Environmental Law Selected Bibliography

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I. General Information

Environmental Law in a Nutshell, by Daniel A. Farber (8th edition, 2010)

- **Call Number**- KF3775.Z9 F56 2010
- **Location**- St. Thomas University, Alex A. Hanna Law Library, Study Aids

Treatise on Environmental Law, by Frank P. Grad

- **Call Number**- KF3775.G7
- **Location**- St. Thomas University, Alex A. Hanna Law Library, General Collection (*Note* – only volumes 1-5 available in print version).
- **STU Access Online**- *via* LexisNexis
  - Search > Legal > Area of Law – By Topic > Environment > Search Analysis, Law Reviews & Journals > Treatise on Environmental Law.

Environmental Law, by William Rodgers (2nd edition, 1994)

- **Call Number**- KF3775.R63 1994
- **Location**- St. Thomas University, Alex A. Hanna Law Library, Reserve & General Collection (*note* current updates available on Westlaw)
- **STU Access Online**- *via* Westlaw
    - Add the 'Environmental Practitioner' tab to Westlaw (Click 'Add a tab' in the upper right corner > click 'Add Westlaw Tabs' > select 'Environmental Practitioner' > click 'Add to My Tab Set').
    - Click 'Environmental Practitioner' tab > Treatises & Practice Guides > Environmental Law.

Understanding Environmental Law, by Phillip Weinberg (2nd edition, 2008)

- **Call Number**- KF3775.W45 2008
- **Location**- St. Thomas University, Alex A. Hanna Law Library, Reserve

The Law of Hazardous Wastes and Toxic Substances in a Nutshell, by John G. Sprankling (2nd edition, 2007)

- **Call Number**- KF3945.Z9 S685 2007
- **Location**- St. Thomas University, Alex A. Hanna Law Library, Study Aids

II. Federal Law

A. Federal Statutes

- **Location**- St. Thomas University, Alex A. Hanna Law Library, General Collection – North Reading Room – Shelf 104.
- **STU Access**- *via* Westlaw and LexisNexis.
- **Public Access**- *via* GPO (fdsys), *available at* www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE and *via* Cornell Legal Information Institute, *available at* www.law.cornell.edu/uscode/text

Particularly relevant federal statutes are summarized in the following chart.

Acronym	Law	Statutory Citation	Regulatory Citation	Purpose
Antiquities Act	Act for the Preservation of American Antiquities	16 U.S.C. §§ 431-433 Pub. L. 59-206 34 Stat. 225	43 C.F.R. 3	Allows the president to create National Monuments by setting aside lands and objects of historic and scientific interest.

CAA	Clean Air Act	42 U.S.C. §§ 7401 *et seq.* Pub. L. 88-206 77 Stat. 392	40 C.F.R. 49-97, 122-124, 144-145, 270-271	Regulates air emissions. **Legislative History – STU Access**- HeinOnline, *available at* http://www.heinonline.org/HOL/CumulativeContents?collection=leghis&documents=caaa0001,caaa0002,caaa0003,caaa0004,caaa0005
CERCLA (superfund)	Comprehensive Environmental Response, Compensation and Liability Act of 1980 (amended by SARA)	42 U.S.C. §§ 9601 *et seq.* Pub. L. 96-510 94 Stat. 2767	40 C.F.R. 300-312	Governs clean-up responsibilities for historic hazardous waste sites. **Legislative History – STU Access**- HeinOnline, *available at* http://www.heinonline.org/HOL/CumulativeContents?collection=leghis&documents=evrespnse2491,evrespnse2492,evrespnse2493
CWA	Clean Water Act	33 U.S.C. §§ 1251 *et seq.* Pub. L 92-500 86 Stat. 816	40 C.F.R. 104-136, 140, 144-145, 230-233, 401-471, 501-503	Regulates discharge of pollutants into the water. **Legislative History – STU Access**- HeinOnline, *available at* http://www.heinonline.org/HOL/CumulativeContents?collection=leghis&documents=cwtrat0001,cwtrat0002,cwtrat0003,cwtrat0004,cwtrat0005,cwtrat0006,cwtrat0007
EPCRA (SARA Title III)	Emergency Planning & Community Right to Know Act	42 U.S.C. §§ 11001 *et seq.* Pub. L. 99-599 100 Stat. 1733	40 C.F.R. 302, 355, 370, 372	Requires disclosure of the storage of hazardous substances, public notification, and procedures for response in the event of a release of hazardous substances. **Legislative History – STU Access**-*via* LexisNexis Legal > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > Legislative History Materials > Superfund Amendments & Reauthorization Act of 1986 Legislative History

