**CHAPTER 26-ENVIRONMENTAL LAW**

**TRUE/FALSE**

1. Weste, Inc. decided to expand by building a $50 million manufacturing facility. The expansion is not regulated or approved by the government. Nevertheless, Weste must prepare an environmental impact statement.

2. Local regulation is more effective than state or federal regulation in controlling air pollution.

3. Because local regulation is ineffective in controlling air pollution, Congress passed the Clean Air Act of 1963.

4. A Japanese company operates a ship called the Kinia. If the Kinia sails in U.S. waters, it must comply with the standards set by the Clean Water Act.

5. Cincy, Inc. is building a $20 million dollar addition onto its distribution facility. To build the facility, Cincy must fill in two acres of wetlands. Under the Clean Water Act, Cincy must obtain a permit before filling in the wetlands.

6. Anyone who has ever owned or operated a site on which hazardous wastes are found, or who has transported wastes to the site, or who has arranged for the disposal of wastes that were released at the site, is liable for cleanup.

7. Researchers have found that the EIS process generally does not have a beneficial impact on the environment.

8. Truan, Inc. has decided to market a new pesticide. Truan must register the pesticide with the EPA.

9. An Environmental Impact Statement must be prepared for every major federal action that significantly affects the quality of the environment.

10. A person who violates the Clean Water Act can face possible imprisonment in addition to other penalties.

11. The cost-benefit trade-off is particularly complex in environmental issues because those who pay the cost often are not the ones who receive the benefit.

12. In 2008, then-President George W. Bush reached an agreement with other world leaders to cut greenhouse gases in half by 2028.

13. There are three major sources of air pollution: coal-burning utility plants, factories, and

motor vehicles.

14. The prevention of significant deterioration (PSD) program was developed to prevent deterioration in air quality that would create health problems for those affected.

15. We Care, a nonprofit environmental organization, believes that Quanaco is violating the Clean Air Act. The EPA has not taken any action against Quanaco. We Care can file a citizens’ suit against the EPA.

**MULTIPLE CHOICE**

1. Under the Clean Air Act:

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| a. | states and the EPA were to act as partners wherein the individual states would formulate State Implementation Plans to meet primary and secondary standards created by the EPA. |
| b. | the EPA formulated primary and secondary standards for air pollution; however, the individual states were not required to comply with these standards if they already had reasonable state statutes or regulations in place. |
| c. | the states were required to follow the guidelines established by the EPA and did not have the authority to create their own state plans for implementing the federal standards. |
| d. | state laws or regulations preempt or take precedence over the guidelines promulgated by the EPA. |

2. What prevents the market system from achieving a clean environment on its own?

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| a. | Externalities. |
| b. | Inefficiently managed business. |
| c. | Remainders. |
| d. | SIPs. |

3. Under the prevention of significant deterioration (PSD) program:

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| a. | no one may undertake a building project that will cause a major increase in pollution without first obtaining a permit from the EPA. |
| b. | a successful permit applicant must demonstrate that its emissions will not cause an overall decline in air quality. |
| c. | a successful permit applicant must demonstrate that it has installed the best available control technology for every pollutant. |
| d. | All of the above. |

4. The prevention of significant deterioration (PSD) program was established because.

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| a. | Some states had better quality air than the EPA standards. |
| b. | Some states were not following the clean air act. |
| c. | Help defray the cost of enforcing the clean air act. |
| d. | none of these answers are correct. |

5. Environmental protection issues are regulated by:

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| a. | federal statutory law. |
| b. | state statutory law. |
| c. | administrative regulations. |
| d. | All the above. |

6. The Clean Air Act of 1970 requires the EPA to:

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| a. | use a cost benefit approach in all EPA regulations. |
| b. | to not get involved in the GHC controversy |
| c. | establish national air quality standards. |
| d. | permit all smokestacks in the United States |

