

GUIDE SERIES 4 – SELECTED RESEARCH TOPICS



Guide 4C - ENVIRONMENTAL LAW RESOURCES

"Environmental Law" extends into many broad areas of interest: hazardous waste, air, water, natural resources, land use, wetlands, toxics and pesticides. In addition, environmental law can tie into criminal law, real property transactions, labor and employment, lender liability, director and officer liability, tax, insurance and bankruptcy.

This brief guide will focus on Federal and California environmental laws and regulations, and will highlight the resources available to you here at the Law Library. If you need help in locating materials in this subject area, just ask a reference librarian. For starters, here are some sources of information.

SELECTED FEDERAL STATUTES

RCRA

Resource Conservation & Recovery Act Of 1976, P.L. 94-580, 90 Stat. 2795. 42 USC 6901 et seq. ("RCRA")

RCRA provided for the management of hazardous waste from "cradle to grave," meaning from the initial generation through treatment, transportation, storage and final disposal of such wastes. It also strengthened protection of ground water.

CERCLA

Comprehensive Environmental Response, Compensation, and Liability Act Of 1980, P.L. 96-510, 94 Stat. 2767. 26 USC 4611 et seq.; 42 USC 9601 et seq. ("CERCLA")

This is the "Superfund" law. It filled a gap in RCRA by addressing the cleanup of inactive and abandoned sites. CERCLA imposed reporting and cleanup requirements on responsible parties. It allowed the Federal government to clean up sites and recover costs. The "Superfund" is financed by specific taxes and is replenished by recovered costs.

SARA

Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499, 100 Stat. 1613. 26 USC 4611 et seq.; 42 USC 9601 et seq.; 11001 et seq. ("SARA")

SARA added more detail to CERCLA by defining cleanup standards and adding settlement provisions to ease the burden of litigation. Title III became the Emergency Planning and Community Right-to-Know Act of 1986. Title III requires companies to make public information concerning hazardous substances and requires establishment of community and governmental plans and responses to emergencies.

SELECTED FEDERAL REGULATIONS

Research usually begins with the statutes, and then moves to the regulations. You can find the rules under which the Environmental Protection Agency operates in Title 40 of the *Code of Federal Regulations*. (KF 70 .A3 C63) In addition to the EPA, the Department of the

Interior, the Department of Agriculture, the Occupational Safety and Health Administration and other agencies have their own sets of regulations.

BOOKS AND PRACTICE MATERIALS

Environmental Crimes (1992) **KF 3775 .C38 1992**

Environmental Crimes Deskbook (1996) **KF 3775 .E4665**

Environmental Law Handbook (1997) **KF 3775 .E473** (Current edition in Open Reserve)

Environmental Law Lexicon (1992) **KF 3775 .A68 R67 1992**

Environmental Law Reporter, Environmental Law Institute, **KF 3775.A6 E5** (Current material online)

Environmental Protection Deskbook (1995) **KF 3775 .S55 1995** (Open Reserve)

Environment Reporter, Bureau of National Affairs, (current) **KF 3775 .A6 E49**

Environmental Statutes **KF 3775 .A29 U55** (Current edition in Open Reserve)

Federal Environmental Regulation of Real Estate (current) **KF 3775 .C76 1993**

Law of Environmental Protection (current) **KF 3775 .L39 1987**

Treatise on Environmental Law (current) **KF 3775 .G7**

The Protection and Management of Our Natural Resources, Wildlife, and Habitat (1997) **KF 3775 .G76 1997**

LEXIS AND WESTLAW

Within the databases in Lexis and Westlaw, you will find Federal and state case law, statutes, legislative history, the Federal Register, Code of Federal Regulations, Congressional Record, bill tracking, environmental law reviews, and much more. Both services now feature more than one hundred data files. Always plan and focus your research toward a specific file before you go online. Remember, use of Lexis and Westlaw is restricted to Golden Gate Law students. See a librarian for more specific help.

CALIFORNIA LAWS AND REGULATIONS

Central coordination of environmental regulation is the function of the California Environmental Protection Agency (Title 14, *Natural Resources*, §§ 19001-19032). Other agencies with responsibilities for regulation and enforcement include the Air Resources Board (Title 13, *Motor Vehicles*, §§ 1900-2500 and Title 17, *Public Health*, §§ 60000-95007), which has oversight over the State's various air pollution control districts; the State Water Resources Control Board (Title 23, *Waters*, §§ 640 -3869, 4000-4007), which has nine regional boards throughout the State; the Department of Toxic Substances Control (Title 22, *Social Security*, §§ 66001-67800.5); and the Integrated Waste Management Board (Title 14, *Natural Resources*, §§ 17000-18813). The office of the Bay Area Air Quality Management District is located here in San Francisco, while this area's Regional Water Quality Control Board is located in Oakland.

Frequently asked question: "What is Proposition 65? Where can I find it?"

"Prop. 65" is officially known as the Safe Drinking Water and Toxic Enforcement Act of 1986. It was approved by California voters as ballot proposition 65. The California EPA has primary responsibility for enforcement. The Proposition applies to certain listed chemicals and to defined business activities. Businesses must warn people prior to exposing them to certain amounts of any listed chemical, and businesses are prohibited from discharging chemicals if they have the potential of migrating into sources of drinking water.

Current California regulations are found in Barclay's Official California Code of Regulations, located on the Plaza level.

BOOKS AND PRACTICE MATERIALS

California Civil Practice: Environmental Litigation, Bancroft-Whitney,
KFC 990 .E58 (Open Reserve)

California Environmental Law & Land Use Practice, Matthew Bender (current).
KFC 610 .C348 1989 (Open Reserve)

California Environmental Law Handbook
KFC 610 .C35 (Open Reserve)

California Environmental Law Reporter, Bender, **KFC 610 .A15 C343** (Plaza)

California Environmental Laws Annotated. Dwyer & Bergsund.
KFC 610 .A29 C354 (Open Reserve)

Guide to the California Environmental Quality Act, **KFC 610 .G85** (Open Reserve)

Practice Under the California Environmental Quality Act, CEB,
KFC 610 .Z9 K67 (Open Reserve)

ENVIRONMENTAL LAW CLINIC

The Environmental Law Clinic operates under the supervision of Professor Helen Kang. If you are interested in the practical applications of litigating environmental claims, drop by the clinic or call the clinic at 415-442-6647.

SELECTED INTERNET RESOURCES

Please see our listing of online resources at www.ggu.edu/lawlibrary/virtual/environmental

For Further Information Consult a Librarian

GOLDEN GATE UNIVERSITY

LAW LIBRARY
2009 – 2010

<http://www.ggu.edu/lawlibrary>