

ENVIRONMENTAL LAW TRIVIA TEST*

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Environmental law offers a rich cache of complexities, ironies, and surprises. Consider the patterns inherent in what can be described as a random assemblage of trivia questions.

First, a distinct human psychology shows up in our practices of naming things and characterizing them. There is a perspective implicit in the choice of title for the Natural Resources Committee (Question 19), the latest name for the Animal Damage Control Unit (Question 11), the word used to describe those unfortunate souls who must move out of the way of progress (Question 1), and the acronym preferred to describe pollution (Question 20). Sometimes the choice of name shows an insider's knowledge (the "Caron problem," Question 25) and sometimes simply an ironic outcome (the motto of "Ed's Trucking," Question 12).

Lawyers, of course, are frequently trapped in their linguistic categories, so it is always instructive to learn how sweeping a permit-authorized "bypass" can be (Question 8), how far reaching the "maintenance" exception (Question 28), and the lengths to which courts will go to invent a content for "abnormal marine mammal activity" (Question 9). Another form of limited perspective is suggested by the tobacco smoke question (Question 4), which says something about misplaced priorities.

Second, the theme of complexity shows up in all the environmental law trivia tests; it is represented here by the usual stories of long-delayed regulations (Question 2), drawn-out proceedings (Question 15), too many rules (Question 19), mind-boggling liabilities (Question 27), complicated decrees (Question 29), huge sites (Question 5), gross pollution (Question 18, on plastic syringes), and casts of thousands (Question 26). But some of these large numbers speak volumes about the nature and extent of contemporary environmental problems. In this category are the estimated costs of pesticide usage

* The author has compiled two other trivia tests, which appear at 22 ENVTL L. 417 (1992) and 22 B.C. ENVTL. AFF. L. REV. 807 (1995).

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(Question 21), the incredibly high bids made by the hunters of wild sheep (Question 3), which tells us something about scarcity, not to mention the high price of tuna (Question 14), and the short duration of the halibut fishery (Question 10), which gives forewarnings about consumer demand and the frightening efficiencies of the technologies of capture. The questions about the complexities of life in the Peruvian rainforest (Question 7) and responsibilities of the private landowner for endangered species (Question 30) hint at how daunting the task of protecting biodiversity will be.

Third, the role of technology is part and parcel of environmental law, and it shows up here in the questions about fishing efficiency (Question 10) and syringes (Question 18), not to mention the cleanup of the “odor” problem (Question 13) and the breakdown of the sewage solution (Question 23). That the man on the street is now single-handedly capable of severe environmental damage (Question 17, on Roscoe Moore) presents a severe challenge to the designers of today’s environmental law. The questions about the “aberrant” behavior of Alaska wolf hunters (Question 24) and Arizona pot-hunters (Question 16) show simultaneously how much damage a few individuals can do, and how shaky the legal innovations to stop them from doing it are.

**ENVIRONMENTAL LAW TRIVIA TEST
QUESTIONS**

1. What is the acronym used to describe the people ousted by World Bank-financed development projects?
 - a. beneficiaries (BENs).
 - b. project-affected populations (PAPs).
 - c. evictees (VICs).
 - d. environmental nomads (E-NOMs).
 - e. resettles (Re-SETs).
 - f. involuntary migrants (I-MIGs).

2. When did EPA meet the August 8, 1978, deadline in Subsection 211(e) of the Clean Air, 42 U.S.C.A. § 7545(e), for implementing the fuel regulation and testing requirements?
 - a. never.
 - b. August 8, 1983.
 - c. August 8, 1988.
 - d. August 8, 1978.
 - e. June 27, 1994.

3. What was the high bid in the 1994 trophy hunt auctions for wild sheep held in the western states of the U.S.?
 - a. \$310,000.
 - b. \$1.5 million, for the right to kill one sheep and wound another.
 - c. \$100.00.
 - d. \$9,468.00.
 - e. \$17,000.

4. What percentage of environmental tobacco smoke would have to be cut back to achieve a pollution-control equivalent to eliminating all coal-fired power plants in the U.S.?
 - a. .7%.
 - b. 16%.
 - c. 2%.
 - d. 68%.