7. Federal law regulates:

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| a. | point source and non-point source pollution. |
| b. | neither point source nor non-point source pollution. |
| c. | point source but not non-point source pollution. |
| d. | None of the above is correct. |

8. Greenhouse effect is caused by

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| a. | sulfur emissions from coal-burning utility plants. |
| b. | automobile emissions, especially from large cities. |
| c. | any fossil fuels being burned |
| d. | all of these answers are correct |

9. The EPA brought an administrative action against Boch Industries for violating the Clean Air Act. The administrative law judge ruled in the EPA's favor. Boch Industries:

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| a. | can appeal the decision to a U.S. Court of Appeals and then to the U.S. Supreme Court. |
| b. | can appeal to the U.S. Congress and then to the Chief Justice of the Supreme Court. |
| c. | can appeal to the Chair of the EPA. |
| d. | cannot appeal the decision. |

10. Congress established a trust fund for the EPA to use in Superfund cleanup. This trust fund was initially financed by a tax on what?

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| a. | The general public through federal income taxes. |
| b. | Waste management and landfill operators. |
| c. | The construction industry. |
| d. | The oil and chemical industries. |

11. Which of the following Acts sets goals without regard to the cost involved in meeting the goals?

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| a. | Clean Water Act. |
| b. | Clean Air Act. |
| c. | Both the Clean Water Act and the Clean Air Act. |
| d. | Neither the Clean Water Act nor the Clean Air Act. |

12. *In follow.Entergy Corp v. Riverkeepers, Inc.the main issue was:*

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| a. | does the EPA have the power to regulate the mortality of fish |
| b. | can the EPA use cost as a deciding factor in discrimination against parties in the implementation of its rules?. |
| c. | Can the EPA allow existing industries to implement rules at a slower pace than new industry. |
| d. | none of the above |

13. Sam, the chief executive officer of Boch Industries, was criminally prosecuted for violating the Resource Conservation and Recovery Act. Which of the following is correct concerning the penalties?

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| a. | Sam cannot be punished because he was acting for Boch Industries. Boch Industries faces criminal fines. |
| b. | Sam faces criminal fines as well as imprisonment. |
| c. | Sam faces only criminal fines. |
| d. | The only remedy Sam faces is an injunction to prevent further violations. |

14. Under Superfund legislation, to what extent is a party liable?

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| a. | for the cost of cleaning up the site |
| b. | any damages to the natural resources |
| c. | for any required health assessments |
| d. | all of these answers are correct |

15. James owned real estate. He leased the building to two tenants. An insurance agent leased the first floor and a law firm leased the second floor. James later sold the land to Mary, who used the entire building for her business. She discovered that there were underground storage tanks buried in the land. She had to remove the tanks and then sued James and the former tenants for the cost of removing the tanks, even though none of them knew the tanks had been there.

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| a. | James and the two tenants are liable. |
| b. | James is liable to Mary, but the tenants are not. |
| c. | The tenants are liable to Mary, but James is not. |
| d. | Neither James nor the tenants are liable to Mary. |

16. What administrative agency regulates pesticides, insecticides, fungicides and rodenticides?

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| a. | The Food and Drug Administration. |
| b. | The Occupational Safety and Health Administration. |
| c. | The EPA. |
| d. | All the above. |

17. what percentage of mammals/reptiles/birds and endangered?

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| a. | 13/25/17 |
| b. | 5/2/1 |
| c. | 50/40/20 |
| d. | 25/22/13. |

18. Under the Endangered Species Act:

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| a. | as long as an endangered species is not taken its habitat may be altered |
| b. | allows the sale of endangered species that are already in captivity |
| c. | both of these answers are correct |
| d. | none of these answers are correct |

19. Which of following must be included in a federal Environmental Impact Statement?

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| a. | Available alternatives to the proposed action. |
| b. | Means to mitigate adverse environmental impacts. |
| c. | Direct and indirect effects of the proposed action. |
| d. | All of the above. |

20. The disposal of nonhazardous solid waste is:

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| a. | generally regulated by state law, but the federal government sets guidelines that must be followed. |
| b. | the only area of environmental concern that has yet to be regulated by federal action. |
| c. | completely governed by federal administrative law. |
| d. | currently the subject of great debate since the federal government has declared such activity falls under the Endangered Species Act and, therefore, a small annoying fly known to frequent landfills must be protected. |

21. The United States has \_\_\_\_ percent of the world’s population and consumes about \_\_\_\_ percent of the world’s energy.

