

# Essentials of Environmental Law

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By Craig Simonsen

Instructor s Manual  
(Updated 2002)

Second Edition  
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## **Introduction to the Instructor s Manual**

This manual is an aid for Instructors that are using the *Essentials of Environmental Law* textbook. The chapters and appendices here correspond directly to the textbook chapters and appendices.

Also included here are useful materials for teaching the course. For instance, the Internet materials and links on the Pearson Publications website (at Att. 1) provide update and current information in environmental law, and provide a wealth of Internet links, including a linking copy of App. D references; the syllabus (at Att. 2) lays out the whole course on a fourteen week schedule, with requirements, reading schedule, tests and assignments. A mid-term exam is included (at Att. 3), which covers the preface, introduction, and the first three chapters. The exam in MS Word version (quiz01.doc), in columnar format, with the answers given in the right-most column (which column, of course, should be deleted before distribution to the class!). Also, an HTML version of the exam (quiz01.htm) is provided without the answers column.

It is suggested that instructors require their class to visit, individually (or in small groups), a local EPA library, or an environmentally friendly university library. A visit certificate is provided (Att. 4) for students to show their participation. A suggested research paper is described and specified (at Att. 5).

A final examination is included (at Att. 6). The final is definitely intended for either take home or the computer laboratory, and is suited to an open-book form. The final, in MS Word version (final.doc), is in columnar format, with the suggested answers given in the right-most column (which column, of course, should be deleted before distribution to the class!). Also, an HTML version of the final (final.htm) is provided without the answers column.

Finally, for schools and instructors that wish to use the Blackboard.Com coursesite prepared that corresponds directly to the textbook, some related information is provided (at Att. 7).

## **Suggestions for Course Presentation**

The following chapters provide brief chapter outlines, with some annotations, to assist instructors in their lectures. In addition, supplemental suggested assignments and supplemental discussion questions and questions for pop quizzes are provided. As there may be considerable diversity in course structures and curriculum in paralegal and legal assistant education programs, suggestions and comments in the Instructor's Manual are only for your consideration in teaching with the corresponding textbook.

## **In the School s Library Reserve Section**

There are a couple of resource books recommended for the reserve shelf in your school s library to supplement the textbook. These volumes can be incorporated into your course outline, through classroom assignments and discussion.

The first is a reference book, the *Environmental Law Resource Guide (ELRG)* (New York: Clark Boardman Callaghan, rev. 1994), by Craig B. Simonsen. The *ELRG* is a reference of environmental law acronyms, terms, words, and phrases that in many cases provides definitions and puts them into context. In addition, the *ELRG* lists contact persons in federal and state environmental agencies and consulting firms. The *ELRG* also reviews and illustrates sources of environmental information in electronic and hardcopy form, and provides a comprehensive chronological listing of U.S. EPA policy and guidance documents (that is, a pre-Internet listing — before the U.S. EPA started posting everything on the Internet).

The *Federal Environmental Laws 2000* (West Publishing) provides the full text of environmental laws and lists of related regulations. It is a necessary reference.

### **Comments for Updates and the Corresponding Internet Area**

Instructors are urged and encouraged to submit comments to the author at *pearsonpub@aol.com*. You may also contact Craig (*SimonsenCr@aol.com*) directly with particular questions. He would be grateful for any thoughts or ideas you may have concerning this course or any supplemental links to Internet materials of interest.

Finally, if you like to write and consider yourself knowledgeable on particular topics in or not in the textbook, and if you would like to contribute to the next edition of the book, please let us know.

I hope that you enjoy teaching this course as much as I have!

## **Preface**

The preface was included for multiple purposes. First, it illustrates why a course in environmental law is necessary. Second, the author has in a simple manner described how environmental law really is something that anyone can understand. The whole concept that the lessons that we learned in kindergarten are applicable to understanding environmental law is novel and well stated.

Third, the author has illustrated the vast complexities and troublesome areas associated with environmental law in just a few pages.

In discussion of the preface, instructors are encouraged to delve into some of the complexities that the author touches on. For instance, the idea of swimmers and boaters sharing the same waters; or how something that seems fundamentally unfair, such as Superfund, can be accepted and propounded as the law.

## **Introduction**

## **Discussion**

The introduction is meant to introduce students to the history, background, and development of environmental law. It also illustrates that paralegals working in environmental law can attain both professional and rewarding positions within the legal community. Instructors can take the opportunity of using the introductory materials to introduce themselves and their experiences with paralegals and environmental law to the students.

## **History of Environmental Law**

Instructors are encouraged to review the cited reference work, Anderson, Mandelker, and Tarlock, *Environmental Protection: Law and Policy* (Boston, Mass.: Little, Brown and Company, 1984). The introduction to this volume can provide hours of interesting and useful lecture material.

## **Paralegal's In Environmental Law**

A question that is common with every new class is "what kinds of work will I be able to do in environmental law?" The introduction to the textbook is meant to illustrate common activities. For more discussion on this, instructors can refer to the following outline.

## **PARALEGAL ACTIVITIES IN ENVIRONMENTAL LAW**

- I. General Tasks
  - A. Organization, implementation, and delegation of paralegal projects.
  - B. Legal computer systems analyst/manager:
    - 1. Database and support applications design, implementation, and maintenance.
    - 2. Network and database administration.
  - C. Preparation and organization of:
    - 1. Information resources.
    - 2. Literature and informational updates.
    - 3. Departmental meetings.
    - 4. Client news updates.
    - 5. Client seminars and workshops.
- II. Client Projects
  - A. Information services:
    - 1. Freedom of information request preparation with follow-through to local, state, and federal authorities.
    - 2. Retrieval of publicly available information from the electronic and paper information and library services.
    - 3. Due diligence public information reviews.
  - B. Litigation and administrative law support:
    - 1. Preparation for and assisting with client interviews and meetings.
    - 2. Document organization and analysis.
    - 3. Research and writing.
    - 4. Drafting and review of discovery pleadings.
    - 5. Drafting, review, and cite checking of briefs and other documents.
    - 6. Abstraction of depositions and trial/hearing transcripts, and exhibits.
    - 7. Preparation of trial notebooks, including outlines, citations, supporting materials, and exhibits.

8. Trial assisting.
9. Appellate case support:
  - a. Compilation of the record on appeal.
  - b. Additional research and writing.
  - c. Drafting, review, and cite checking of briefs and other documents.

### **Suggested Assignments**

1. Consider asking your students to visit a local U.S. EPA or state EPA library, seeking out especially environmental research materials. If one is not available, University libraries can be good also. Contact the library before you send your students over, and inform the librarian that they will be coming. Also let them know that your class will have visit certificates and that the instructors would appreciate if the library would complete the forms for the students.
2. Instructors are encouraged to assign a research paper to students. The research paper assignment form (at Att. 5) is specifically intended for the review and analysis of substantive new, proposed, or amended regulations. Instructors are encouraged to ask students to prepare the research paper in an office memorandum format (to get them accustomed to this important form of office communication).

Also, instructors are encouraged to have the students present their research paper findings orally in class. The purpose of the exercise is to get students accustomed to on-the-spot short presentations of something they have researched (of course, a common occurrence in the legal and business community).

### **Supplemental Discussion or Quizzing Questions**

#### Introduction To Environmental Law

1. Why was the preservationist movement politically less attractive than the conservationist movement?
2. Can you identify in today's environmental groups either preservationist and conservationist roots?

#### Legal Responses To Environmental Problems

1. Assuming that environmental torts were available to complainants, why were broad based environmental statutes necessary?
2. In an environmental toxic tort case, is it reasonable to make awards where a disease has potentially been contracted, say, by working in a friable asbestos environment, but where no physical harm is evidenced?
3. Is the fear of cancer enough to compensate? How could compensation be measured?