5. How large is the Department of Energy's consolidated Mexican Hat uranium tailings pile perched on a bluff of red sandstone rock overlooking the San Juan River?
- 2 billion cubic yards, covering 4 1/2 square miles.
 - approximately the same size as 30 New Orleans Superdomes.
 - approximately the same size as the Martian Crater Bok, first observed by Tycho Brahé and confirmed by NASA's Viking Orbiter.
 - 2 million cubic yards, covering 65 acres.
6. How many statutes is EPA charged with enforcing and developing regulations under?
- 109.
 - 56.
 - 19.
 - 11.
 - 7.
7. In the Peruvian rainforest, legendary ant researchers Bert Hölldobler and Edward O. Wilson identified _____ species of ants in a single tree.
- 11.
 - 29.
 - 43.
 - 119.
8. Southern Ohio Coal Company's proposals to pump up to 1 billion gallons of floodwaters from its Meigs Mine Number 31 as a permit-authorized "bypass" admittedly would kill all aquatic life in surrounding creeks and streams (tributaries of the Ohio River) and increase sedimentation of iron, zinc, manganese, and copper. According to the company's expert testimony, how long would it take the devastated aquatic life to renew itself?
- one year.
 - two years.
 - three years.
 - seven years.
 - twenty-seven years.

9. What was the “abnormal marine mammal activity” that prompted the Ninth Circuit to read the anti-taking provisions of the Marine Mammal Protection Act as not disapproving the firing of rifle shots into the water behind some porpoises?
- excited observations of pen-reared salmon near Hood Canal, Washington.
 - molesting trained sea-lions who were performing at Sea World.
 - swimming too close to Navy “seals” who were on a training exercise.
 - the eating of a tuna fish caught on a fisherman’s line.
10. How long does it take the Alaska halibut fishery to catch the entire annual quota of 25 million pounds?
- 16 days.
 - 365 days.
 - 4 days.
 - 48 hours.
 - 3 1/2 hours.
11. What name has not been used by the Animal Damage Control unit of the Department of Agriculture’s Animal and Plant Health Inspection Service?
- Wildlife Services.
 - Office of Ornithology & Mammalogy.
 - Division of Economic Investigations.
 - Division of Predatory Animal and Rodent Control.
 - Branch of Predator and Rodent Control.
 - Animal Damage Control Program.
 - all the above names have been used.
12. What was the motto of “Ed’s Trucking,” whose hauling efforts helped build the Fadrowski unlicensed landfill and Christmas tree farm in the 6800 block of South 27th St., Franklin, Wisconsin?
- “You call, we haul.”
 - “You pick it up, we put it down.”
 - “From Your House to Our House.”
 - “The Green Movers.”
 - “Recyclers You Can Trust.”
 - “One Man’s Garbage Is Another Man’s Gold.”

13. Identify the techniques that are part of the “odor mitigation effort” at the Fresh Kills landfill (the world’s largest sanitary landfill) on New York’s Staten Island?

- a. giant fans (used in mines) that try to blow the stench over unpopulated waterways.
- b. burning of several tons of nontoxic “incense” during weather inversions.
- c. distribution of a can of “Glade Potpourri Spray Cinnamon Stick” aerosols to all customers who ask for one.
- d. pouring 11,000 gallons of pine oil onto the landfill each year.

14. What is the value of a single bluefin tuna on the raw seafood market of Japan?

- a. \$1,000.00.
- b. \$5,000.00.
- c. \$10,000.00.
- d. \$20,000.00.
- e. \$50,000.00.

15. How many years lapsed between application for site approval of the Seabrook nuclear power plant by the Public Service Company of New Hampshire (PSNH) and NRC grant of the operating license? How long after PSNH filed for bankruptcy under Chapter 11 did the grant of the operating license follow?

- a. 15 yrs., 1 yr. before bankruptcy.
- b. 18 yrs., 2 yrs. before bankruptcy.
- c. 11 yrs., 4 yrs. before bankruptcy.
- d. 11 yrs., 6 yrs. before bankruptcy.

