
Index

- 33/50 program, 37
60 Minutes, 163
- Administrative Dispute Resolution Act, 7
Administrative Procedure Act (APA) of 1946, 5, 95, 101, 117
Advance Notice of Proposed Rulemaking, 140
Agreement-In-Principle, 120
Altshuler, Alan, xiii
American democracy, 233
American Lung Association, 123, 145
American Petroleum Institute, 103, 120, 122, 123, 143, 159, 164, 165, 233
ANPR. *See* Advance Notice of Proposed Rulemaking
Antiregulatory, 2, 71, 80, 179
APA. *See* Administrative Procedure Act of 1946
API. *See* American Petroleum Institute
Archer Daniels Midland, 119
ARCO, 119, 141
Association of State and Territorial Solid Waste Management Officials, 115
Association of State Underground Storage Tank Cleanup Funds, 210
Auto-Oil Air Quality Improvement Research Program, 121, 122
- Bardach, Eugene, 89, 130
Barke, Richard P., 69
Beardsley, Dan, 37
Benveniste, Guy, 94
Benzene, 16, 105, 106, 109, 110, 128, 144, 157
Best Management Practices, 148, 207
Blue Ribbon Panel, 123, 124, 131, 140, 141, 148–149
Boutique fuels, 143
BP, 143
Braybrooke, David, 22, 23, 24, 31
Bressers, Hans Th. A., 241
Breyer, Stephen, 66, 92
Brownfield
 revolving loan fund, 205
 sites, 202
Bryner, Gary C., 81, 119
Bush, George H. W., 14, 16, 18, 127
Bush, George W., 12, 142–143
- CAA. *See* Clean Air Act Amendments of 1990
Cahn, Matthew A., x, xiv
California Air Resources Board, 15, 69
California Energy Commission, 65, 74, 125
 and information programs, 86
California Environmental Policy Council, 138
California study, 125, 131, 141, 147

- CARB. *See* California Air Resources Board
- Carrot-and-stick approach, 236
- CERCLA. *See* Comprehensive Environmental Response, Compensation, and Liability Act
- Chemical Manufacturing Association, 38
- Chevron gasoline, 115
- CITGO, 128
- Clarke, Michael, 73
- Clean Air Act Amendments of 1990, 14, 15, 21, 69, 75, 83, 102, 117, 118, 121, 124, 125, 126, 127, 223, 224
- cleaner-burning reformulated gasoline, 101
- MTBE, 104, 118, 141
- Clean Air Act of 1970, 102, 141, 195
- Clean Fuel Negotiated Rulemaking Committee, 10
- Clean Water Act of 1972, 121, 162, 190, 232
- Clinton, William J., 37, 140, 142, 206
- CMA. *See* Chemical Manufacturing Association
- Coglianesse, Cary, 8, 10, 34, 69
- Cohen, Steven A., ix, x, xiii, xiv, 240
- Columbia University, xiii, 219
- Command-and-control regulation, ix, 27, 37, 81
- critiques of, 1, 79
- regulatory devices, 75
- underground storage tanks, 179, 180, 236
- Common Sense Initiative, 37–38
- Compliance
- definition, 44
- determining the degree of, 54
- Compliant behavior, 44
- Comprehensive Environmental Response, Compensation, and Liability Act. *See* Superfund
- Congressional Research Service, 160, 164
- Connecticut Enforcement Plan, 93
- Consensus-based regulation
- negotiation. *See* Negotiated rule making
- Constituency organizations, 65
- Consumer Product Safety
- Commission, 72
- CPSC. *See* Consumer Product Safety Commission, 72
- Cross-media environmental pollution. *See* Methyl Tertiary Butyl Ether
- CSI. *See* Common Sense Initiative
- Cybernetic mechanisms, 22–24, 32, 228
- Danaceau, Paul, 94
- Davis, Governor Gray, 125
- DeLeon, Peter, 234
- Department of Agriculture, 86, 94
- Design for the Environment, 38
- DfE. *See* Design for the Environment
- Dryzek, John S., 241, 243
- Dunlap, Riley E., 73
- Dunn, William N., 53
- Durant, Richard F., 69
- Eads, George C., 82, 94
- Economic incentives, 81–84
- EIL. *See* Environmental Impairment Liability
- Energy Bill HR 6, 143
- Energy Star, 37
- Environmental Impairment Liability, 84–85
- Environmental Protection Agency (EPA). *See* United States Environmental Protection Agency
- Ethanol, 105, 114, 117, 118, 138
- Ethylbenzene, 128
- Ex ante analysis, 57, 223, 224
- and underground storage tanks (*see* Underground storage tanks)