## **Chapter 1: Clean Air Act**

### **Outline**

- Role of the EPA
- National Ambient Air Quality Standards
- Criteria Pollutants
- State Implementation Plans
- Federal Implementation Plan
- Role of States
- Rulemaking and Permitting Activity
- Technology Standards and Emission Standards
- Reporting Obligations
- Permit Applications
- National Emission Standards for Hazardous Air Pollutants
- Accidental Releases of Hazardous Air Pollutants
- EPA Investigations
- Control Technology Guidelines
- Transportation Controls
- New Source Performance Standards
- Prevention of Significant Deterioration
- New Source Review Requirements
- EPA Enforcement

### **Supplemental Assignments**

1. Instructors can provide students with copies of sample air monitoring reports for a particular facility. Ideally, restrict the reports to a relatively short period of time, such as over a six month period. Have each student prepare a trend analysis of one or more of the sampled constituents listed on the reports.

This is a project that students can do with or without a computer database or spreadsheet program. All that they really needs is some graph paper, and some guidance on the specific parameters that you want graphed. However, doing this in the computer lab on a spreadsheet package would be ideal. Spreadsheet experience is crucial for up-and-coming paralegals!

This assignment can be set-up as follows: Our client has received a notice of violation for its SO<sub>2</sub> emissions from its main processing line. We have a meeting with our client in a week, and so we need to understand just what were the emissions, and whether there were any noticeable trends.

### **Supplemental Discussion or Quizzing Questions**

1. Is it reasonable to combine so called "collar counties" that surround large municipalities in the same air quality management district as the large municipalities?

An example of this is in the Chicago air management district, which includes all of Cook County, and the surrounding counties of Kane (a rural farming area), Lake, DuPage, and others.

## Chapter 2: Clean Water Act

### Outline

- Clean Water Act
- ¥ Rivers and Harbors Act of 1899 ("Refuse Act")
- Federal Water Pollution Control Act Amendments of 1972
- Technology-Based Limitations
- Water Quality Act of 1987
- Five Titles
- National Pollution Discharge Elimination System Permit Program
- Point Source
- Waters of the United States
- Water Pollutant
- NPDES Permitting
- Storm Water Discharges NPDES Permits
- Effluent Limitation Guidelines
- Permit Modifications
- Toxic Effluent Standards
- Enforcement Provisions
- Citizen Suits
- Pretreatment Programs
- Water Quality Standards
- Oil and Hazardous Substances
- Section 311 RQ Spill Notification Provisions
- Section 404 Permits

### Supplemental Assignments

1. Instructors can provide students with copies of sample DMRs for a particular facility. Ideally, restrict the DMRs to a relatively short period of time, such as over a six month period. Have each student prepare a trend analysis of one or more of the sampled constituents listed on the DMRs.

This is a project that students can do with or without a database or spreadsheet program. All that they really needs is some graph paper, and some guidance on the specific parameters that you want graphed. However, doing this in the computer lab on a spreadsheet package would be ideal. Spreadsheet experience is crucial for up-and-coming paralegals!

This assignment can be set-up as follows: Our client has received a notice of citizen suit from the local tree huggers association for exceedences of its outfall no. 003 effluent limitations. We have a meeting with our client in a week, and so need to understand just what were the outfall parameters detected, and whether there were any noticeable trends.

2. Have your students prepare case briefs on cases cited in the chapter by the author. Ask them to state in their briefs whether they agree with the proposition for which the author has offered the case in the text.

- For students looking for extra credit, you can ask them to run Shepards of the cited cases, and to research whether any of the stated propositions have been overturned, or if there are subsequently any better cases there to cite to.

### **Supplemental Discussion or Quizzing Questions**

1. Consider how the current environmental regulatory system is segregated by environmental medium (*e.g.*, Air Division; Water Division). Pose a problem that can illustrate the complexities and issues involved in multimedia environmental compliance.

As an example, consider a situation where you have a large municipal utility plant that is permitted under the CAA to emit 200 tons per year of SO<sub>2</sub>. That plant is down the street from a small manufacturing facility that has received a notice of violation for SO<sub>2</sub> in its storm water effluent. In this scenario, the small manufacturing plant believes, based on weather events and sampling trends that the SO<sub>2</sub> compliance problem is caused directly by the permitted air emissions of the large municipal utility plant up-stream.

- In this example, has the segregated environmental systems, that is the Air Division that issued the permit to emit SO<sub>2</sub>, and the Water Division that has brought enforcement for SO<sub>2</sub> exceedences, failed to properly consider the effects of their decisions?

## **Chapter 3: Toxic Substances Control Act**

### **Outline**

- Authority to Market Chemical Substances
- The TSCA Inventory
- Pre-Manufacture Notices
- EPA Review of Pre-Manufactured Notices
- TSCA Testing Provisions
- Significant New Use Rules
- Regulation of Unreasonable Risk under Section 6 of TSCA
- Polychlorinated Biphenols
- Asbestos
- Reporting and Recordkeeping Requirements
- Enforcement and Penalties under TSCA

In addition, the instructor may wish to provide some discussion on those areas that are outside the scope of the chapter. Those areas might include:

- The preventive regulatory scheme under TSCA as compared to other approaches under other federal environmental statutes;
- The relative priority that TSCA takes in U.S. EPA's overall regulatory enforcement program;
- The explicit focus on certain highly publicized substances under TSCA (PCBs, asbestos, radon).

### **Supplemental Assignments**

1. As a research paper assignment, have the class look up the PCB regulations and answer one or more of the following questions. Require the class to provide complete citations and to quote from the rules to support their answers.
  - One of our new clients is a small electrical appliance manufacturer. Can the client use PCBs in new commercial products manufactured in the United States?
  - PCBs have been detected in a transformer that is being disassembled at a client's manufacturing facility. The fluid in the transformer has been sampled and shows PCBs of over 300 ppm. Can our client dispose of the transformer at a local municipal landfill?
2. Ask the class to locate an administrative decision (either in print or on-line) in an enforcement action under TSCA. Ask for a summary of the decision. For example, what violation did EPA allege? What was the primary issue? How was the case decided? Was a fine or penalty assessed? Does the student agree with the decision?
3. As a research assignment, ask the class to locate a copy of EPA's Regulatory Agenda. Ask the class to describe the rulemakings in progress under TSCA.
4. Ask the class to locate one (or more) general articles about asbestos-containing material in school buildings. Ask the class to locate EPA's document titled "A Citizen's Guide to Radon."

## Supplemental Discussion or Quizzing Questions

1. Many scholars have written that the scare concerning PCBs is way off mark. For instance, it has been suggested that PCBs are less hazardous than peanut butter. The EPA has specifically targeted PCBs for regulation as an especially dangerous hazardous substance.
  - Has the EPA been misdirected in its vigorous regulation of PCBs?
  - If you worked in the EPA's Regional Counsel's office, how would you support the proposition that PCBs represent a grave danger to society?
  - What information supports the argument that PCBs are no more dangerous than other commonly accepted substances?
  - How do the risks associated with PCBs compare to other risks that are generally accepted in our society?
  - What are EPA's preferred methods for disposing of PCBs?
- What is the purpose of the Toxic Substances Control Act?
- What substances are exempt from regulation under the Toxic Substances Control Act?
- How does the regulatory scheme under the Toxic Substances Control Act differ from that under other federal statutes, such as the Clean Air Act and the Clean Water Act?
- How does the Toxic Substances Control Act accomplish its primary goal of regulating the manufacture of chemicals to be used in commerce?
- What is the TSCA inventory?
- What is the approximate number of chemicals listed on the TSCA inventory?
- What is a premanufacture notice or PMN?
- When is a company required to submit a premanufacture notice to EPA?
- What information is required in a premanufacture notice?
- What does the Environmental Protection Agency do once a premanufacture notice is submitted to the Agency?
- What actions can EPA take in response to the company's submittal of a premanufacture notice?
- What is a significant new use rule or SNUR?
- Under Section 6 of TSCA, what actions can EPA take if the Agency decides that a chemical presents an unreasonable risk to human health or to the environment?