16. What use was made, by looters of a small pueblo, of a state lands of Arizona sign explaining the penalties for damaging archaeological resources?

- a. target practice.
- b. urinal.
- c. firewood.
- d. shovel.
- e. stick for measuring the oil in their vehicle.

17. How did Roscoe Moore build his levee (10 feet high, 15 feet wide, 200-300 feet long) behind his trailer park on the banks of Sugar Creek in Montgomery County, Indiana?
- by contacting a ready-mix cement company that agreed to dump its tailings on the bank.
 - by the use of a back-hoe borrowed from the school district.
 - with the help of a prison “chain gang” made available by recent get-tough-on-crime laws.
 - by extending his inventory of auto “hulks” kept on the property as a second line of business.
18. How many plastic syringes were collected at the 1993 beach and waterway cleanup conducted by volunteers organized by the Center for Marine Conservation?
- 3,946.
 - 10,166.
 - 22,484.
 - 76,912.
 - 84,312.
19. One of the first orders of business for Alaska Republican Don Young, incoming chairman of the House Natural Resources Committee, was to change the name of the Committee. He chose:
- House Unnatural Resources Committee.
 - House Committee on Use, Extraction, and Mining.
 - House Resources Committee.
 - House Committee on Nature and Resources.
 - House Committee on Logging, Mining, Grazing and Hunting.
20. What were the pollutants that contaminated the property of Lillie Mae Gray in Wayne County, Mississippi, as a result of oil and gas operations?
- naturally occurring radioactive material (NORM).
 - iridescent green fluid (I-GF).
 - lead, arsenic, and cadmium (LAC).
 - miscellaneous oil substances (MOSS).

21. What is the best estimate of the total indirect costs of pesticide use in the U.S.?
- there are no costs, only benefits.
 - \$2 billion per year.
 - \$5 billion per year.
 - \$8 billion per year.
22. What is the stiffest sentence ever imposed on a woman for a pollution violation?
- death sentence.
 - five years imprisonment, suspended.
 - 37 months imprisonment.
 - one year in jail.
 - \$1.5 million fine.
23. The sewage treatment plant for the Town of Ball, Louisiana, uses 900 sprinklers to release treated water into the air as a fine mist. How many of the sprinkler heads were broken, causing sewage to shoot up out of the ground like a geyser and allowing it to be picked up by a wind and spread onto neighboring property?
- 63.
 - 163.
 - 363.
 - 563.
 - 863.
24. A recent regulation of the Alaska Board & Game allows anyone over 16 to buy a trapper's permit for \$15 and fly into the back country to shoot wolves. The rules require the hunter to land the plane and walk [what distance] before shooting wolves.
- 30 feet.
 - 30 feet, *or* take one hop, skip, and a jump.
 - 300 feet.
 - 100 feet, unless ice and snow make it inconvenient.
 - 200 feet, *or* an equivalent distance by jogging in place.
25. Under Superfund, what is "the Caron problem?"
- a sausage factory in eastern Tennessee featuring open containers of rotting meat.

- b. an especially mobile and hard-to-control toxic water pollutant that is a metabolite of cadmium.
 - c. a reference to a Fifth Amendment self-incrimination case (*United States v. Caron*), that allows a qualified escape from the category of “necessary” response costs for pollution incidents that are promptly reported.
 - d. a barrier to the recovery of “necessary” response costs by the U.S. at sites where EPA’s “On Scene Coordinator” was Robert E. Caron, who misrepresented his academic credentials and achievements and was subsequently convicted of perjury.
26. How many written comments were made during the EIS process on the plan to reintroduce wolves into Yellowstone National Park and central Idaho?
- a. 160,264.
 - b. 680,148.
 - c. 26.
 - d. 349.
27. What is the interest on the \$5 billion judgment for punitive damages awarded in the Exxon Valdez spill litigation in September 1994?
- a. \$34,383.40 per year.
 - b. \$34,383.40 per month.
 - c. \$34,383.40 per week.
 - d. \$34,383.40 per hour.
 - e. \$34,383.40 per minute.
28. How long is the drainage ditch in Sargent County, North Dakota, that local authorities were allowed to “maintain” after 70 years of neglect under Subsection 404(f) of the CWA without obtaining a permit?
- a. 160 miles.
 - b. 25 miles.
 - c. 2.5 miles.
 - d. .634 miles.
 - e. 40 feet.
29. The consent decree disapproved in the Telluride wetlands destruction case proposed limited monitoring (3 years), low-ratio

mitigation (1:3) and long-distance restoration (60 miles from project). Restored patches of wetlands were proposed for how many scattered sites?