- Ex post review, 57, 58, 190, 193, 223, 224
- Externalities, negative, 3
- Feasibility Assessment Technique (FAT), 53
- Federal Advisory Committee Act, 119
- Federal Aviation Administration, 94
- Federal Communications Commissions, 69
- Federal Register, 31, 72, 119, 140, 145
- Ferreira, Joseph, 84
- Fiorina, Morris P., 4
- Fischbeck, Paul S., 39
- Fix, Michael, 82, 94
- Food and Drug Administration, 86
- Franklin, Pamela, 124, 126
- Freeman, A. Myrick, 79, 88
- Fuel Additives. *See* Methyl Tertiary Butyl Ether
- Fuel Spills. *See* Methyl Tertiary Butyl Ether
- Furlong, Scott R., 8
- Garbage can policymaking, 240
- Garcia-Johnson, Ronnie, 38
- Geffen, Donald A., 81
- General Services Administration, 161
Good Morning America, 163
- Gore, Al, 7
- Gresham's Law, 93
- Groundwater contamination
and MTBE (*see* Methyl Tertiary Butyl Ether)
and USTs (*see* Underground Storage Tanks)
- Hahn, Robert W., 83
- Hammer Provision, 6
- Harter, Philip J., 7, 10, 120
- Hawkins, Keith, 87, 92, 94
- Hazardous and Solid Waste Amendments (HSWA), 12, 13, 14, 44, 75, 196, 198
background, 9
and State Program Approval (SPA), 218
strategic priorities, 32, 33
and underground storage tanks, 156, 165, 166, 171, 174, 177, 179, 181, 184, 187, 197, 206, 209, 217, 219, 232, 233
- Hazardous and solid waste regulation. *See* Superfund
- Hazardous materials
definition, 11
policy background, 12, 24–25
- Hazardous Waste Superfund Program. *See* Superfund
- Hazardous wastes, 11
- Health Effects Institute, 123, 131, 147
- Hedge, David M., 94
- Heffron, Florence, 69, 95
- HEI. *See* Health Effects Institute
- Heinz, John, 59
- Hermanson, Judith A., 72
- Hoffer, C. W., 26, 46
- HSWA. *See* Hazardous and Solid Waste Amendments
- Incremental decision making, 34, 46, 228–230, 233, 239
- Incremental policymaking, 22–24, 151, 226, 234, 239,
- Indiana Department of Environmental Management, 138
- Induced compliance. *See* Underground storage tanks
- Ingraham, Patricia W., 241
- Ingram, Helen, 58, 59, 60, 131, 217, 234
- Insurance programs, 84
and occurrence policy, 85
- Interest-based bargaining, 99, 231, 233
- Interest-based lobbying, 231
- Interest-based politicking, 233
- Internal Revenue Service, 89, 92, 182, 189, 206