- What are PCBs and why are they of concern?
- Why are PCBs explicitly regulated under TSCA?
- How are PCBs regulated under TSCA?
- Under TSCA, what records is a chemical manufacturer required to keep?
- Under TSCA, what reports is a chemical manufacturer required to make to EPA?
- What authority does EPA have to conduct inspections under TSCA?
- What authority does EPA have to enforce provisions of TSCA?
- Does EPA's enforcement authority include potential criminal liability?
- Does EPA typically pursue enforcement initiatives or actions under TSCA?
- How does EPA determine the appropriate amount of any proposed penalties under TSCA?

## Chapter 4: Resource Conservation And Recovery Act

### Outline

- Resource Conservation and Recovery Act
- "Cradle-to-Grave" Management of Solid Waste
- Definition of Solid Waste
- State or Regional Solid Waste Plans
- Municipal Solid Waste Landfill
- Not-in-my-Backyard Syndrome
- Local Siting Rules
- Hazardous Waste Generation, Transportation, Treatment, Storage, and Disposal
- Hazardous Waste Defined
- Characteristic Hazardous Waste
- "Listed" Wastes
- "Mixture and Derived From" Rules
- RCRA TSD Permit Program
- TSD Rules
- Generator Status
- Manifests
- Land Disposal Restrictions
- Underground Storage Tank Program
- State Program Authority
- Enforcement
- "Private Attorneys General"

### Suggested Assignments

1. As a computer lab project, have your students locate the EPA's OSWER section on the Internet. The assignment is to obtain a list of files and other reference documents that relate to the closing of a municipal landfill.
2. Have your students prepare case briefs on selected cases cited in the chapter by the author. Ask them to state in their briefs whether they agree with the proposition for which the author has offered the case in the text.
  - For students looking for extra credit, you can ask them to run Shepards of the cited cases, and to research whether any of the stated propositions have been overturned, or if there are subsequently any better cases there to cite to.

### Supplemental Discussion or Quizzing Questions

1. Many would argue that air toxics represent a far greater danger to society as a whole than a leaking landfill. The EPA has frankly admitted that remediating landfills is a more popular way to spend its time and resources.
  - Is it acceptable that a popular misconception, such as that leaking landfills represent a graver danger than other environmental problems, should drive the EPA in how it spends its time and resources?

2. Assume that your client has to file an application for siting approval from either the state EPA or a local siting authority. The attorney has come to you, the paralegal on the case and asks:
  - Where can we find, or how should we collect the information on transportation accidents required in the siting application?

## Chapter 5: Comprehensive Environmental Response, Compensation, And Liability Act

### Outline

- Comprehensive Environmental Response, Compensation, and Liability Act of 1980
- Superfund Amendments and Reauthorization Act of 1986
- National Contingency Plan
- Uncontrolled Hazardous Waste Site Ranking System
- National Priorities List
- Section 106 Enforcement Action
- Section 107 Cost Recovery Action
- Section 104(e) Information Request
- Section 122 Negotiations and Settlement Provisions
- Nonbinding Preliminary Allocation of Responsibility
- Remedial Investigation/Feasibility Study
- Section 117 Public Participation Provisions
- Community Relations Plan
- Preliminary Assessment
- Site Inspection
- NPL Listing
- Removal action
- Long Term Remedial Action
- Applicable or Relevant and Appropriate Requirements
- Record of Decision
- Remedial Design/Remedial Action

Instructors are also encouraged to provide more detailed lectures on the CERCLA 103(c) notice provisions (include reference to the EPA publications of this data) and the Reportable Quantities program. Also, note the correlation to the chapter 2 discussion of the CWA oil and hazardous substances program. While not covered or necessary in the textbook chapter, these areas can be discussed.

### Suggested Assignments

1. Plan a computer laboratory session. For paralegals, being able to design and setup a database to assist with the waste-in analysis is important. [The NBAR application](#) included with this appendix A is fairly old, and DOS based, but it provides a working database package that students may find easy to use and understand, and instructors may be able to teach from. *See* appendix A for more information about the application.
2. Have the students prepare a FOIA request for a copy of the Regional CERCLIS, or for copies of 104(e) responses for a particular Superfund site.
3. Require that your students visit the U.S. EPA Library to collect the names of selected filers of CERCLA 103(c) notices. For instance, all notices filed for the town of McHenry, Illinois.

A plausible purpose for this assignment is that there is a neighboring Superfund site, and that the Steering Committee is collecting information as part of its PRP search.

4. Initial meetings of Superfund sites can be informative or frustrating. To illustrate an informative start for a typical Superfund PRP group, ask your students to prepare a meeting "Agenda and Handouts" for the meeting. Some suggested items are listed below:

LISTED SUPERFUND SITE  
INITIAL MEETING OF PRPs  
JANUARY 4, 2002

AGENDA AND MEETING HANDOUTS

- I. Introductions
  - II. History of the Site
  - III. Current Status of the Site
  - IV. First Draft Ranking of PRPs
  - V. De Minimis Buyout Proposal
5. Have your students prepare case briefs on the cases cited in the chapter by the author. Ask them to state in their briefs whether they agree with the proposition for which the author has offered the case in the text.
    - For students looking for extra credit, can ask them to run Shepards of the cited cases, and to research whether any of the stated propositions have been overturned, or if there are subsequently any better cases there to cite to.

**Supplemental Discussion or Quizzing Questions**

1. Have your class review the current legislative proposals to re-authorize Superfund. Discuss the proposals and the merits of the various provisions being suggested.

## **Chapter 6: Emergency Planning And Community Right-To-Know Act**

### **Outline**

- Emergency Planning and Community Right-to-Know Act
- Superfund Amendments and Reauthorization Act
- State and Local Preparedness for Hazardous Materials Incidents
- Provision of Information to the Public and to Local Governments concerning Potential Hazardous Material Threats
- State Emergency Response Commission
- Local Emergency Planning Committee
- Emergency Planning Requirements
- Reporting Requirements
- Section 302 EHS-TPQ Report
- Section 304 Immediate Reporting of a RQ Release of a CERCLA Hazardous Substance
- Section 311 Submission of Material Safety Data Sheets
- Section 312 Submission of Emergency and Hazardous Chemical Inventory Form
- Section 313 Submission of Toxic Chemical Release Form
- Other Considerations

### **Suggested Assignments**

1. As a computer lab project, have your students locate and access the Right-To-Know Network ( RTK Net ) on the Internet. As a scenario, explain that we have to file requests to admit in a CERCLA proceeding, and so are particularly interested in obtaining all Toxic Release Form R reports for the defendant in this case. In giving the assignment, instructors may wish to limit the facility being researched to one with only a few reports on file. Students may print the summary information on the filings for the facility, and turn that in for credit.
2. Have the students prepare a FOIA request for copies of all TRI Form Rs and other spill and release events for a particular facility. For instance, request the documents for a plant that has recently been in the local news for having an environmental or a health and safety problem.

### **Supplemental Discussion or Quizzing Questions**

1. What is the benefit for the community of having access to EPCRA reportable information?
2. Can you think of objections that industry might have to reporting its chemical use and process information?