ESA	Endangered Species Act	16 U.S.C. §§ 1531 *et seq.* Pub. L. 93-205 87 Stat. 884	50 C.F.R. 17.1 et seq.	Regulates and conserves threatened and endangered species and their habitats. **Legislative History – STU Access** Proquest Congressional – *available at* web.lexis-nexis.com/congcomp/document?_m=b389c81461ef8db1d0f5ce4452666a21&_docnum=27&wchp=dGLbVzB-zSkSA&_md5=27e95dd713edf66171da82648a1ec4c7
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act	7 U.S.C. §§ 136 *et seq.* Pub. L. 75-717 52 Stat. 1040	29 C.F.R. 1440.1; 40 C.F.R. 32.100 et seq., 152-168, 180.1	Regulates pesticides.
FLPMA	Federal Land Policy Management Act	43 U.S.C. §§ 1701 *et seq.* Pub. L. 94-579 90 Stat. 2728		Governs how the Bureau of Land Management (BLM) administers public lands. **Legislative History – STU Access** Proquest Congressional – *available at* http://web.lexis-nexis.com/congcomp/document?_m=a25a9b59c38eb57c62a73ba370d5c9bd&_docnum=20&wchp=dGLbVzB-zSkSA&_md5=4f4e6ef625746e5772e4e1d213d4c7f7
NEPA	National Environmental Policy Act of 1960	42 U.S.C. §§ 4321 *et seq.* Pub. L. 91-190 83 Stat. 852	40 C.F.R. 6, 1500-1508; 7 C.F.R. 520; 10 C.F.R. 1021	Establishes a broad national framework for protecting the environment. Imposes environmental responsibilities on all federal agencies and requires agencies to write environmental impact statements. **Legislative History – STU Access**- HeinOnline, *available at* http://www.heinonline.org/HOL/CumulativeContents?collection=leghis&documents=natepa0001,natepa0002

NHPA	National Historic Preservation Act of 1966	16 U.S.C. §§ 470 *et seq.* Pub. L. 89-655 80 Stat. 915	36 C.F.R. 800	Requires federal agencies to take account of the effect of any undertaking on certain historic properties.
Organic Act	National Park Service Organic Act of 1916	16 U.S.C. §§ 1 *et seq*. 39 Stat. 535	36 C.F.R. 1-199	Established the National Parks Service as an agency of the Department of the Interior
RCRA	Resource Conservation and Recovery Act	42 U.S.C. §§ 6901 *et seq.* Pub. L. 94-580 90 Stat. 2795	40 C.F.R. 144-148, 260-299	Regulates and controls hazardous waste and manages non-hazardous waste. Amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA) to require phasing out land disposal of hazardous waste. **Legislative History – STU Access** – *via* LexisNexis Legal > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > Legislative History Materials > Resource Conservation & Recovery Act of 1976
SARA	Superfund Amendments and Reauthorization Act	42 U.S.C. §§ 9601 *et seq.* Pub. L. 99-499 100 Stat. 1613	40 C.F.R. 300-312, 355, 373	Amended CERCLA. **Legislative History – STU Access**-*via* LexisNexis Legal > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > Legislative History Materials > Superfund Amendments & Reauthorization Act of 1986 Legislative History

TSCA	Toxic Substances Control Act	15 U.S.C. §§ 2601 *et seq.* Pub. L. 94-469 90 Stat. 2003	40 C.F.R. 700-799	Regulates industrial chemicals produced or imported into the United States. **Legislative History – STU Access**- HeinOnline, *available at* http://www.heinonline.org/HOL/Page?collection=leghis&handle=hein.leghis/toxsucon0001&id=1
Wilderness Act	Wilderness Act of 1964	16 U.S.C. §§ 1131-1136 Pub. L. 88-577 78 Stat. 890	43 C.F.R. 6300 (regarding public lands) 36 C.F.R. 293 (regarding national parks, national forests, etc.)	Created the National Wilderness Preservation System, meant to identify and protect wilderness areas.