- Interstate Commerce Commission, 69
 IRS. *See* Internal Revenue Service
- Jones, Patricia E., 24, 46
- Kagen, Robert, 1
- Kamieniecki, Sheldon, ix, x, xiii, xiv, 73, 83
- Keller, Arturo, 107, 109, 110, 147
- Kerwin, Cornelius M., 5–6, 8, 10, 69
- Kraft, Michael K., xi, 73
- Leaking Underground Storage Tank Amendments Act of 1997. *See* Underground storage tanks
- Leaking Underground Storage Tank trust fund. *See* Underground storage tanks
- Light, Paul, xiii
- Lindblom, Charles E., 22, 23, 24, 31, 129, 233
- Linder, Stephen H., 43, 241, 242
- Los Angeles Regional Clean Air Incentives Market, 83
- Lowi, Theodore J., 4, 5, 29, 30, 74, 75
- LUST. *See* Leaking Underground Storage Tank trust fund
- Lyondell Chemical Company, 123
- MacMillan, Ian C., 46
- Maine Department of Environmental Protection, 128
- Management Information Systems, 226
- Marcus, Alfred A., 81
- Market-based regulation, 26–27, 81–84
 Los Angeles Regional Clean Air Incentives Market, 83
- Market-based solutions, 234
- Marz, Roger, 93
- Mazmanian, Daniel, 74, 87
- McCarthy, James E., 106
- McFeeley, N., 69, 95
- McGarity, Thomas O., 9
- McKean, Roland N., 92, 93
- McRae, Gregory, 83
- Meier, Kenneth J., 26, 27, 29, 83
- Menzel, Donald C., 94
- Mercer, James L., 239
- Methyl Tertiary Butyl Ether (MTBE), x, xiv, 3, 4, 14–18, 21, 71, 96, 97, 101, 116, 117–133, 135, 145, 224, 225, 229, 231, 234, 235, 236, 239, 240, 243
 and Agreement-in-Principle, 120
 and airborne pollutants, 106–107
 and Alaska, 113, 136–137, 141
 and Arizona, 113
 background, 14–17, 141
 biological degradation, 103, 106
 and California, 113, 136, 138
 and Colorado, 114, 136, 139
 and cross-media environmental pollution, 230
 environmental impacts, 102, 106, 148
 Feasibility Assessment Technique, 53
 and fuel additives, 102, 103
 and fuel spills, 108, 109
 gasoline additive, 102
 and groundwater contamination, ix, 107–109
 health issues from, 105
 and Illinois, 136, 138
 and Iowa, 136, 138
 and Lake Tahoe, 113
 magnitude of contamination, 110–115
 and Maine, 136, 138
 and Maryland, 136, 138
 and Missouri, 136, 139
 and NESCAUM, 125, 139
 and New Hampshire, 136, 139
 and New Jersey, 114
 and New Mexico, 115
 and New York, 136, 139
 and North Carolina, 136, 139
 and Ohio, 136, 139
 and regulatory failure, 233
 remediation, 109

- and Rhode Island, 115
- Science Advisory Committee, 146
- surface water contamination, 109
- and Texas, 115
- use of, 103–105
- and underground storage tanks,
 - 107, 108, 111, 114, 123, 129, 203
- and Washington state, 115
- Miller, Norman, 81
- Mintzberg, Henry, 32
- Mitnick, Barry M., 92, 94
- Mobile gasoline, 115
- MTBE and Fuel Oxygenates
 - Workgroup Newsletter, 115
- MTBE. *See* Methyl Tertiary Butyl Ether

- National Academy of Public
 - Administration (NAPA), 14, 39, 155, 173, 174, 175, 178, 184, 187, 196, 199, 205, 217, 222, 229
 - Hazardous Waste Management Program, xiii, xiv
 - and party analysis, 170–171
 - planners (*see* Planners)
- National Environmental Policy Act, 130
- National Fire Protection Association, 173
- National Highway Traffic
 - Administration, 80
- National Oil Jobbers Council, 165
- National Performance Review, 7
- National Pollution Discharge
 - Elimination System, 90, 91
- National Priority List, 12
- National Research Council, 123
- National Resources Defense Council, 120, 123, 124, 125, 231
- National Water-Quality Assessment, 110, 116
- Negotiated Rule Making, 234
 - Act, 144
 - background, 6
 - reformulated gasoline regulation
 - background, 119–120, 144
- Nelson, Richard, xiii
- NEPA. *See* National Environmental Policy Act
- NESCAUM. *See* Northeast States for Coordinated Air Use Management
- New Deal, 5
- New England Interstate Water
 - Pollution Control Commission, 111
- New Jersey Department of
 - Environmental Protection, 114
- New Mexico Department of
 - Environmental Protection, 115
- New York Times*, 209
- NFPA 30. *See* National Fire Protection Association
- NJDEP. *See* New Jersey Department of Environmental Protection
- Nondecision making, 33, 151
- Nonstrategic regulatory planning and
 - Clean Air Act, 118
- Non-zero-sum, 74–75
- Northeast Regional Fuels Task Force, 139
- Northeast States for Coordinated Air
 - Use Management, 125
- NPDES. *See* National Pollution Discharge Elimination System