## **Chapter 7: National Environmental Policy Act**

### **Outline**

- National Environmental Policy Act
- First Earth Day
- Creation of the Environmental Protection Agency
- Regulation of Federal Agencies
- Three Titles
- National Policy for the Environment
- Obligations are "Essentially Procedural"
- Council on Environmental Quality
- The "NEPA Process"
- Environmental Assessment
- Categorical Exclusion
- Finding of No Significant Impact
- Environmental Impact Statement
- Major Federal Action
- Significant Impact
- Scoping
- Record of Decision
- Standard of Review

### **Suggested Assignments**

1. Have your class go to a local document depository/library to review a draft EIS for a project that is being considered locally. Specifically, ask them to summarize the EIS file/documents, and ask them to consider whether the EIS is complete when contrasted with the requirements of the Act. Based on the EIS, would they approve of the project as proposed?
2. Have your students compile a list of all notices in the past ninety days of proposed or final EISs. This can be accomplished either through a hardcopy review of the Federal Register, or; through a computer — GPO on the Internet or on Lexis or on Westlaw Federal Register files -- laboratory class. The listing would be turned in for the assignment credit.
3. Have your students prepare case briefs on selected cases cited in the chapter by the author. Ask them to state in their briefs whether they agree with the proposition for which the author has offered the case in the text.
  - For students looking for extra credit, you can ask them to run Shepard's of the cited cases, and to research whether any of the stated propositions have been overturned, or if there are subsequently any better cases there to cite to.

### **Supplemental Discussion or Quizzing Questions**

1. Does the assumption that every decision can be reviewed fairly through a cost-benefit analysis hold up under scrutiny?
  - a. Consider the Oregon spotted owl versus the timber industry case example; or the salmon spawning versus Washington and Oregon State farmers case example.

## **Chapter 8: Administrative Law And Procedure**

### **Outline**

- Administrative Law and Regulations
- Federal Administrative Procedure Act
- Research Tools and References
- Computer Databases
- Written Reference Materials
- Agency Personnel
- Statutes and Regulations
- FAPA's Definitions
- Public Information
- Freedom of Information Act Request
- Rulemaking
- Code of Federal Regulations
- Federal Register
- Hearings and Other Matters
- Agency Decisions, Ex Parte Contacts and the Record
- Permits
- Adjudication
- Appeals
- Right of Review
- Form and Location of Proceeding
- Actions Reviewable
- Relief Pending Review
- Scope of Review

### **Suggested Assignments**

1. Identify a hearing or workshop being held by EPA or the state agency in your area during the semester. Require students to attend the hearing and to submit a summary memorandum on what occurred.

In introduction of this assignment to your class, place it in terms of: Our client has a large interest in the subject matter of this hearing. We need you to attend and to provide us with a concise summary of all the topics that were addressed. Do a good job, because we want to provide our client with a copy of your summary memo.

### **Supplemental Discussion or Quizzing Questions**

1. Is it fair to assume that agency personnel are sufficiently trained and, therefore, will make reasonable and considered decisions?
2. What do you think of judges, many of which who do not have science in their backgrounds, taking hard looks at, and in some cases reversing agency decisions?

## **Appendix A: Data Analysis: Building A Non-Binding Allocation Of Responsibility/A Model Database Structure**

For paralegals, being able to design and setup a database to assist with the waste-in analysis is important. [The NBAR application](#) included with this appendix A is fairly old, and DOS based, but it provides a working database package that students may find easy to use and understand, and instructors may be able to teach from. It is highly recommended that instructors ask the school IT administrators to install both the program and the related waste in documents onto the computer laboratory systems, so that all you and your students have to do is to click on a button to run the program and to view the related documents.

To install the package after downloading, unzip the nbar.zip file, leaving the subdirectories and paths in-place. Then users may run the application from My Computer by going to the in the "c:\nbar\" directory, and by executing the MS/DOS file called pdoxrun.pif.

Students then need only open the included waste-in documents ([www.pearsonpub-legal.com/eel/wastedoc.pdf](http://www.pearsonpub-legal.com/eel/wastedoc.pdf)), and input the waste volumetric information (Add Records) into the program. Reports can then be printed to receive credit for the assignment.

For more detailed information about the NBAR application, or to get some ideas for instructing your class in the design and development of an NBAR database, *see* the following User s Guide.

**ENVIRONMENTAL "NBAR" APPLICATION**  
**USER S GUIDE**  
**A PARADOX 4.0 RUNTIME PROGRAM**  
**FOR SUPERFUND-TYPE ALLOCATION ANALYSIS**

by  
Craig B. Simonsen

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The Environmental "NBAR" Application Menu

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Edit Lookup Tables

Leave the Application

### **Paradox Runtime End-User License**

Paradox Runtime is owned by Borland International and may not be copied. The end-user (instructor and students in the *Essentials of Environmental Law* course) may look solely to the runtime application developer and his publisher for any support services required by this application. The end-user's sole recourse for any damages resulting from use of the application is to the application's developer and his publisher.

The Environmental "NBAR" Application is provided "AS IS" for educational purposes only, and is provided by Pearson Publications Company as part of this Instructor' Manual without warranties or liability for any damages. Paradox Runtime is provided from Borland International "AS IS" and without warranties or liability for any damages.

## Introduction

This application has been developed in conjunction with the textbook on the *Essentials of Environmental Law*. Its purpose is to illustrate and exemplify a Superfund-type non-binding allocation of responsibility (NBAR) database application. Its use is intended strictly for classroom edification and discussion. The application is a runtime program developed in Paradox version 4.0. Paradox is a product of Borland International. Borland specifically excludes, by its runtime license, any representations, warranties, or user support of any kind for the runtime product. The author and publisher, in addition, outside of the classroom context where this application was designed to be used, offers no representations, warranties, or user support of any kind.

The NBAR application was developed to provide students with a hands-on practice at building an allocation database. The application works on a menu-driven system that is relatively easy to use. Transaction documents are provided to use in dataentry for the application ([www.pearsonpub-legal.com/eel/wastedoc.pdf](http://www.pearsonpub-legal.com/eel/wastedoc.pdf)).

To install the package, first download [the software](#). After downloading, unzip the nbar.zip file, leaving the subdirectories and paths in-place. Then users may run the application from My Computer by going to the in the "c:\nbar\" directory, and by executing the MS/DOS file called pdoxrun.pif .

When the application executes, the user may use the "arrow" keys to move around the menu system, followed by the "Enter" key when the appropriate menu selection is highlighted, to execute the menu choice. A mouse, if activated, will also select the application choices.

The application menu structure is shown in Figure 1, below.

Figure 1: Application Menu Tree

```
Main _____
  _____ Add or Edit Waste-In Data
  _____ Convert Waste-In Data to Lbs.
  _____ Print Repts ____
    _____ Print All Data
    _____ Print Ranking List
    _____ Print Alphabetical List
  _____ Edit Lookup Tables ____
    _____ Edit Containers
    _____ Print Containers
    _____ Edit Units
    _____ Print Units
    _____ Edit Document Types
    _____ Print Document Types
  _____ Leave
```

In moving around the menu system, when selecting either dataentry or editing, in any of the database tables discussed below, the user may select to view the data through a "form," one record at a time, or in a "table view," to look at multiple records at a time, but some data from each record may, in table view, run off of the screen. To make this selection, while doing dataentry or editing press the "form toggle" key, <F7>. <F7> when pressed again will return the user to the previous screen (either form view or table view).

The reports (print-outs) for this application are designed for a Hewlett Packard LaserJet or compatible printer. If a printer other than the default is attached to the PC running this application, the reports will still print, but the format may be other than perfect.

### Program Menu Selections

The remainder of this instructor's guide will outline the menu selections and illustrate the choices a user will have in dataentry, editing, manipulation, and printing of data.