B. <u>Code of Federal Regulations</u>

Title 40 – Protection of Environment

- **Location**- St. Thomas University, Alex A. Hanna Law Library, General Collection – North Reading Room – Shelf 105B.
- **STU Access**- *via* Westlaw and LexisNexis.
- **Public Access**- *via* GPO (Fdsys), *available at* www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR and *via* Cornell Legal Information Institute, *available at* www.law.cornell.edu/cfr/text/40
    - (**Note** – GPO (Fdsys) provides only current official versions of the CFR. For the most current yet unofficial information check the Cornell Legal Information Institute or GPO Access *available at* ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=b4dda7ea2ed8df54004abf038c783ac0&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

Title 36 – Parks, Forests, and Public Property

- **Location**- St. Thomas University, Alex A. Hanna Law Library, General Collection – North Reading Room – Shelf 105B.
- **STU Access**- *via* Westlaw and LexisNexis.

- **Public Access**- *via* GPO (Fdsys), *available at* www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR and *via* Cornell Legal Information Institute, *available at* www.law.cornell.edu/cfr/text/36
    - (**Note** – GPO (Fdsys) provides only current official versions of the CFR. For the most current yet unofficial information check the Cornell Legal Information Institute or GPO Access *available at* ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=b4dda7ea2ed8df54004abf038c783ac0&c=ecfr&tpl=/ecfrbrowse/Title36/36tab_02.tpl).

Title 43 – Public Lands; Interior

- **Location**- St. Thomas University, Alex A. Hanna Law Library, General Collection – North Reading Room – Shelf 105B.
- **STU Access**- *via* Westlaw and LexisNexis
- **Public Access**- *via* GPO (Fdsys), *available at* www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR and *via* Cornell Legal Information Institute, *available at* www.law.cornell.edu/cfr/text/43
    - (**Note** – GPO (Fdsys) provides only current official versions of the CFR. For the most current yet unofficial information check the Cornell Legal Information Institute or GPO Access *available at* ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=b4dda7ea2ed8df54004abf038c783ac0&c=ecfr&tpl=/ecfrbrowse/Title43/43tab_02.tpl).

III. <u>Federal Agencies</u>

Bureau of Land Management (BLM)

Agency Description	Enabling Legislation	Administered Law	Decisions and other Documents
BLM is an agency within the Department of Interior that administers and manages public lands as well as mineral rights for federal, state, and private lands. www.blm.gov		FLPMA NEPA ESA	**BLM Decisions, Orders, and Regulations** *available at* www.blm.gov/wo/st/en/info/regulations.html **BLM Facts and Land Management Information** *available at* www.blm.gov/wo/st/en/res/Direct_Links_to_Publications.html

Council on Environmental Quality (CEQ)

The Council on Environmental Quality (CEQ) coordinates Federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. www.whitehouse.gov/administration/eop/ceq/	NEPA, 42 U.S.C. §§ 4341 et seq.	NEPA	**CEQ Guidance** ceq.hss.doe.gov/ceq_regulations/guidance.html **CEQ Annual Environmental Quality Reports** (1970-1997) ceq.hss.doe.gov/ceq_reports/annual_environmental_quality_reports.html **Environmental Impact Statement**s (EIS) www.epa.gov/compliance/nepa/eisdata.html?

Environmental Protection Agency (EPA)

The EPA is charged with protecting human health and the environment, by writing and enforcing regulations based on laws passed by Congress. www.epa.gov	Reorganization Plan No. 3 of 1970, 5 U.S.C. App. 1	Clean Air Act Clean Water Act CERCLA EPCRA FIFRA NEPA Resource Conservation and Recovery Act Safe Water Drinking Act Toxic Substances Control Act	**Environmental Appeals Board Decisions** Final agency decision-maker on administrative appeals *via* LexisNexis *at* (Legal > Federal Legal - U.S. > Find Statutes, Regulations, Administrative Materials & Court Rules > Administrative Agency Materials > Environmental > EPA Environmental Appeals Board Decisions) *via* Westlaw *at* (Add the 'Environmental Practitioner' tab to Westlaw > Administrative Materials (click 'Show More') > E.P.A. Environmental Appeals Board Decisions) *via* EPA *available at* www.epa.gov/eab **Administrative Law Judge Opinions** *available at* www.epa.gov/aljhomep/orders.htm **General Counsel Opinions** General Counsel Opinions (1979-) *available at* www.epa.gov/ogc/documents.htm **EPA Information and Technical Documents** *available at* www.epa.gov/ncepihom/

Fish and Wildlife Service of the Department of Interior (FWS)

