Pre-transport obligations, § 3:5
  RCRA regulation
    generally, §§ 2:24, 3:1 et seq., 3:9
    classifying wastes, § 3:2
    generator manifests, § 3:4
    pre-transport obligations, § 3:8
    steps in classifying wastes, § 3:2
    universal waste handlers, § 3:8
    Steps in classifying wastes, § 3:2

TREATABILITY STUDIES
  Generally, § 12:37

TREATMENT FACILITIES
  Generally, § 4:1 et seq.
  Accident liability financial assurance requirements, § 4:31
  Advanced financial assurance mechanisms, § 4:33
  Air emission standards
    generally, § 4:74 et seq.
    container requirements, § 4:77
    equipment leak requirements, § 4:76
    leaks, equipment, § 4:76
    process vent requirements, § 4:75
    surface impoundments, § 4:77
    tanks, § 4:77
    vent requirements, § 4:75
  Appeals, § 4:79
  Closure
    generally, § 4:26
    see also Closures of Facilities (this index)
    financial assurance requirements, § 4:32
  Container requirements
    air emission standards, § 4:77
    standards for, § 4:36
  Containment buildings, standards for, § 4:37
  Contingency plans, § 4:21
  Counseling waste handlers
    generally, § 20:14
    nonhazardous waste generators, § 20:16
  Definition
    CERCLA, § 9:26
    RCRA, § 2:13
  Drip pads, standards for, § 4:39
  Emergency permits, § 4:13
  Emergency procedures, § 4:21
  Federally owned facilities, § 8:11
TREATMENT FACILITIES—Cont’d

Financial assurance requirements, § 4:29 et seq.
General facility requirements, § 4:20 et seq.
Groundwater monitoring, § 4:73
Hazardous waste combustion facilities generally, § 4:49 et seq.
boilers and industrial furnaces (BIF), §§ 2:49, 4:52
CAA requirements, § 4:56
incinerators, § 4:51
operating requirements, § 4:55
overview, § 4:50
performance standards, § 4:54
regulation generally, § 4:53
Incinerators, § 4:51
Interim status facilities, § 4:10
Judicial review, § 4:79
Land-based units, standards for, § 4:38 et seq.
Land disposal restriction (LDR) records, § 4:25
Landfill standards, § 4:40 et seq.
Land treatment units generally, § 4:45
surface impoundments, § 4:46
waste piles, § 4:47
Manifest requirements, § 4:22 et seq.
Nonhazardous Wastes (this index)
Overview of requirements, § 4:2 et seq.
Permits generally, § 4:4 et seq.
appeals and judicial review of permitting decisions, § 4:79
applicability, § 4:5
application submission, § 4:7
combustion permits, § 4:16
conditions, § 4:9
demonstration permits, §§ 4:14, 4:15
denial of permit, § 4:8
development permits, § 4:14
emergency permits, § 4:13
interim status facilities, § 4:10
issuance of permit, § 4:8
landfills, § 4:41
land treatment demonstration permits, § 4:15
modification, § 4:9
post-closure permits, § 4:17
process generally, § 4:6 et seq.
remedial action permits, § 4:18
research permits, § 4:14
review of permit, § 4:8
rule, permits by, § 4:12
shield, permit as, § 4:5
special forms of, § 4:11 et seq.
standardized permits, § 4:19
term, § 4:9
Post-closure care reports, § 4:28

TREATMENT FACILITIES—Cont’d

Post-closure financial assurance requirements, § 4:32
Post-closure permits, § 4:17
Preparedness and prevention planning, § 4:21
RCRA regulation generally, §§ 2:25, 4:1 et seq.
definition of treatment, § 2:13
facility planning requirements, § 4:3
overview of requirements, § 4:2 et seq.
permits, above planning requirements, § 4:3
procedural requirements, § 4:2 et seq.
substantive requirements, § 4:2 et seq.
Universal Treatment Standards, § 2:19
Remedial action permits, § 4:18
Reports and records, § 4:22 et seq.
Specific standards for facilities, § 4:35 et seq.
Standardized permits, § 4:19
State and federal roles in RCRA administration, § 4:78
Surface impoundments generally, § 4:46
air emission standards, § 4:77
 Tanks standards generally, § 4:36
air emission, § 4:77
Treatment units. Land treatment units, above
Universal Treatment Standards, § 2:19
Waste minimization certification and documentation, § 4:24
Waste piles, § 4:47