### Add or Edit Waste-In Data

Select this menu option to add new records to the waste-in database table. The waste-in database table contains the following field structure:

Field Name	Field Type
Generator	A50
Transporter	A50
Transaction Date	D
Doct. Type Code	A2
Doct. I.D. #	A35
Waste Name	A50
Container Type	A2
Unit Type	A2
Waste Volume	N
Converted Pounds	N

The types of dataentry and information that will be allowed into each of the fields includes:

**Generator** The original source of the waste materials should be entered into this field. 50 alphanumeric characters are allowed for the company or individual name. Note that the application will automatically capitalize each word in this field. It is recommended that normal caps and lower letters be utilized in dataentry. For instance:

Ace Metals Company

It is critical for dataentry operators to enter the generator name exactly for each record entered. This is critical because the application will automatically sort and rank all generators. If a single entity is listed under two or more different spellings, it will be ranked as two or more separate entities.

To facilitate dataentry of all records for the same generator, the Paradox duplicate key command, <Ctrl><D>, will automatically duplicate information in the same field (e.g., Generator) in the record just above. In a more complicated database application, a "lookup table" for generator names could be specified.

**Transporter** The transporter of the waste materials should be entered into this field. 50 alphanumeric characters are allowed for the company or individual name. Note that the application will automatically capitalize each word in this field. It is recommended that normal caps and lower letters be utilized in dataentry. For instance:

Waste Transportation, Inc.

Trans. Date      The date of the waste materials transaction document (e.g., waste manifest form) should be entered here. The date should be entered with slashes, as follows:

1/1/91

Doct. Type Code      This is a 2 character alphanumeric field that is linked to the Document Type database table. Only codes that are already in the Document Type database table will be allowed to be entered here. The application will automatically capitalize characters entered. For dataentry, users are encouraged to use the Document Type lookup table to automatically fill-in this field. For instance:

MA

(See the section on Document Type lookup table for discussion of document types.)

Doct. I.D. #      The identification number of the document reference, if available, should be entered into this field. Ideally, this will be a "Bates" type number, which can identify the document source (e.g., a number prefix of "EPA" to distinguish documents produced by EPA). 35 alphanumeric characters are allowed for the document I.D. number. For instance:

EPA000035

Waste Name      The waste name of the waste materials should be entered into this field. 50 alphanumeric characters are allowed for the waste name. Note that the application will automatically capitalize each word in this field. It is recommended that normal caps and lower letters be utilized in dataentry. For instance:

Waste Solvent

Container Type      This is a 2 character alphanumeric field that is linked to the Container Type lookup table. Only codes that are already in the Container Type lookup table will be allowed to be entered here. The application will automatically capitalize characters entered. For dataentry, users are encouraged to use the Container Type lookup table to automatically fill-in this field. For instance:

DM

(See the section on Container Type lookup table for discussion of container types.)

Unit Type      This is a 2 character alphanumeric field that is linked to the Unit Type lookup table. Only codes that are already in the Unit Type lookup table will be allowed to be entered here. The application will automatically capitalize characters entered. For dataentry, users are encouraged to use the Unit Type lookup table to automatically fill-in this field. For instance:

GA

(See the section on Unit Type lookup table for discussion of unit types.)

Waste Volume This is a numeric field where the total waste volume should be entered in the units type specified above. For example, if the units are in gallons, then the dataentry operator should enter the total gallons listed in the current transaction document. Commas in numbers are not necessary. Decimal points may be used. For instance:

1250.5555

Converted Lbs. In dataentry the Converted Pounds field will be left blank. The application contains an automatic procedure to convert all units to pounds at one time. It is recommended that users run that procedure, listed below as "Convert Data to Lbs.," before printing any reports, and before and after going in to edit the waste-in database.

Users may go into the waste-in database table at any time to edit fields and records, to correct any errors or update the data as appropriate. Editing commands for use in this function, and also in editing the database lookup tables, are:

- <Ctrl><U> To undo a change made to a record (this will not operate after the data has already been saved with <F2>).
- <Ctrl><D> To automatically duplicate information in the same field in the record just above.
- <Alt><F5> To edit information within a field. <Enter> turns this function off.
- <F7> Form/table view toggle.
- <Arrow> Arrow keys allow movement from field to field and from record to record.
- <Page> Page keys allow movement from record to record.
- <Enter> Enter key allows movement from field to field and from record to record.
- <F2> To save data and changes to data.
- <F10> To access the Menu Prompt.

### **Convert Waste-In Data to Lbs.**

This is an automated procedure that computes all waste volumes to pounds, and then automatically places that computed data into the Converted Pounds field. It is suggested that this menu selection be chosen each time that waste-in data is added, or is revised, and before initial reports are printed.

### **Print Reports**

This menu selection brings up a sub-menu that presents the user with the following report choices:

### **Print All Data**

This menu selection will print a listing of all database information. The report will automatically group generator records, and will sum up the generator total for converted pounds, assuming the Convert Data to Lbs. procedure has been run.

### **Print Ranking List**

This menu selection will run a procedure that automatically groups all generator data and ranks them from the largest to the smallest generators

### **Print Alphabetical**

This menu selection will print all waste-in data, grouped and sorted by generator in alphabetical order.

### **Edit Lookup Tables**

The NBAR application allows users to edit, revise, and print the database lookup tables. This is critical for some cases where certain data or assumptions have to be changed in order to fit site-specific conditions. For example, where document types are found that are not listed in the Document Type lookup table. The new document types could be added to the list before dataentry begins in the waste-in database table.

By selecting the "Edit Lookup Tables" menu item, the user will be presented with the following sub-menu selections.

### **Containers -- Edit Containers**

The Container Type lookup table lists containers typically associated with waste activities. An occasion may arise where the lookup table does not reflect a container that is important in a specific case. When this occurs, select this menu option and revise the lookup table as appropriate.

The Container Type database table contains the following field structure:

Field Name	Field Type
Container Type	A2*
Container	A100

Container Type This is a 2 character alphanumeric field that is linked to the Waste-In database table. Only codes that are already in this lookup table will be allowed to be entered there. The application will automatically capitalize characters entered here. Use an arbitrarily assigned code that will approximate the container type to ease dataentry. For instance, for the container type "Drum," the user might specify:

DM

Container The container name should be entered into this field. 100 alphanumeric characters are allowed for the container name. Note that the application will

automatically capitalize the first word in this field. It is recommended that normal caps and lower letters be utilized in dataentry. For instance:

Drum

### **Print Containers**

This menu selection will print a listing of Container Type lookup table information. The report will automatically sort alphabetically on the Container Type field

### **Units -- Edit Units**

The Unit Type lookup table lists units typically associated with waste activities. An occasion may arise where the lookup table does not reflect a unit that is important in a specific case. When this occurs, select this menu option and revise the lookup table as appropriate.

The Unit Type database table contains the following field structure:

Field Name	Field Type
Unit Type	A2*
Unit	A35
Multiplier	N

**Unit Type** This is a 2 character alphanumeric field that is linked to the Waste-In database table. Only codes that are already in this lookup table will be allowed to be entered there. The application will automatically capitalize characters entered here. Use an arbitrarily assigned code that will approximate the unit type to ease dataentry. For instance, for the unit type "gallons," the user might specify:

GA

**Unit** The unit name should be entered into this field. 35 alphanumeric characters are allowed for the unit name. Note that the application will automatically capitalize all words in this field. It is recommended that normal caps and lower letters be utilized in dataentry. For instance:

Gallons

**Multiplier** This is a numeric field. The multiplier is the value which when multiplied against the Waste Volume field of the Waste-In database (e.g., total number of gallons) will create converted pounds. Therefore it is critical that this value be soundly achieved and based on a documentable value. The NBAR application uses multipliers taken from U.S. EPA policy and guidance for NBAR production.

### **Print Units**

This menu selection will print a listing of the Unit Type lookup table information. The report will automatically sort alphabetically on the Unit Type field.

### **Document Types -- Edit Document Types**

The Document Type lookup table lists documents typically associated with waste activities. An occasion may arise where the lookup table does not reflect a document that is important in a

specific case. When this occurs, select this menu option and revise the lookup table as appropriate.

