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Olga L. Moya and Andrew L. Fono, Federal Environmental Law, The User's Guide

OLGA L. MOYA AND ANDREW L. FONO, FEDERAL ENVIRONMENTAL LAW, THE USER'S GUIDE, West Publishing Co., St. Paul, MN (1997); 404pp; \$26.75, ISBN 0-314-03721-7.

Olga Moya and Andrew Fono designed this book guide the reader through several federal environmental laws. The book provides law students, engineers, attorneys, and concerned citizens who have limited experience in environmental law with a simplified yet comprehensive guide to several prominent environmental statutes. *The User's Guide* provides a wide variety of additional legal resources including executive orders, agency regulations, and relevant statutory and judicial citations. The authors use a simple and brief outline for each covered statute, providing a complete overview, guiding the reader directly to the relevant sections necessary in federal environmental litigation.

The User's Guide begins with an introduction into administrative law. Using the Environmental Protection Agency as its analytical focus, this first chapter leads readers through administrative rulemaking processes, adjudications, and agency enforcement actions. The chapter describes the steps a litigant must take to challenge an agency decision under the Administrative Procedure Act. Also detailed are the different standards of review courts apply when reviewing different levels of administrative action and different judicial remedies courts apply when considering the validity of agency action.

The next chapter explores the policies supporting the National Environmental Policy Act and its practical application. The outline describes in detail each step agencies must perform to satisfy the statute. The authors explain the substantive contents of each procedural step when an agency must perform a particular statutory requirement, and provides judicial and regulatory citations demonstrating the applicability of particular statutory sections.

Chapter Three explores and simplifies the structure of the Resource Conservation and Recovery Act ("RCRA"). Blending both the regulatory and statutory provisions into a clear, step-by-step analysis allows practitioners to determine what constitutes solid and hazardous waste, who is subject to RCRA regulation, and how to comply with the statute. This chapter also describes the role of the government and citizens in enforcing the statute, and different remedies available to courts when reviewing regulations, permits, or other final agency actions.

Next, the book covers a statute related to RCRA, the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). After a brief overview of CERCLA's history and origin, Chapter Four explains how it provides for cleaning up contaminated sites, and who is liable for paying the cleanup costs. This chapter clearly sets out each of the statutory and regulatory elements necessary to find liability, and provides a detailed breakdown, complete with judicial and statutory citations, interpreting the

requirements of each element. The outline describes the scope and applicability of the statute's exemption and defenses to liability. The chapter concludes by stating the serious consequences of failing to comply with the statutory requirements.

Chapter Five covers the Clean Air Act ("CAA"). It describes the federal and state roles in implementing and enforcing the Act. The chapter discusses the statutory mandates for determining air quality standards and the regulations guiding state permitting programs designed to meet the standards. The chapter also provides a detailed description of the CAA's permitting procedures and requirements, and the enforcement mechanisms available to agencies and citizens when individuals fail to satisfy permit requirements.

The book's final chapter covers the Clean Water Act ("CWA"). Beginning with a concise statement of the elements necessary to determine when a CWA violation exists, the chapter then describes the federal and state roles in implementing, enforcing, and varying the act's provisions. The chapter analyzes the Act's permitting requirements, and describes when particular permits are required and the degree of technology different dischargers must use to comply with the Act. The chapter briefly deals with the Act's wetlands protection program, oil spill program, and nonpoint source pollution program, as well as the permitting requirements necessary to comply with each program. Finally, the chapter concludes with a description of the Act's enforcement, penalty, and citizen suit provisions designed to promote compliance with the Act, and ultimately, a cleaner environment.

Michael Fischer