- a. 111.
- b. 56.
- c. 31.
- d. 16.
- e. 7.

30. How many of the U.S. Fish & Wildlife's services listed endangered species (781 as of May, 1993) have habitat on nonfederal lands?

- a. 48 (6%).
- b. 119 (15%).
- c. 231 (30%).
- d. 506 (65%).
- e. 712 (91%).

[END OF EXAM]

ANSWERS

- 1(b). See BRUCE RICH, *MORTGAGING THE EARTH: THE WORLD BANK, ENVIRONMENTAL IMPOVERISHMENT, AND THE CRISIS OF DEVELOPMENT* 198 (1994, Beacon Press).
- 2(e). See 59 Fed. Reg. 33042 (June 27, 1994).
- 3(a). See SEATTLE POST-INTELLIGENCER, March 16, 1994, p. D5, col. 1 (for the tag in Montana, considered home of the biggest sheep in the continental U.S.; Arizona's tag went for \$245,000, Oregon's and California's for \$110,000 each, and Washington's for a measly \$100,000).
- 4(c). See K.R. Smith, *Taking the True Measure of Air Pollution*, 19 EPA J. 6, 8 (Oct.-Dec. 1993).
- 5(d). See PETER H. EICHSTAEDT, *IF YOU POISON US: URANIUM AND NATIVE AMERICANS* 146 (1994, Crane Books).
- 6(c). See M.J. Walker, *The Federal Perspective: What EPA Expects from You*, in 11TH ANNUAL HAZARDOUS WASTE LAW & MANAGEMENT CONFERENCE (Seattle, December 6, 1994) (Asbestos Hazard Emergency Response Act, CAA, CWA, CERCLA, FIFRA, Federal Facility Compliance Act, Federal Food, Drug & Cosmetic Act, HSWA (provisions that do not amend RCRA), Lead-Based Paint Hazard Abatement Act, Marine Protection, Research & Sanctuaries Act, NEPA, Noise Control Act, OPA of 1990, Pollution Prevention Act, RCRA, SDWA, SARA, TSCA, and Water Quality Act of 1987 (sections that do not amend the CWA)).
- 7(c). B. HÖLLDOBLER & E.O. WILSON, *JOURNEY TO THE ANTS: A STORY OF SCIENTIFIC EXPLORATION* (1994) (Harvard University Press).
- 8(b). *Southern Ohio Coal Co. v. Office of Surface Mining, Reclamation, and Enforcement*, 20 F.3d 1418,142D (6th Cir. 1994).
- 9(d). See *United States v. Hayashi*, 22 F.3d 859, 865 (9th Cir. 1993) (Otherwise, "nothing could be legally done to save a modern-day Jonah from the devouring whale, or to deter a rampaging polar bear from mauling a child").
- 10(d). See *National Audubon Society*, *LIVING OCEAN NEWS*, Fall, 1994, p. 8.