The Document Type lookup table contains the following field structure:

Field Name	Field Type
Doct. Code	A2*
Document Type	A35

Doct. Code This is a 2 character alphanumeric field that is linked to the Waste-In database table. Only codes that are already in this database table will be allowed to be entered there. The application will automatically capitalize characters entered here. Use an arbitrarily assigned code that will approximate the document type to ease dataentry. For instance, for the document type "manifest," the user might specify:

MA

Document Type The Document Type should be entered into this field. 35 alphanumeric characters are allowed for the document type. Note that the application will automatically capitalize all words in this field. It is recommended that normal caps and lower letters be utilized in dataentry. For instance:

Manifest

### **Print Document Types**

This menu selection will print a listing of Document Types database information. The report will automatically sort alphabetically on the Doct. Code field

### **Leave**

This menu selection will return the user to the DOS prompt.

## **Appendix B: Document File Organization, Indexing, And File Management In Environmental Cases: Computer Database And Programming Techniques**

### **Suggested Assignments**

1. In a computer laboratory class, have students create and build an initial document file index. Try to provide students with documents that fall into each of the six categories of documents outlined in appendix B of the textbook.

Alternately, this project can be assigned as a homework project, letting students build the index in a word processing or other software environment.

### **Appendix C: Key Telephone Contacts**

Please refer to and spend time with your class on the textbook website links (*see* att. 1). This would be a good use of computer laboratory time. Within a few clicks, up-to-date contact information for federal and state agency representatives is easily accessible.

#### **Appendix D: Selected Environmental Resources on the Internet**

Again, please refer to and spend time with your class on the textbook website links (*see* att. 1). This would definitely be a boon to any paralegal student to be able to efficiently find agency information on the Internet. It is a skill that may be carried over to many (all?) other practice areas.

**Attachment 1**  
**Textbook Website Materials**  
(found at [pearsonpub-legal.com](http://pearsonpub-legal.com))\*

\*Related files are contained on the *Manual* s corresponding diskette.

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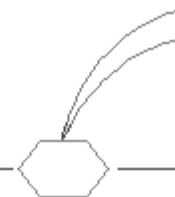


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## *Essentials of Environmental Law*

This website corresponds to the *Essentials of Environmental Law* (Dallas: Pearson Publications Company, 1998) textbook by [Craig B. Simonsen](#). These pages include links to current activities and event, new and useful sites, and pages of environmental law related links.

### Course Documents

Checkout [current events and materials](#) on this webpage.

Select this for links to [interesting or useful new or updated sites](#).

Select this for links to the [comprehensive environmental law links](#).

Please forward any broken links and [any comments or suggestions!](#)

Version 12072001

**Attachment 2**  
**Course Syllabus**  
**(syllabus.doc)\***

\*Related files are contained on the *Manual* s corresponding diskette.

# *ESSENTIALS OF ENVIRONMENTAL LAW*

## **COURSE SYLLABUS**

### Weekly Schedule

1. Introduction to course materials and requirements. Discussion of paralegal activities in environmental law. Discussion of EPA library visit and research paper requirements.
2. Preface and Introduction, *Essentials of Environmental Law*.
3. The Administrative Process Law. Chapter 8, *Essentials of Environmental Law*.
- \*\* **Proof of library visit due third week of class.**
4. National Environmental Policy Act. Chapter 7, *Essentials of Environmental Law*.
5. Clean Air Act. Chapter 1, *Essentials of Environmental Law*.
- \*\* **First draft research paper due fifth week of class.**
6. Clean Water Act. Chapter 2, *Essentials of Environmental Law*.
7. **Mid-term examination.**
8. Comprehensive Environmental Response, Compensation, and Liability Act. Chapter 5, *Essentials of Environmental Law*.
9. Computer laboratory. Appendix A, *Essentials of Environmental Law*. Hands-on use of personal computers in environmental law: databases and building an NBAR database.
10. Toxic Substances Control Act. Chapter 4, *Essentials of Environmental Law*.
- \*\* **NBAR assignment due by tenth week of class.**
11. Solid Waste Disposal Act. Chapter 3, *Essentials of Environmental Law*.
12. Emergency Planning and Community Right-To-Know Act. Chapter 6, *Essentials of Environmental Law*.
- \*\* **Final Research paper due by twelfth week of class.**
13. Classroom summations and presentations of research papers.
14. *Final examination.*

**Attachment 3**  
**Mid-Term Examination**  
**(quiz01.htm; quiz01.doc)\***

\*Related files are contained on the *Manual* s corresponding diskette.

*ESSENTIALS OF ENVIRONMENTAL LAW*

**MID-TERM EXAMINATION**

Answer each of the following questions. <b>True or False</b> questions. 5 Points ea.	
1.	A fundamental problem with the Federal pollution control scheme is due to the way that the Agency has divided into separate departments of authority, with each acting essentially independently?  True  False
2.	Pollution has always been considered a national problem?  True  False
3.	Under the Federal water pollution scheme, the states were primarily responsible for the establishment of water quality standards?  True  False
4.	Since the beginning of the Environmental Decade the Federal focus has turned from concern over hazardous substances to concern for specific environmental media?  True  False
5.	CERCLA is synonymous with SARA and both are commonly known as Superfund?  True  False
6.	EPCRA involves the planning for responses to hazardous material incidents, and requires notification of such materials handling to proper authorities?

	True
	False
7.	The emission inventory is a list of primary air pollutants emitted into a community's atmosphere, per day, by type of source?
	True
	False
8.	The definition of water pollution is precisely stated in the CWA?
	True
	False
9.	In an administrative rulemaking the Agency does not normally accept public comments?
	True
	False
10.	Paralegals may, in some cases, monitor and participate in environmental administrative hearings?
	True
	False

Answer each of the following questions.

**Multiple Choice** questions. 10 Points ea.

- |  |
|--|
| <p>11. The development of natural resources law can be said to:</p> <ul style="list-style-type: none"><li>A. Have developed philosophically during the years 1840 to 1891</li><li>B. Been dominated by the conservationists politically from 1891 to 1969</li><li>C. Gained national political priority since the end of the Vietnam conflict and with the implementation of the Civil Rights Law</li><li>D. All of the above</li><li>E. None of the above</li></ul> |
| <p>12. The CWA regulates:</p> <ul style="list-style-type: none"><li>A. Point and non-point sources.</li><li>B. Municipal and industrial discharges.</li><li>C. Direct and indirect discharges.</li><li>D. All of the above.</li><li>E. None of the above.</li></ul>  |
| <p>13. The environmental decade was brought on by:</p> <ul style="list-style-type: none"><li>A. Post World War II growth of affluence.</li><li>B. The growth of the synthetic organic chemical industry.</li><li>C. All of the above.</li><li>D. None of the above.</li></ul>  |

14. The term welfare under the CAA is applied to protect:

- A. Crops, livestock, and vegetation.
- B. Buildings.
- C. Visibility.
- D. All of the above.
- E. None of the above.

15. The Federal bureaucracy for the control of hazardous substances involves:

- A. Some 20-plus Federal laws.
- B. Six Federal agencies.
- C. Hundreds of thousands of chemical substances.
- D. All of the above.
- E. None of the above.

