

Environmental Policy [For example, the Clean Air Act]

Notable Supreme Court Cases	Description
<u>Sierra Club v. Morton (1972)</u>	<p>“The Mineral King Valley was an undeveloped part of the Sequoia National Forest that was mostly used for mining until the 1920s. In the late 1940s, developers began to make bids on the land for recreational developments. Walt Disney Enterprises won a bid to start surveying the valley in the hopes of developing an 80-acre ski resort. The size of the proposed resort would require the construction of a new highway and massive high voltage power lines that would run through the Sequoia National Forest. The Sierra Club kept track of this project for years and hoped to stop it to protect the undeveloped land. The Sierra Club filed preliminary and permanent injunctions against federal officials to prevent them from granting permits for the development of the Mineral King Valley. The district court granted these injunctions. The U.S. Court of Appeals for the Ninth Circuit overturned the injunctions on the grounds that the Sierra Club did not show that it would be directly affected by the actions of the defendants and therefore did not have standing to sue under the Administrative Procedure Act. Alternatively, the appellate court also held that the Sierra Club had not made an adequate showing of irreparable injury or likelihood of their success on the merits of the case.” (Oyez, n.d.)</p>
<u>Tennessee Valley Authority v. Hill (1978)</u>	<p>“In 1967, Congress appropriated funds to the Tennessee Valley Authority (TVA) to build the Tellico Dam. In 1973 Congress passed the Endangered Species Act (ESA), which protected certain species classified as “endangered”. The Secretary of the Interior declared the Snail Darter endangered. The area of the Tellico Dam was its “critical habitat”. Although the multi-million dollar project was almost completed, the project predated the ESA, and Congress continued to appropriate funds to the project after the ESA passed, Hiram Hill sued to enjoin the completion of the Dam in order to protect the Snail Darter. He argued that completing and opening the dam would violate the ESA by causing the extinction of the snail darter. The district court refused to grant the injunction and dismissed the complaint. The U.S. Court of Appeals for the Sixth Circuit reversed and remanded with instructions to issue a permanent injunction against any activities that would modify or destroy the Snail Darter’s critical habitat.” (Oyez, n.d.)</p>
<u>Chevron USA Inc. v. Natural Resources Defense Council (1984)</u>	<p>“The Clean Air Act (the Act) required states that had not yet achieved national air quality standards to establish a permit program regulating new or modified major stationary sources of air pollution, such as manufacturing plants. The Environmental Protection Agency (EPA) passed a regulation under the Act that allows states to treat all pollution-emitting devices in the same industrial grouping as though they were a single “bubble.” Using this bubble provision, plants may install or modify one piece of equipment without needing a permit if the alteration does not increase the total emissions of the</p>

	<p>plant. Several environmental groups, including the Natural Resources Defense Council, challenged the bubble provision as contrary to the Act. The U.S. Court of Appeals for the D.C. Circuit set aside the EPA regulation as inappropriate for a program enacted to improve air quality.” (Oyez, n.d.)</p>
<u>Lujan v. Defenders of Wildlife (1992)</u>	<p>“The Endangered Species Act of 1973 (S7(a)(2)) required federal agencies to consult with the Secretary of the Interior to ensure that any authorized actions did not jeopardize endangered or threatened species or critically destroy natural habitats. A 1986 amendment to the act limited its scope to actions in the United States or on the high seas. Defenders of Wildlife and other organizations dedicated to wildlife conservation filed an action seeking a declaratory judgment that the new amendment erred by providing for a geographic limit on the original law.” (Oyez, n.d.)</p>
<u>Massachusetts v. Environmental Protection Agency (2007)</u>	<p>“Massachusetts and several other states petitioned the Environmental Protection Agency (EPA), asking EPA to regulate emissions of carbon dioxide and other gases that contribute to global warming from new motor vehicles. Massachusetts argued that EPA was required to regulate these "greenhouse gases" by the Clean Air Act - which states that Congress must regulate "any air pollutant" that can "reasonably be anticipated to endanger public health or welfare." EPA denied the petition, claiming that the Clean Air Act does not authorize the Agency to regulate greenhouse gas emissions. Even if it did, EPA argued, the Agency had discretion to defer a decision until more research could be done on "the causes, extent and significance of climate change and the potential options for addressing it." Massachusetts appealed the denial of the petition to the Court of Appeals for the D.C. Circuit, and a divided panel ruled in favor of EPA.” (Oyez, n.d.)</p>
<u>Rapanos v. United States (2006)</u>	<p>“John Rapanos sought to fill in three wetland areas on his property in order to build a shopping center. Rapanos ignored warnings from the Michigan Department of Environmental Quality that the area was protected wetlands under the Clean Water Act (CWA). The CWA allows the government to regulate the discharge of any pollutant (including dirt or sand) into "navigable waters," which the Act defines as "the waters of the United States." Under regulations issued by the Army Corps of Engineers (Corps), wetlands are covered by the CWA as long as they are adjacent to traditionally navigable waters or tributaries of such waters. After Rapanos also ignored cease-and-desist orders from the U.S. Environmental Protection Agency, the government brought a civil suit against him. Rapanos argued before the District Court that the CWA gives the government jurisdiction to regulate only traditionally navigable waters. The government countered that Rapanos's lands were covered by the CWA as "adjacent wetlands" under the Corps's interpretation of the Act; the sites drained into man-made drains which eventually emptied into navigable rivers and lakes.” (Oyez, n.d.)</p>