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ENVIRONMENTAL LAW IN CONTEXT

CASES AND MATERIALS

Third Edition



Robin Kundis Craig

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■ ■ ■

By

Robin Kundis Craig

University of Utah S.J. Quinney College of Law

AMERICAN CASEBOOK SERIES®

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*For Mom,
who first taught me the basics of writing
and who encouraged me to get into teaching, with love.*

PREFACE TO THE THIRD EDITION

The Third Edition of *Environmental Law in Context* continues to keep students up-to-date on developments in federal environmental law. It reflects most of the major developments in federal environmental law over the last four years, including:

- A reorganized introduction to environmental justice in the RCRA materials for Chapter 1 that emphasizes the EPA's new environmental justice programs.
- A significant reorganization of the CERCLA section of Chapter 1, to include the three newest Supreme Court decisions and to more clearly present the issues in choosing between Section 107 cost recovery actions and Section 113 contribution actions, including the roles of joint and several liability and equitable apportionment in each.
- In Chapter 2, the Supreme Court's recent decision in *Monsanto* regarding NEPA remedies, plus updates on the various NEPA cases and the CEQ's categorical exclusions guidance.
- In Chapter 3, updates regarding the Northern spotted owl's recovery plan and implementation of protections for the delta smelt, plus a new case and more recent case that better presents the issues involved in designating ESA critical habitat.
- Comprehensive updates in Chapter 4 discussing the EPA's increasing use of its Clean Air Act authority to address greenhouse gas emissions from both mobile and stationary sources, plus a summary of the merits in *American Electric Power Co. v. Connecticut*. Revisions to Chapter 4 also include a new chart detailing the revised NAAQS and updated figures throughout.
- In Chapter 5, two new Supreme Court cases discussing Clean Water Act permitting—*Entergy Corp.*, which discusses the Act's intake water requirements; and the Coeur Alaska gold mine case, which explores the differences between the Section 402 and Section 404 permitting programs. The revisions also update the EPA's continuing efforts to regulate CAFOs.
- Finally, in Chapter 6, the Supreme Court's standing decision in *Summers v. Earth Island Institute* standing decision and a discussion of the Court's (brief) discussion of state standing in *AEP v. Connecticut*.

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