- O'Brien, Robert M., 73
- Occupational Safety and Health
 - Administration, 69, 70, 86, 93, 94, 183
- Offeror System, 72, 73
- Office of Air and Radiation. *See* United States Environmental Protection Agency
- Office of Budget and Management. *See* United States Environmental Protection Agency
- Office of Emergency and Remedial
 - Response. *See* Superfund
- Office of Management and Budget, 6
- Office of Mobile Sources. *See* United States Environmental Protection Agency

- Office of Research and Development.
See United States Environmental Protection Agency
- Office of Solid Waste and Emergency Response (OSWER). *See* United States Environmental Protection Agency
- Office of Solid Waste. *See* Superfund
- Office of Surface Mining, 94
- Office of Toxic Substances. *See* United States Environmental Protection Agency
- Office of Underground Storage Tanks (OUST), 159, 161, 183, 184, 197, 199, 206, 211, 212, 216, 218, 237
- Office of Waste Programs Enforcement. *See* Superfund
- Office of Water. *See* United States Environmental Protection Agency
- O'Leary, R., 71
- OMB. *See* Office of Budget and Management
- On-site inspections, 64
- OSHA. *See* Occupational Safety and Health Administration
- OSWER. *See* Office of Solid Waste and Emergency Response
- OUST. *See* Office of Underground Storage Tanks
- Oxyfuel Program. *See* Wintertime Oxyfuel Program
- Oxygenated Fuels Association, 122, 125
- Oxygenates, 101
- Paperwork Reduction Act, 88
- Peace Corps, 68
- Performance standards, 92
- Peters, Guy, 43, 208
- Peters, Thomas J., 43, 241, 242
- Pettus, Beryl E., 86, 94
- Pilot testing, 230
- Planners, 14, 18, 172, 180–185, 187–190, 197, 198, 206, 212, 236, 237
- EPA, 178, 179, 235
- NAPA, 179, 235
- Pollution insurance, 172
- Postimplementation evaluation, 150, 197, 222
- Prakash, Aseem, 66
- Preimplementation policy, 150
- Pressman, Jeffrey L., 26
- Probst, Katherine N., 85
- Project XL, 37
- Rabe, Barry G., 88, 91
- RCRA. *See* Resource Conservation and Recovery Act
- Reagan, Ronald W., 2, 34, 35, 118, 121, 126, 165
- RECLAIM. *See* Los Angeles Regional Clean Air Incentives Market
- Refiners' association, 120
- Reformulated Gasoline Program, 101, 102, 106, 116, 124, 130, 138, 141, 145, 223, 224, 231
- Reg-neg. *See* Negotiated rule making
- Regulatory devices, 74
 and actors, 68
 and adjudication, 95–96
 amount of behavioral change, 67
 conditions influence compliance, 64–68
 constituency organizations, 65
 and decision structures, 73
 and economic climate, 73
 and financial responsibility, 168, 171
 influence of target population, 65–67
 and inspections, 93–95
 and licensing, 90
 and noncompliance, 67
 and penalties, 92, 93
 and permits, 90–91
 and politics, 71–72
 and regulating agency, 68
 and risk preferences, 67–68
 and taxes and fees, 86
 timetables, 69
 and tracking, 88–90
 and underground storage tanks, 179, 181
- Regulatory Flexibility Act, 88
- Regulatory impact analysis, 226