- 11(g). See Ted Williams, *Beyond Traps and Poison*, AUDUBON, March-April, 1994, p. 28 (discussing also the Denver Wildlife Research Center that used to be called the Eradication Methods Laboratory).
- 12(a). See *Acme Printing Ink Co. v. Menard, Inc.*, 891 F. Supp. 1289 (E.D. Wis. 1994).
- 13(d). Informed Consent, November/December, 1994, p. 64.
- 14(c). See Committee to Review Atlantic Bluefin Tuna, Ocean Studies Board, Comm'n on Geosciences, Environment & Resources, Nat'l Research Council (1994) (this fish can be 10 feet long and weigh more than 1,200 pounds).
- 15(b). See H.F. BEDFORD, SEABROOK STATION: CITIZEN POLITICS AND NUCLEAR POWER 200 (1990).
- 16(d). See James Bishop, Jr., *The West is Hard at Work Destroying Its Past*, HIGH COUNTRY NEWS, April 4, 1994, at 12.
- 17(a). See *Natural Resources Comm'n v. Sugar Creek Mobile Estates*, 646 N.E. 2d 61, 63 (Ct. App. Ind. 1995) (affirming order requiring removal of the offending structure and revegetation of the affected area).
- 18(b). See 2 ENVT'L NEWS BRIEFING 8 (September 19, 1994) (Environmental News Network) (1.7 million cigarette butts, 30,326 light bulbs and fluorescent tubes, 6,636 condoms).
- 19(c). BNA's Daily Environment Report, No. 248, pp. B1-B5 (December 30, 1994), reprinted as Angela Bouwsma, *The Word According to a Weighty Republican*, HIGH COUNTRY NEWS, March 6, 1995 at 16.
- 20(a). See *Gray v. Murphy Oil USA, Inc.*, 874 F. Supp. 748, 750 (S.D. Miss. 1994) (Radium-226, Radium-228, and the radioactive gas Radon-222).
- 21(d). See D. Pimentel et al., *Environmental And Economic Costs of Pesticide Use*, 42 BIOSCIENCE 750, 758 (1992) (the largest component (\$2.1 billion) is for the loss of birds).
- 22(c). See M.J. Walker, *The Federal Perspective: What EPA Expects from You*, in 11TH ANNUAL HAZARDOUS WASTE LAW & MANAGEMENT CONFERENCE (Seattle, December 6, 1994) (The sentence was imposed on Sandra Eidson (who ran on an oil recycling business with her husband) for deliberately dumping oil

- down a storm sewer. The Eidsons held themselves out to the public as legitimate oil recyclers and hid their crimes by falsifying business records).
- 23(a). *Arnold v. Town of Ball*, 651 So. 2d 313, 317 (La. App. 3d Cir. 1995).
- 24(c). *See* Sierra Club Legal Defense Fund, In Brief, Winter/Spring, 1994, p.5. *Compare ibid.* 5 (state court suit filed to enjoin enforcement of the regulations; the rules state that the hunter must land the plane and walk 300 feet before shooting wolves; the rules are alleged to violate the federal Airborne Hunting Act that makes it unlawful to “harass” (that is, “disturb, worry, molest, rally, concentrate, harry, chase, drive, herd or torment”) any animal from the air).
- 25(d). *See* *United States v. Shaffer Equipment Co.*, 11 F.3d 450, 452 (4th Cir. 1994) (this fellow was “let loose on Minden, West Virginia with virtually unbounded authority to spend federal money”).
- 26(a). *See* Sherry Devlin, *Wolf Provokes Inadvertent Howlers*, HIGH COUNTRY NEWS, September 19, 1994, at 3. (The best ones: “Wolves tend to eat the most vulnerable animals, which are typically the very young, old, or weekend animals”; “There are too many misconceptions about wolves”; “My forefathers suffered mercilessly at the hands of the wolf”; “If these Bunny Huggers thinks [wolves] are going to stand still while they take their pictures, they are out of their minds!!”)
- 27(d). Calculations courtesy of James Walsh, Esq., Seattle, Washington.
- 28(b). *See* *United States v. Sargent County Water Resource Dist.*, 876 F. Supp. 1090, 1092 (D.N.D. 1994) (the ditch crosses three sloughs before draining into the Wild Rice River near Brampton, North Dakota).
- 29(d). *See* *United States v. Telluride Co.*, 849 F. Supp. 1400, 1405-6 (D. Colo. 1994) (many of these scattered sites will be along the golf course “which will subject them to contamination by fertilizers”).
- 30(e). U.S. GAO, *Endangered Species Act: Information on Species Protection on Nonfederal Lands* (1994) (GAO/RCED-95-16 a+1 (Dec 1994.)) (517 species (66%) have over 60% of their habitat on nonfederal lands).