Fish and Wildlife Service is an agency within the United States Department of the Interior dedicated to the management	Fish and Wildlife Act, 16 U.S.C. § 742a	Endangered Species Act	**FWS and NOAA Decisions and Other Documents** Ocean Resources and Wildlife Reporter *via* Westlaw search database (FENV-ORW)

of fish, wildlife, and natural habitats. www.fws.gov			*via* LexisNexis *available at* www.lexis.com/xlink?source=envirn;noaa **Federal Register Notices** *via* EPA *available at* www.epa.gov/fedrgstr/EPA-SPECIES/

Environment and Natural Resources Division of the Department of Justice (DOJ)

The Environment and Natural Resources Division of the Department of Justice handles environmental and natural resources litigation on behalf of the United States. The work of the Division arises under approximately 150 federal civil and criminal statutes, including the Clean Air Act, Clean Water Act, CERCLA (Superfund) and others. www.usdoj.gov/enrd/			**Consent Decrees** *via* DOJ *available at* www.justice.gov/enrd/Consent_Decrees.html **Summaries, Policy Statements, and Litigation Resources** *via* DOJ *available at* www.justice.gov/enrd/Current_topics.html

National Oceanographic and Atmospheric Administration (NOAA)

NOAA is a scientific agency within the United States Department of Commerce focused on the conditions of the oceans and the atmosphere. NOAA warns of dangerous weather, charts seas and skies, guides the use and protection of ocean and coastal resources, and conducts research to improve understanding and stewardship of the environment. www.noaa.gov	Reorganization Plan No. 4 of 1970, 5 U.S.C. App. 1	Endangered Species Act	**FWS and NOAA Decisions and Other Documents** Ocean Resources and Wildlife Reporter *via* Westlaw search database (FENV-ORW) *via* LexisNexis *available at* www.lexis.com/xlink?source=envirn;noaa

United States Army Corps of Engineers (USACE)

The Army Corps of Engineers, with environmental sustainability as a guiding principle, works diligently to strengthen our nation's security by building and		Clean Air Act Clean Water Act CERCLA EPCRA	**USACE Information and Ongoing Projects** *available at* www.usace.army.mil/Media/FactSheets.aspx

maintaining America's infrastructure. www.usace.army.mil		FIFRA NEPA Resource Conservation and Recovery Act Safe Water Drinking Act Toxic Substances Control Act	

IV. Environmental Law Cases

Federal and State Environmental Cases – LexisNexis

- **STU Access**- LexisNexis *available at* www.lexis.com/xlink?source=ENVIRN;MEGA

Environmental Law Cases – Westlaw

- **STU Access**- Westlaw *via* Westlaw Next, *available at* Westlaw Next > Cases > Environmental Law Cases.

BNA Environment and Safety Library

- **STU Access**- St. Thomas University, Alex A. Hanna Law Library, Digital Library – BNA *available at* esweb.bna.com/eslw

V. Current Awareness

Environment Reporter

- **STU Access**- St. Thomas University, Alex A. Hanna Law Library, Digital Library – BNA *available at* news.bna.com/erln

Daily Environment Reporter

- **STU Access**- St. Thomas University, Alex A. Hanna Law Library, Digital Library – BNA *available at* news.bna.com/deln

EPA Newsroom

- **Public Access**- EPA *available at* www.epa.gov/newsroom

- **STU Access**- St. Thomas University, Alex A. Hanna Law Library, Digital Library – BNA *available at* news.bna.com/frmn

World Climate Change Report

- **STU Access**- St. Thomas University, Alex A. Hanna Law Library, Digital Library – BNA *available at* news.bna.com/clln

Toxics Law Reporter

- **STU Access**- St. Thomas University, Alex A. Hanna Law Library, Digital Library – BNA *available at* news.bna.com/txln

VI. Florida Environmental Law

A. Florida Law

Area of Law	Florida Statutory Provision
Agriculture, Horticulture, and Animal Control	Title XXXV – Fla. Stat. §§ 570-604
Drainage	Title XXI – Fla. Stat. § 298
Natural Resources, Conservation, Reclamation, and Use Statutes	Title XXVII – Fla. Stat. §§ 369-380
Planning and Development	Title XIII – Fla. Stat. §§ 186-191
Ports and Harbors	Title XXII – Fla. Stat. § 308-315
Public Health, Environmental Control	Title XXIX, Chapter 403 – Fla. Stat. § 403
Public Lands and Property	Title XVIII – Fla. Stat. §§ 253-274

B. Florida Agencies

Florida Department of Environmental Protection

- **Public Access**- www.dep.state.fl.us
- **Note**- DEP is the lead agency in Florida for environmental management and stewardship divided into three primary areas: Regulatory Programs, Land and Recreation, and Water Policy and Ecosystem Restoration.