- Regulatory intervention, 56–57
- Renewable Fuels Association, 142
- Resource Conservation and Recovery Act of 1976 (RCRA), 12, 24, 25, 107, 165
- amendments, 165, 233
- and hazardous wastes, 162
- insurance programs, 84
- and leaking underground storage tank trust fund, 198, 200, 202, 209
- rulemaking process, 9
- and underground storage tanks, 232
- Resources for the Future, 39
- RFG. *See* Reformulated Gasoline Program
- Rhode Island Department of Health, 115
- RIA. *See* Regulatory impact analysis
- Risk-based Graduated Inspection and Enforcement Policy. *See* Underground storage tanks
- Rosa, Eugene A., 73
- Rosenbaum, William A., 10, 14, 64, 81, 241
- Rourke, Francis E., 68
- Rulemaking
- and Environmental Protection Agency, 9–10, 167
- history, 5–7
- process, 5
- Sabatier, Paul, 74, 87
- Safe Drinking Water Act of 1974, 140, 162, 232
- Salamon, Lester M., 1
- Salisbury, Robert H., 59, 73, 74, 75
- SARA. *See* Superfund Amendments and Reauthorization Act
- SCAQMD. *See* South Coast Air Quality Management District
- Schendel, D., 26, 46
- Schneider, Anne Larson, 234
- Scicchitano, Michael J., 93
- Security and Exchange Commission, 71
- Self-regulation, x, 64
- regulatory devices, 74–76, 79
- and underground storage tanks, 179–180
- viability, 55, 80–81
- Senate Environment and Public Works Committee, 210
- Sexton, Ken, 81
- Shafe, David, 83
- Sierra Club, 120, 124, 125
- Silvers, Julie, 83
- Society of Independent Gasoline Marketers, 165
- Solid Waste Amendments of 1984, 3
- Solid Waste Disposal Act of 1976, 156, 165
- South Coast Air Quality Management District, 83
- SPA. *See* State Program Approval
- Sparrow, M., 1
- Specification standards, 92
- State financial assurance funds. *See* Underground storage tanks
- State program approval. *See* Hazardous and Solid Waste Amendments
- Steel Tank Institute, 164, 165, 170, 233
- Steinbrunner, John D., 22, 24
- Stone, Alan, 82, 87
- Stovepipe thinking, 230
- Strategic Planning, x, 25–26, 35, 61, 133, 151, 226, 228–230, 231, 235, 239, 241, 243
- Environmental Regulation Through Strategic Planning* (1991), ix, xiii
- Strategic Regulation Formulation, 17, 46, 47, 53, 54, 61, 79, 175, 177, 178, 190, 223
- and MTBE, 146–147
- Strategic Regulatory Planning, 3, 14, 17, 18, 25, 40, 44–45, 54, 57, 59, 96, 99, 126, 129, 133, 135, 143, 144, 150, 151, 153, 170, 174, 175, 182, 225–229, 233, 235
- aim of, 226–227
- definition, 26–27
- historical analysis, 49, 223
- identification of parties, 48, 223

- model, 45–46, 59, 75, 78–79, 131, 177–178, 193, 196, 205, 222–224, 234, 238–239
 obstacle, 30, 31
 problem recognition, 47, 223
 situational analysis, 50, 156, 166, 169, 177, 223
 and USTs (*see* Underground storage tanks)
 Superfund, 38, 163, 164, 168, 187, 202, 212, 232
 Act, 162
 Amendments and Reauthorization Act, 13, 165, 168, 200, 209
 insurance programs, 84–85
 legislation, 84, 232
 and office of emergency and remedial response, 199
 and office of solid waste, 199
 and office of waste programs enforcement, 199
 reauthorization, 12–13, 165, 166, 168, 234
 Synthetic Organic Chemical Manufacturers Association, 123
 Tank Coalition, 165
 Tankology-NDE International, Inc., 211
 Taypayer Relief Act of 1997. *See* Underground storage tanks
 Tennessee Valley Authority, 69
 Tetra-ethyl, 102
 Thompson, Frank J., 69, 93
 Tiemann, Mary, 106
 Tobin Richard J., 66, 80
 Toluene, 128
 Toxic Release Inventory, 86
 Toxic Substance Control Act of 1976 (TSCA), 11, 12, 140, 143, 156
 TRI. *See* Toxic Release Inventory
 TSCA. *See* Toxic Substance Control Act
 UFC 79. *See* Uniform Fire Code
 Underground chemical tanks, 162
 Underground storage tanks, ix, x, xiii, 3, 4, 21, 24, 44, 71, 96, 146, 197, 201, 207, 211, 212, 222, 225, 229, 233, 236, 237–240, 243
 background, 12–14
 California Study, 148
 and corrective action, 167–168
 and Durenberger and Ritter bills, 164
 and Durenberger, Senator David, 163
 and ex ante analysis, 186
 Feasibility Assessment Technique, 53
 Fields Initiative, 197, 202, 205
 Fields, Timothy (administrator), 202, 203, 215
 and groundwater contamination, 156–157, 162, 224
 Horinko, Marianne (administrator), 215
 and induced-compliance, 181, 182, 185, 187, 206, 217, 236
 and Ingram's framework, 196, 205, 222
 and joint and several liability, 164, 171, 172–173
 Leaking, 158–160, 163–164, 231, 235
 Leaking Underground Storage Tank Amendments Act of 1997, 210
 and Leaking Underground Storage Tank Trust Fund, 166, 197, 198, 199, 202, 203, 205, 210
 and monitoring, 167
 and MTBE. *See* Methyl Tertiary Butyl Ether
 and national surveys, 161–162
 and new tank standards, 167
 and One Cleanup Program, 211
 overview, 155
 problem, 156–157, 190, 224
 program initiative, 202, 208
 program, 170, 189, 216, 217
 releases, 108, 128, 168, 169, 171, 203, 218, 219

