Law of
Chemical Regulation
and Hazardous Waste

by Donald W. Stever

Volume 1
Dedication

For June Lily Stever
1919–1985
and
To Margo and the children
Preface

New features and recent developments in this release include:

- Chapter 2 (Toxic Substances Control Act) updates include EPA’s regulatory implementation of revised significant new use rule requirements, a discussion of EPA’s failed effort at negotiated rulemaking, EPA’s detailed procedures for chemical substance risk evaluations and procedures for prioritizing chemicals for risk assessments.

- Chapter 5 (Hazardous Waste Regulation) updates include a detailed discussion of EPA’s efforts to address “reclaimed” material following judicial rejection of key aspects of its initial attempt to define in American Mining Congress v. EPA and the recent fate in the DC Circuit of EPA’s re-issued rule that attempts to address the faults the court found in the first rule.

- Chapter 6 (Emergency and Remedial Response) updates include a new analysis of how military contractors and Native American tribes factor into “owner” and “operator” liability, an analysis of recent case law addressing industrial property seller liability and indirect “operator” liability.

- Chapter 7 (Air, Wastewater) updates include new MACT requirements for several source categories and a discussion of EPA’s recent difficulty in the courts with its attempt to use surrogate treatment technologies for certain compounds required to be addressed by the 1990 Amendments to the Clean Air Act.
About the Author

Donald W. Stever is an environmental lawyer with more than 50 years of civil, criminal and administrative and counseling experience. He is a retired partner of K&L Gates LLP and continues to consult independently on select environmental matters. His practice has included air, water, solid and hazardous waste, hazardous substance contamination and remediation, noise, environmental impact assessment, natural resource damages, environmental tort and constitutional environmental litigation, oil spill counseling and litigation, and maritime environmental compliance counseling. His experience also includes significant transactional experience, having managed environmental due diligence and transactional negotiations for hundreds of merger & acquisition, project finance, and capital markets transactions across the globe. He has also provide advice to foreign government on their structuring of environmental regulatory programs.

Mr. Stever began his environmental law career in 1969, as New Hampshire’s first environmental assistant attorney general. He litigated numerous air, water and waste cases in New England during the following decade, and assisted in the development of the principal environmental programs in the State during that time period. After a one-year visiting professorship at Dartmouth College, during which he wrote a book dealing with nuclear power plant licensing, he continued his career at the federal level, becoming a senior trial counsel and subsequently Section Chief in the United States Department of Justice in Washington, D.C. In his position, Mr. Stever was responsible for all pollution and hazardous waste litigation in which the United States was a plaintiff or a defendant. He was responsible for advocating the federal government’s position in the leading environmental cases of the late 1970s and early 1980s.

Mr. Stever moved to New York in 1982 to help establish a new environmental law program at Pace University School of Law. While at Pace, and while practicing environmental law as special counsel to the Connecticut-based law firm of Day, Berry & Howard, he wrote Law of Chemical Regulation and Hazardous Waste, which remains one of the leading sources on the topic.
In addition to his academic work and law practice, Mr. Stever has long been affiliated with the non-partisan Washington D.C.-based Environmental Law Institute, having served on its board of directors and executive committee for many years, and as chairman of the board from 1995 until 2003. He is currently a member of ELI’s Leadership Council. He is an elected Fellow of the American College of Environmental Lawyers, has been listed as Preeminent by peer reviewed Martindale-Hubble for more than thirty years, and has been listed in Chambers USA-America’s Leading Lawyers for many years.

He received a J.D. from the University of Pennsylvania Law School and a B.A. (cum laude) from Lehigh University.
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