Florida Fish and Wildlife Conservation Commission

- **Public Access**- www.fwc.state.fl.us
- **Note**- FWC is authorized by the Florida Constitution to enact rules and regulations regarding Florida's fish and wildlife resources.

Florida Water Management Districts

- Northwest Florida Water Management District
    - **Public Access**- www.nwfwmd.state.fl.us
- St. Johns River Water Management District
    - **Public Access**- floridaswater.com
- South Florida Water Management District
    - **Public Access**- www.sfwmd.gov
- Southwest Florida Water Management District
    - **Public Access**- www.swfwmd.state.fl.us
- Suwanee River Water Management District
    - **Public Access**- www.srwmd.state.fl.us
- **Note** - The water management districts administer flood protection programs and perform technical investigations into water resources. The districts also develop water management plans for water shortages in times of drought and to acquire and manage lands for water management purposes under the Save Our Rivers program. Regulatory programs delegated to the districts include programs to manage the consumptive use of water, aquifer recharge, well construction and surface water management.

Miami-Dade County Department of Environmental Resources Management

- **Public Access**- www.co.miami-dade.fl.us/derm
- **Note**- Provides local support for Florida DEP projects as well as regulating Miami-Dade County's public water supply, beach maintenance and preservation, as well as other duties.

C. <u>Other Resources</u>

Environmental Law, Experts, and Ethics, by Florida Bar: CLE

- **Call Number**- KFF354.Z9 E59 2006
- **Location**- St. Thomas University, Alex A. Hanna Law Library, Reserve

The Environmental and Land Use Section of the Florida Bar

- **Public Access**- www.eluls.org
- **Note**- Provides information and resources on Florida and Federal environmental law.
- Section Reporter *available at* www.eluls.org/reporter.html

The Comprehensive Everglades Restoration Plan (CERP)

- **Public Access**- www.evergladesplan.org
- **Note**- CERP provides a framework and guide to restore, protect and preserve the water resources of central and southern Florida, including the Everglades, covering 16 counties over an 18,000-square-mile area.

VII. Further Reading and Other Useful Information

A. Journals

Duke Environmental Law and Policy Forum

- **Call Number**- K4.U543 (available from volume 8)
- **Location**- St. Thomas University, Alex A Hanna Law Library General Collection, 203A
- **STU Access**- HeinOnline, *available at* www.heinonline.org/HOL/Index?index=journals/delp&collection=journals
- **Public Access**- Duke University School of Law, *available at* delpf.law.duke.edu/

Harvard Environmental Law Review

- **Call Number**- K8.A84 (available from volume 16)
- **Location**- St. Thomas University, Alex A Hanna Law Library General Collection 204A
- **STU Access**- HeinOnline, *available at* heinonline.org/HOL/Index?index=journals/helr&collection=journals
- **Public Access**- Harvard Law School, *available at* www.law.harvard.edu/students/orgs/elr/older.php (available from volume 20).

Environmental Law

- **Call Number**- K5.N83
- **Location**- St. Thomas University, Alex A Hanna Law Library General Collection, 202B
- **STU Access**- HeinOnline, *available at* heinonline.org/HOL/Index?index=journals/envlnw&collection=journals
- **Public Access**- Lewis & Clark Law School, *available at* elawreview.org (available from volume 35).

Journal of Land Use & Environmental Law

- **Call Number**- K10.J67
- **Location**- St. Thomas University, Alex A Hanna Law Library General Collection, 205B
- **STU Access**- HeinOnline, *available at* heinonline.org/HOL/Index?index=journals/jluenvl&collection=journals
- **Public Access**- Florida State University School of Law, *available at* www.law.fsu.edu/journals/landuse (available from volume 15).

B. Internet Resources/Other

National Council for Science and the Environment

- **Public Access**- www.ncseonline.org
- **Note**- The NCSE website contains many environmental reports from the Congressional Research Service as well as other documents, news reports, and scientific information.

Environmental Law Net

- **Public Access**- lawvianet.com
- **Note**- This website is developed by a practitioner for practitioners and contains well-organized lists of links to federal, state and international environmental laws and regulations; agency decisions; litigation; and other relevant items.

Environmental Appeals Court

- **Public Access**- environmentalappealscourt.blogspot.com
- **Note**- This website reports on environmental law cases decided by federal appellate courts.