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| a. | 20; 65 |
| b. | 25; 10 |
| c. | 10; 50 |
| d. | 5; 25 |

22. Under the Endangered Species Act, what federal agency is responsible for preparing a list of species that are in danger of becoming extinct?

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| a. | Department of Commerce. |
| b. | Department of the Interior. |
| c. | Department of Labor. |
| d. | Both a and b are correct. |

23. Fresh Air, a nonprofit environmental organization, believes that Cincy Co. is violating the Clean Air Act. The EPA has not taken any action against Cincy Co. Fresh Air:

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| a. | can file a citizen suit against the EPA. |
| b. | can file an executive order with Cincy Co. |
| c. | cannot file a lawsuit but can ask an administrative law judge to hear its complaint. |
| d. | cannot file a lawsuit but can lobby Congress to force the EPA to act. |

24. Which of the following projects would require the preparation of an Environmental Impact Statement?

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| a. | A plan initiated by the Forest Service to eliminate a herd of wild goats causing damage in the Olympic (Washington) National Park. |
| b. | The building of a golf course outside of Los Angeles that requires a government permit to build in wetlands. |
| c. | The expansion of a runway to a major city airport. |
| d. | All the above. |

25. The Toxic Substances Control Act requires:

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| a. | new chemicals or old chemicals being used in a new way be registered |
| b. | testing of all new chemicals |
| c. | BPAs be removed from all chemicals. |
| d. | all of the above |

**ESSAY**

1. Discuss the major provisions of the Clean Air Act.

2. Trent was the production manager at HGB, Inc. Under his supervision, HGB emitted into the air three times the amount of toxins it is allowed under the Clean Air Act. Has Trent violated the law? What penalties might he face?

3. James purchased an abandoned lot. When he started to develop the land, he discovered several underground storage tanks containing hazardous waste buried on the site. He claims the seller, Richards, is liable to him for the cost of removing the tanks. Richards claims he owned the lot for 20 years and never knew of the underground tanks. Richards argues he purchased the land from Thomas and that Thomas or his heirs are liable for the cost of removing the underground tanks. Explain whether Richards is liable to James. Does Thomas or do his heirs have any liability to James or Richards?

4. Foiler Manufacturing, a new corporation, estimates it may generate approximately 200 kilograms of hazardous waste each month. Discuss the EPA requirements it faces in relation to this waste.

5. Big Hog Farms of America, Inc., purchased 6,000 acres of farmland in South Dakota. The company intends to build several hog confinement buildings that will house nearly 40,000 hogs in each one. When completed, the facility will have over 200,000 hogs. The "hog factory" will cause terrible odors which will be extremely unpleasant for neighbors within five miles. A town of 2,500 people is only three miles north of the planned facility. The most serious concern is the disposal of all the hog manure, which will be very substantial. The hog factory will dump the hog sewage into large lagoons and then empty the watered-down sewage onto farm fields. It plans to sell some of this manure as fertilizer, though most of it will be spread on grounds the facility owns.

Despite all the uproar from people in the area, many people are in favor of the facility. It will employ nearly 200 people, purchase a lot of products (feed, supplies, etc.) from local businesses, and generate a lot of money into the economy.

Is this business required to submit an Environmental Impact Statement to the federal government and/or obtain a permit to operate from the EPA? Does the operation need any permits from the federal government to operate? Does it need authorization from state or local authorities? Explain.

6. Discuss the purpose of and problems with the Kyoto Protocol from the perspective of the United States.