

<<环境法>>

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## 前言

在21世纪之初，面临各种环境问题，人类清醒地认识到要走可持续发展之路。而发展环境教育是解决环境问题和实施可持续发展战略的根本。高等学校的环境教育，是提高新世纪建设者的环境意识，并向社会输送环境保护专门人才的重要途径。

为了反映国外环境类教材的最新内容和编写风格，同时也为了提高学生阅读专业文献和获取信息的能力，我们精选了国外一些优秀的环境类教材，加以影印或翻译，组成大学环境教育丛书。所选教材均在国外被广泛采用，多数已再版，书中不仅介绍了有关概念、原理及技术方法，给出了丰富的数据，也反映了作者不同的学术观点。

我们希望这套丛书的出版能对高等院校师生和广大科技人员有所帮助，并为我国的环境教育事业作出贡献。

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### 内容概要

《环境法（第6版）（影印版）》是为没有先修过法律或相关科技课程的学生编写的教材。

《环境法（第6版）（影印版）》首先介绍了法律体系和程序，内容包括环境法渊源、诉讼过程和其他解决环境冲突的工具、行政法及其对环境的影响。

然后简要、全面地介绍了环境法的具体内容，涉及环境法规与政策、空气质量控制、水质控制、有毒物质控制、废物管理与危险废物排放、能源、自然资源、国际环境法等。

书中还提供了理解环境法所需要的相关科技背景知识。

各章后含小结、复习与讨论题、深入学习材料与相关网站。

《环境法（第6版）（影印版）》可作为高等院校环境法课程的教材，并供有关科技人员、管理人员参考。

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## 书籍目录

Preface  
 PART I: AN INTRODUCTION TO THE LAW  
 CHAPTER 1 The American Legal System: The Source of Environmental Law  
 Sources of Law  
 Classifications of Law  
 Constitutional Principles Underlying the American Legal System  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 CHAPTER 2 The Litigation Process and Other Tools for Resolving Environmental Disputes  
 The Adversary System  
 Primary Actors in the Legal System  
 Steps in Civil Litigation  
 Alternatives to Civil Litigation  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 CHAPTER 3 Administrative Law and Its Impact on the Environment  
 Creation of Administrative Agencies  
 Functions of Administrative Agencies  
 Limitations on Agency Powers  
 Important Agencies Affecting the Environment  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 PART II: THE ENVIRONMENTAL LAWS  
 CHAPTER 4 An Introduction to Environmental Law and Policy  
 The Need for Regulation  
 Alternative Ways to Control Pollution  
 Subsidies, Emissions Charges, and Marketable Emissions Permits  
 Evolution of Our Environmental Policy  
 National Environmental Policy Act  
 Pollution Prevention Act of 1990  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 CHAPTER 5 Air-Quality Control  
 The Major Air Pollutants  
 Some Significant Air-Quality Problems  
 The Initial Approach to Air-Quality Control  
 Current Approaches to Air-Quality Control  
 The 1990 Clean Air Act Amendments  
 The Clear Skies Initiative  
 Solutions Beyond the Clean Air Act  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 CHAPTER 6 Water-Quality Control  
 The Major Water Pollutants  
 Some Significant Water-Quality Problems  
 Protecting Water Through Government Actions  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 CHAPTER 7 Controlling Toxic Substances  
 Identification of Potentially Toxic Substances  
 International Regulation of Toxic Substances  
 Toxic Torts  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 CHAPTER 8 Waste Management and Hazardous Releases  
 Waste Control Techniques  
 CERCLA: An Overview  
 Emergency Response Plans and Right to Know  
 Federal Response to Contaminated Sites  
 Underground Storage Tank Program  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 CHAPTER 9 Energy  
 Energy Policy: A Historical Overview  
 Energy Consumption and Production  
 Coal: The Oldest Energy Source  
 Petroleum and Natural Gas  
 Nuclear Energy  
 Renewable Fuels  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 CHAPTER 10 Natural Resources  
 Protecting Public Lands  
 Forests  
 Rangelands  
 Regulation of Public Lands  
 Wetlands, Estuaries, and Coastal Areas  
 Benefits of Wetlands  
 Destruction of Wetlands  
 Regulations to Preserve Coastal Areas, Estuaries, and Wetlands  
 Protection of the Great Lakes  
 Wild and Scenic Rivers System  
 Endangered Species  
 The Global Extinction Crisis  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 CHAPTER 11 International Environmental Law  
 The Need for International Environmental Law  
 The Nature of International Law  
 Sources of International Environmental Law  
 Institutions that Effectuate and Influence International Environmental Law  
 Addressing Specific International Environmental Problems  
 The Future of International Environmental Law  
 Concluding Remarks  
 Questions for Review and Discussion  
 For Further Reading  
 On the Internet  
 Notes  
 Resolving Controversial Environmental Issues  
 APPENDIX Abbreviations and Acronyms  
 Index

## 章节摘录

Although most states are struggling to find a way to draft a constitutional law allowing them to keep hazardous waste out of their state, Rhode Island is trying to do just the opposite: it is trying to keep commercial trash inside the state. Rhode Island's Central Landfill cannot, by law, charge the state's municipalities more than \$14 a ton to receive residential trash. Because that amount does not cover disposal costs, the landfill charges up to \$59 per ton for commercial trash. The high prices made Central Landfill noncompetitive with dumps in neighboring states, which was a boon to local trucking firms, because they were now hauling tons of wastes to landfills in neighboring states. Consequently, the state's Solid Waste Management Corporation decreed that all the state's commercial trash had to go to a state-licensed disposal site: Central Landfill. A trucking firm, claiming the regulation was ruining its business, sued the state on the ground that the regulation violated the commerce clause. The district court judge agreed and issued an injunction in the summer of 1991. Because trash disposal is such a major problem, and cases seeming to support a position that state restrictions on out-of-state waste disposal violate the commerce clause, Congress is coming under increasing pressure to pass some form of legislation that would override at least part of the Supreme Court's recent ruling and allow states to restrict the importation of waste. Indeed, Justice O'Connor specifically recognized that if Congress enacted legislation allowing for flow-control ordinances, the Court would be bound by the legislation.<sup>36</sup> Measures that would allow states to restrict interstate transport of nonhazardous waste have been introduced in both the House and the Senate but, thus far, have not been passed. Like many cases before it, in the case of *Huish Detergents, Inc. v. Warren County, KY*<sup>37</sup> the county ordinance requiring all waste processing to take place in a county facility was found to be discriminatory against interstate flow of waste and, thus, a violation of the commerce clause. Because the county was mandating that all trash collection be done by one private firm and that the garbage be deposited in state, *Huish* was unable to contract a firm to take their waste out of state. This action, the Court ruled, is a violation of the Commerce Clause. However, in *Houlton Citizen's Coalition v. Town of Houlton*,<sup>38</sup> the Court upheld a plan limiting waste disposal to within the town borders because of a flow-control ordinance and bidding, thus avoiding a per se violation of the Commerce Clause. The bidding process was deemed complete, and the burden imposed on interstate commerce was not excessive in relation to the local benefits. It is the flow-control ordinance, however, that did the most to escape violation of the Commerce Clause.

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