*ESSENTIALS OF ENVIRONMENTAL LAW*

**MID-TERM EXAMINATION**

**CONFIDENTIAL INSTRUCTOR S COPY WITH ANSWERS**

Answer each of the following questions. <b>True or False</b> questions. 5 Points ea.		
1.	A fundamental problem with the Federal pollution control scheme is due to the way that the Agency has divided into separate departments of authority, with each acting essentially independently?  True  False	<b>TRUE</b>
2.	Pollution has always been considered a national problem?  True  False	<b>FALSE</b>
3.	Under the Federal water pollution scheme, the states were primarily responsible for the establishment of water quality standards?  True  False	<b>TRUE</b>
4.	Since the beginning of the Environmental Decade the Federal focus has turned from concern over hazardous substances to concern for specific environmental media?  True  False	<b>FALSE</b>
5.	CERCLA is synonymous with SARA and both are commonly known as Superfund?  True  False	<b>TRUE</b>
6.	EPCRA involves the planning for responses to hazardous material incidents,	<b>TRUE</b>

	and requires notification of such materials handling to proper authorities?  True  False	
7.	The emission inventory is a list of primary air pollutants emitted into a community's atmosphere, per day, by type of source?  True  False	<b>TRUE</b>
8.	The definition of water pollution is precisely stated in the CWA?  True  False	<b>FALSE</b>
9.	In an administrative rulemaking the Agency does not normally accept public comments?  True  False	<b>FALSE</b>
10.	Paralegals may, in some cases, monitor and participate in environmental administrative hearings?  True  False	<b>TRUE</b>

Answer each of the following questions. <b>Multiple Choice</b> questions. 10 Points ea.		
11.	The development of natural resources law can be said to:  A. Have developed philosophically during the years 1840 to 1891  B. Been dominated by the conservationists politically from 1891 to 1969  C. Gained national political priority since the end of the Vietnam conflict and with the implementation of the Civil Rights Law  D. All of the above  E. None of the above	D.
12.	The CWA regulates:  A. Point and non-point sources.  B. Municipal and industrial discharges.  C. Direct and indirect discharges.  D. All of the above.  E. None of the above.	D.
13.	The environmental decade was brought on by:  A. Post World War II growth of affluence.  B. The growth of the synthetic organic chemical industry.  C. All of the above.  D. None of the above.	C.

<p>14. The term welfare under the CAA is applied to protect:</p> <ul style="list-style-type: none"><li>A. Crops, livestock, and vegetation.</li><li>B. Buildings.</li><li>C. Visibility.</li><li>D. All of the above.</li><li>E. None of the above.</li></ul>	D.
<p>15. The Federal bureaucracy for the control of hazardous substances involves:</p> <ul style="list-style-type: none"><li>A. Some 20-plus Federal laws.</li><li>B. Six Federal agencies.</li><li>C. Hundreds of thousands of chemical substances.</li><li>D. All of the above.</li><li>E. None of the above.</li></ul>	D.

**Attachment 4**  
**Certificate of Library Visit**  
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**CERTIFICATE OF LIBRARY VISIT**

This is to certify that \_\_\_\_\_ visited the \_\_\_\_\_  
\_\_\_\_\_ Library, between the hours of 10:00 A.M. and 4:30 P.M., on  
\_\_\_\_\_, 200\_.

\_\_\_\_\_  
\_\_\_\_\_, Librarian

**Attachment 5**  
**Research Paper Assignment**  
**(paper.doc)\***

\*Related files are contained on the *Manual* s corresponding diskette.

## ***ESSENTIALS OF ENVIRONMENTAL LAW***

### **RESEARCH PAPER ASSIGNMENT**

Each student must, in consultation with the instructor, select a substantive new, proposed, or amended regulation to summarize. Students may select the rule from state or federal rulemaking.

Each research paper must include:

1. Office memorandum formatting (e.g., To, From, Re, Date).
2. Complete citation to the rule reviewed.
3. Statutory authority for the rulemaking.
4. Discussion of the purpose for the rule.
5. Discussion of the background and history of the rule.
6. A summary of the requirements of the rule.

**Attachment 6**  
**Final Examination**  
**(final.htm; final.doc)\***

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**Attachment 7**  
**Blackboard.Com Course Site**  
**([coursesite.blackboard.com](http://coursesite.blackboard.com))**

*ESSENTIALS OF ENVIRONMENTAL LAW*

FINAL EXAMINATION

**CONFIDENTIAL INSTRUCTOR S COPY WITH ANSWERS**

<p>Answer FULLY each of the following questions. <b>Essay</b> questions. Three at 20 Points ea.</p>	
<p>1. Discuss the various types of Federal environmental law that concern the management of and control of hazardous substances and environmental risk, as opposed to those that concern the management of specific environmental media. Describe each such statute including its origin, purposes, provisions, and effectiveness?</p>	<p><b><i>See generally, chapters 3 (TSCA), 4 (RCRA), 5(CERCLA), and 6 (EPCRA).</i></b></p>

2. Describe the idealism that led up to the environmental decade. What changes came from that idealism? Discuss the major provisions of federal environmental laws adopted during the environmental decade?

***See generally,  
Introduction***

<p>3. Under TSCA, what is meant by existing chemicals ?</p>	<p><b>EPA reviews PMNs in six stages. These stages include prenotice communication, process start-up, initial review, detailed review, regulatory response, and closeout. During this review, EPA will consider economic benefits and will consider if the proposed chemical will displace a more toxic substance already on the market. If EPA takes no action on the notice within ninety days, the manufacturer may begin production. The manufacturer must supply EPA with further notice that manufacture will commence. At that point EPA adds the chemical to the TSCA Inventory. Once listed, the substance is considered an existing chemical. This step essentially legalizes the manufacture of the substance.</b></p>
---	---

<p>Answer FULLY the following question.  <b>Essay</b> question. One at 40 Points ea.</p>	
<p>4. In three parts:</p> <p>A) Outline and discuss the major provisions of the Clean Air Act.</p> <p>B) What forms and documents would fall under this law?</p> <p>C) How might these provisions impact an industrial facility?</p>	<p><b>Until 1990, the Clean Air Act consisted primarily of provisions relating to automobiles, the prevention of significant deterioration ("PSD") of air quality in areas where air quality was good, and the National Ambient Air Quality Standards ( NAAQSs ), which set maximum concentrations of pollutants that will be allowed in the outside air. Then in 1990, the CAA was substantially amended to include: a) provisions for extended deadlines for achieving the NAAQSs for ozone in areas experiencing continued problems, coupled with expanded control requirements; b) expanded regulation of toxic air pollutants; and c) a unified operating permit program.</b></p> <p><b>Air permit application forms and authorizations (permits); periodic reporting records; annual emissions reports from regulated emission sources; Control Technology Guidelines ( CTGs ); and Notice of Violation ( NOV ).</b></p>

	<p><b>The facility might have some difficulty complying with the broad and detailed requirements of the CAA, and especially with responding to extensive EPA information requests and investigations. The permitting documents (such as the application forms and supporting engineering calculations and data) and emissions monitoring and reporting may be beyond the expertise of typical in-house staff.</b></p>
--	---

*ESSENTIALS OF ENVIRONMENTAL LAW*

**FINAL EXAMINATION**

Answer FULLY each of the following questions.

**Essay** questions. Three at 20 Points ea.

1. Discuss the various types of Federal environmental law that concern the management of and control of hazardous substances and environmental risk, as opposed to those that concern the management of specific environmental media. Describe each such statute including its origin, purposes, provisions, and effectiveness?
2. Describe the idealism that led up to the environmental decade. What changes came from that idealism? Discuss the major provisions of federal environmental laws adopted during the environmental decade?

3. Under TSCA, what is meant by existing chemicals ?

Answer FULLY the following question.

**Essay** question. One at 40 Points ea.

4. In three parts:

A) Outline and discuss the major provisions of the Clean Air Act.

B) What forms and documents would fall under this law?

C) How might these provisions impact an industrial facility?

## **Using the Blackboard Coursesite**

### **Loading the Coursesite**

Schools and instructors that are planning to use the Blackboard.Com coursesites which correspond directly to the textbook will have to load the export files which are formatted so that they can be imported into a coursesite on any Blackboard system that is running Bb version 5.0.2 or higher. Instructors will need to request the system administrator to load the coursesite before they will be able to work with it.

