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## Book Review

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## BOOK REVIEW

# HAZARDOUS WASTE REGULATIONS — THE NEW ERA AN ANALYSIS AND GUIDE TO RCRA AND THE 1984 AMENDMENTS.

by Richard C. Fortuna and David J. Lennett:  
McGraw Hill Book Company (1987)

### Reviewed by Leslie M. MacRae\*

During the halcyon days of the late 1960's and early 1970's environmentalists won several major battles in Congress with the passage of the Clean Air and Clear Water Acts. Emphasis was shifted from state pollution regulation of these resources to federal regulation. The growing problem of the proper management and disposal of hazardous waste was lost in the euphoria surrounding the victories associated with the passage of these acts.

The Clean Air Act and Clean Water Act were examined, explained and litigated in detail before Congress decided to adopt the Resource Conservation and Recovery Act (RCRA) of 1976. Despite its importance, the original act contained serious deficiencies which prevented effective regulation, disposal and management of hazardous waste. In 1984, far reaching amendments were adopted by Congress in a package known as the Hazardous and Solid Waste Amendments of 1984 (HSWA).

The Amendments contain detailed alterations and additions to RCRA. Because of the complexity of the law, the regulations adopted to carry out the statutory requirements and the technical nature of the subject area, a crying need has arisen for comprehensive, understandable guides explaining the statutory and regulatory scheme. *Hazardous Waste Regulation — The New Era* is an excellent step in the education of attorneys and their clients to the intricacies of RCRA and HSWA.

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The book's chapters are organized to correspond approximately with the sections of the Code of Federal Regulations' which implement the statutory scheme. However, the authors go beyond just providing a rehash and commentary on the regulations. First, they include a discussion of the history of RCRA and the political environment surrounding the adoption of HSWA. This approach places the law and changes in an understandable context which help explain the policies and deficiencies of the RCRA which resulted in the amendments. The authors also trace the political and administrative policies which retarded RCRA from more effective utilization. Perhaps the greatest strength in the book is the detailed textual explanation of each major section in the RCRA/HSWA scheme. The authors discuss the Act from initial identification of hazardous waste through the cradle to grave regulation of them. They present an understandable expose of the Act and implementing regulations.

The book explains in detail the statutory and regulatory definitions of wastes, both solid and hazardous. Additionally, it examines and interprets the process which is followed to list wastes as hazardous. The authors examine the requirements placed on generators, transporters, storers and disposers including explanations of how required permits can be acquired and retained.

The book is particularly valuable as a tool in explaining and synthesizing the statutory, regulatory, technological and physical aspects of the management and disposal of hazardous waste. The book could be an invaluable addition to the library of attorneys with only limited familiarity with the requirements of RCRA and HSWA, however, attorneys with little experience in the area will find the book complicated but useful in gaining an understanding of the general are of the law. Attorneys with considerable experience in the area may also find the book a valuable tool in understanding the subtleties of the statutory and regulatory framework in order to effectively plan strategies of compliance for their clients.

Actual transporters, storers, disposers or generators may find the book helpful in understanding the goals and requirements impacting their various activities. The book could also serve as a text for students in advanced seminar work in environmental law. However, because of its design, complexity and limited scope, the value of the book as a general environmental text is doubtful. The book's cost may also be a significant drawback to adoption as a student text. (Update to cost \$195.00 a year.)

*Hazardous Waste Regulation — The New Era* is not easy read-

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ing. Careful study of the book, however, helps the reader understand the statutes, regulations and organization of RCRA and HSWA. A detailed topical index and a number of illustrative appendices make the book a valuable quick reference source as well as an overall educational tool. The book is a significant contribution to the literature in the area of environmental law.