- risk-based graduated inspection and enforcement policy, 189
- and Ritter, Congressman Don, 163
- and Senate Environmental Subcommittee Hearings, 163
- and state authorization, 169
- and State Financial Assurance Funds, 203–205
- and strategic regulatory planning, 185–188, 190, 191, 193, 196, 197, 200, 205, 207, 209, 211, 213, 219, 222, 223
- and surface water, 157
- and Taypayer Relief Act of 1997, 198
- and “yank-a-tank” program, 160
- Uniform Fire Code, 173
- United States Capitol, 161
- United States Environmental Protection Agency (EPA), ix, xiii, 5, 11, 15, 21, 38, 39, 40, 44, 45, 69, 73, 196, 207, 208, 229, 232, 233, 235
- and background of MTBE, 102, 103, 104
- banking policy, 82
- bubble policy, 82
- and contaminant candidate list, 140, 141
- and Gorsuch-Burford, Anne, 163
- and Hazardous and Solid Waste Amendments (*see* Hazardous and Solid Waste Amendments)
- hazardous waste policy, 24–25
- Implementation Division, 206
- and leaking underground storage tanks (*see* Underground storage tanks)
- and Lavelle, Rita, 163
- magnitude of Methyl Tertiary Butyl Ether contamination, 110, 111–115
- and MTBE, 116–123, 138–140, 142, 149
- Office of Air and Radiation, 121, 122
- Office of Budget and Management, 31
- Office of Mobile Sources, 121
- Office of Research and Development, 121, 122
- Office of Solid Waste and Emergency Response (OSWER), 9, 175
- Office of Toxic Substances, 161
- Office of Underground Storage Tanks (OUST). *See* Office of Underground Storage Tanks
- Office of Water, 121, 230
- offsets policy, 82
- and party analysis, 170–171
- penalties, 93
- permit systems, 90
- planner. *See* Planners
- and Porter, J. Winston, 199
- problems with Methyl Tertiary Butyl Ether, 103, 107, 108, 110
- regulatory agency, 69–70
- regulatory timetables, 69
- RFG, 119, 120, 123, 138–140
- and Ruckelshaus, William D., 195
- rulemaking process, 8–10
- Science Advisory Board, 145
- Science Advisory Committees, 145
- United States Environmental (*cont.*)
- and self-regulation government programs, 81
- Small Business ombudsman, 171
- toxic Release Inventory, 86
- and underground storage tanks, 13–14, 140, 156, 157, 165, 167, 168, 169, 173–175, 180, 183, 184, 185, 187, 188, 189, 190, 198–202, 211, 218, 219, 222, 236–237, 239
- Whitman, Christie Todd, 143
- United States General Accounting Office, 37
- United States Postal Service, 161
- University of Wisconsin-Green Bay, xi
- Unocal, 143
- U.S. Geological Survey, 116
- USTs. *See* Underground Storage Tanks

- UST Trust Fund. *See* Leaking
- Underground Storage Tank trust fund

- Washington Department of Ecology, 115
- Waterman, Robert H., 32, 208
- Weber, Edward P., 72, 73
- Weidenbaum, Murry L., 87, 88
- West, William F., 69
- Wildavsky, Aaron, 26, 60, 151
- Wilms, Welford W., 65, 74, 83, 86
- Wintertime Oxyfuel program, 104, 111, 116, 122
- White House, 6, 118
- World War II, 10

- Xylenes, 128

- Zero emission vehicles, 69
- Zero sum, 74
- ZEV. *See* Zero emission vehicles, 69