To use the Blackboard.Com coursesite, Instructors will need first to go [coursesite.blackboard.com](http://coursesite.blackboard.com) and sign-in. Of course, modify these directions as instructed by your school system administrator.

New users will need to sign-up by registering with the site, which requires providing some personal information. In the registration process registrants are allowed to select a personal screen name and a password to log-on to the site.

### **Using and Individualizing the Coursesite**

The Blackboard.com coursesite provides instructors with numerous tools and resources for course presentation. For instance, the coursesite pages provide the instructor with a student registration and grading system that may be used for their class. The coursesite provides a testing system that allows students to take examinations over the Internet, and if set-up properly by the instructor, will GRADE AUTOMATICALLY, and record the grade in the students course records. The coursesite as provided by PPC, comes with a self-grading mid-term examination, and a final exam that is partially self-grading. Instructors may use the mid-term and final examinations provided, or they may modify them, or create their own. The testing (assessment) system is user and Internet friendly to use.

The coursesite also provides instructors and students with Internet links that may be used during a course presentation in exploring Internet materials and research, or may be used for supplemental assignments to the class.

### **Coursesite Pages**

Examples of the coursesite pages are attached for your reference.



## Blackboard 5

Welcome to Blackboard.com on Blackboard 5, the comprehensive and flexible e-Learning software platform from Blackboard Inc. After you have an account, you can create a CourseSite to bring your learning materials, class discussions, and even tests online. You can also enroll in courses and participate in communities that are offered through Blackboard.com on Blackboard 5. Create an account now - for FREE!

[Learn more...](#)

Login

Create Account

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### Create an Account

**Before clicking on the "Create Account" button to the left, you must verify that you have read our [Terms of Use](#) and that you are either over 12 years of age or have parental permission to use this site.**

I have read and agree to these **Terms of Use**. I also verify that I am over 12 years of age, or that if I am under 12 years of age, I have parental permission to use this site.

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You can access as a guest by clicking the "Preview" button below

[Preview](#)

You can create an account by clicking the "Create" button below

[Create](#)

## Have an Account? Login Here.

If you already have an account, enter your login information here and click the "Login" button below. Otherwise, leave blank and click another option to the left.

USERNAME:

PASSWORD:

[Forgot your password?](#)

[Login](#)

**TOOLS**

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**SEARCH THE WEB**

**Welcome, Craig!**

[Content](#) [Colors](#)

**My Announcements**



No announcements have been posted today.

[more...](#)

**My Courses**



**Courses you are teaching:**

- [Essentials of Environmental Law](#)
- [Essentials of the Internet](#)

**WebTutor and Course Technology Cartridges**



If you are teaching a course that is using a WebTutor or Course Technology course cartridge, or if you are a student who used an access key to access content in a course using a WebTutor or Course Technology course cartridge, please note that your course has been moved to the following new website: <http://thomson.blackboard.com>. At the new website, please login using the same username and password as you have been using on coursesites.blackboard.com. Thank you.

**Coursesites Notices**



**What's happening with Coursesites.blackboard.com?**

The free course creation service on Coursesites.blackboard.com has seen enormous growth this fall. The number of users on this system has compounded exponentially in the past seven weeks to over 172,000, making Coursesites among the largest implementations of the Blackboard platform.

We are pleased to see that so many people want to use Blackboard. However, we did not forecast this rate of adoption for our free service, and the demands of users have exceeded the capacity of our current hardware. Our experienced server team has upgraded and tuned the system repeatedly, but every upgrade has been quickly consumed by

**COURSE SEARCH**

[GO!](#)  
[advanced search](#)

**SEARCH THE WEB**

[GO!](#)

 **Course List** [Create](#)

**Courses you are teaching:**

 [Essentials of Environmental Law](#)

Course ID: [LEG555](#)  
Instructor(s): Craig Simonsen  
Enika Pearson  
Schulze

 [Essentials of the Internet](#)

Course ID: [LEG551](#)  
Instructor(s): Craig Simonsen  
Christian Andersen  
Enika Schulze  
Enika Pearson  
Schulze  
Christian Andersen

**Courses in which you are participating:**

*None.*

 **Course Catalog**

• [Categories are not in use at this time.](#)

▶ [Browse Course Catalog](#)

[COURSES](#) > LEG555



www.blackboard.com

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## Course Information

### Current Location: Course Information



#### Essentials of Environmental Law

This course site corresponds to the *Essentials of Environmental Law* textbook (Dallas: Pearson Publications Company, 2nd ed. 1998)



#### Syllabus

[Course Syllabus](#) ( 20480 Bytes )

This is the course syllabus, with the weekly reading schedule and assignment due dates



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### Staff Information

#### Current Location: Staff Information



#### Author Craig B. Simonsen

E-mail: [simonsencr@aol.com](mailto:simonsencr@aol.com)

Work phone: 312-739-6223

#### Notes:

Craig B. Simonsen is a Senior Litigation Paralegal and Immigration Specialist at the Chicago office of Seyfarth Shaw. He has also been an adjunct instructor for the Paralegal Studies Program formerly at Mallinckrodt College in Wilmette, Illinois, and has taught continuing education seminars for the Roosevelt University's Lawyer's Assistant Program, in Chicago, Illinois. Craig received his M.A. (1985) in History from Northeastern Illinois University, and has a lawyer's assistant certificate from the Roosevelt University Program. Craig has two other books: the *Essentials of the Internet*(2002), also published by Pearson Publications Company, and the *Environmental Law Resource Guide* (New York: Clark Boardman and Callaghan, 1993). Craig has also had published numerous articles on various topics.



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## Course Documents

### Current Location: Course Documents



#### Resources

The [comprehensive environmental law links webpage](#) provides links to all the information you may ever need or desire relating to environmental law



#### Resources

The [current events and materials webpage](#) lists articles recent news items relating to environmental law topics.



#### Resources

Review [interesting and useful new or updated websites](#) on this page.

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## Assignments

### Current Location: Assignments



#### Research Paper

[Research Paper Assignment](#) ( 19968 Bytes )



#### EPA Library Visit

["Certificate of Visit"](#) ( 19456 Bytes )

Students must visit a local library, seeking out especially environmental research materials. If the school is near to a state or federal EPA library, that is ideal. Large university libraries can be useful as well. Students be sure to complete a "Certificate of Visit" form to verify your visit



#### NBAR Database

Unzip the [nbar.zip](#) file, leaving the subdirectories and paths in-place. Then run the application from "My Computer" in the "c:\nbar\" directory, by executing the "MS/DOS" file "pdoxrun.pif".

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## Books

### Current Location: Books



#### Course Textbook

The textbook is the [Essentials of Environmental Law](#), by Pearson Publications Company (Dallas: 2nd ed. 1998)



#### Reference Materials

For reference see the [Environmental Law Resource Guide](#) (Clark Boardman Callaghan/Estrin Paralegal Practice Series)



#### Reference Materials

For reference see the [Federal Environmental Laws 2000](#) (West Publishing)

**Control Panel**

**LEG555: Essentials of Environmental Law**  
Craig Simonsen, Instructor

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## Assessment Manager

Add Quiz/Exam

Add Survey

	Last Modified	Name	Type	Availability			
<input checked="" type="checkbox"/>	Nov 8, 2001	<b>Mid-Term Examination</b>	Quiz/Exam	Not Available <a href="#">Set Availability</a>	<a href="#">Preview</a>	<a href="#">Modify</a>	<a href="#">Remove</a>
<input checked="" type="checkbox"/>	Nov 8, 2001	<b>Take-Home Final Examination</b>	Quiz/Exam	Not Available <a href="#">Set Availability</a>	<a href="#">Preview</a>	<a href="#">Modify</a>	<a href="#">Remove</a>

[OK](#)