TRIBES
See Indian Tribes (this index)

TRUSTS
CERCLA § 107 defenses, § 14:44
CERCLA liabilities of, § 9:82

UNCLEAN HANDS
Generally, § 14:116

UNDERGROUND STORAGE TANK (UST) REGULATIONS
Generally, § 6:1 et seq.
Abatement of releases, § 6:19
Adjacent owners’ remedies, § 6:29
Airport Hydrant Fuel Distribution Systems (AHFSs), § 6:26
Approval of state programs, § 6:27
Brownfields redevelopment programs, § 6:32
Closures, § 6:22
Compatibility, § 6:10
Corrective action requirements generally, § 6:20 et seq.
closures, § 6:22
UNDERGROUND STORAGE TANK (UST) REGULATIONS—Cont’d
Corrective action requirements—Cont’d
  public participation, § 6:21
  releases, §§ 6:18, 6:19
Corrosion protection, § 6:9
Enforcement, § 6:28
Existing systems, upgrading of, § 6:5
Federal facilities, § 8:12
Field-Constructed Tanks (FCTs), § 6:26
Financial responsibility, § 6:23
Grants, Brownfields redevelopment programs, § 6:32
Hazardous substance tanks release detection, leak detection requirements, § 6:16
Indian tribal lands, § 6:31
Initial abatement of releases, § 6:19
Leaking Underground Storage Tank Trust Fund, § 6:32
Leaks. Releases, below
  Lender liability, § 6:24
MTBE, § 6:30
Notification requirements, § 6:6
Operating requirements
generally, § 6:7 et seq.
  corrosion protection, § 6:9
  overfill control, § 6:8
reps, § 6:11
reporting and record keeping, § 6:12
spill control, § 6:8
Operator training, § 6:25
Overfill control, § 6:8
Overview, § 6:2
Periodic testing and inspections, § 6:13
Petroleum tanks
  MTBE, § 6:30
  release detection, § 6:15
Public participation in corrective action requirements, § 6:21
Redevelopment programs, § 6:32
Releases
  abatement measures, § 6:19
  adjacent owners’ remedies, § 6:29
  confirmation, § 6:17
  corrective action requirements, above corrective actions, § 6:18
detection
generally, § 6:14 et seq.
hazardous substance tanks, § 6:17
hazardous substance tanks, requirements,
  § 6:16
petroleum tanks, § 6:15
initial abatement measures, § 6:19
investigation, § 6:17

UNIFORM COMPARATIVE FAULT ACT
  Generally, § 12:75

UNIFORM CONTRIBUTION AMONG TORTFEASORS ACT
  Generally, § 12:75

UNIVERSAL TREATMENT STANDARDS
  Definitions, § 2:19

UNIVERSAL WASTE
  Definitions, § 2:18

UNIVERSAL WASTE HANDLERS
  Generators, § 3:8

UNJUST ENRICHMENT
  Generally, § 14:119

USED OIL
  Definitions, § 2:17

USEFUL PRODUCT
  Definition, § 14:85

VENDOR AND PURCHASER
  See Real Estate Sales (this index)

WAIVER
  Generally, § 14:117

WASTE PILES
  RCRA regulation, § 4:47

WATER
  See Groundwater Monitoring (this index)

WHISTLEBLOWER PROTECTIONS
  Generally, § 9:169 et seq.
  See also CERCLA (this index)

WORDS AND PHRASES
  See Definitions and Acronyms (this index)
WORKPLACE
CERCLA definitions, § 14:79