

Northern Illinois University

Law Review

Volume 13

Summer 1993

Number 3

Symposium

Illinois Environmental Regulation: Reconciling Competing Interests

Takings Term II: New Tools for Attacking and Defending Environmental and Land-Use Regulation

Michael Allan Wolf 469

The constitutional rules of the game for environmental and land-use advocates and commentators shifted noticeably during the October 1991 Term of the United States Supreme Court. This article considers the impact of three recent cases—Lucas, Yee, and PFZ—on the structure and patterns of federal takings law and on the strategy employed by those charged with challenging or supporting regulations that arguably effect a taking of private property in the public interest.

Common Law Liability for Leaking Underground Storage Tanks

Michael J. Maher 519

This article examines Illinois common law theories of liability for owners and operators of leaking underground storage tanks. Specifically, this article explores trespass, nuisance, negligence, and strict liability as theories of recovery for damages caused by leaking underground storage tanks.

The Importance of Negotiations in Illinois Environmental Rule-making and Overview of the Illinois Regulatory Process

James T. Harrington 531

This article helps to unravel the complexity of the vast array of agencies and procedures involved in environmental regulation. The article begins by examining the various agencies and their respective roles in environmental regulation. The article advocates an improved system of rulemaking which would allow more public participation by interested parties leading to a more effective system of environmental regulation in Illinois.

The Costs of Pollution Regulation: Economic and Policy Implications for Illinois

Charles H. Shanabruch 545

This article examines the economic implications of pollution regulation in Illinois. This examination begins with an analysis of the economic structure of Illinois and industries' role in this structure. The article then examines the impact that environmental regulation has on the economic structure, concentrating on its effects on industry. The article next examines government's role in environmental regulation and concludes with the proposition that in order to foster economic growth in conjunction with environmental protection, the State and industry must embrace pollution prevention.

The Role of the Illinois Attorney General in Environmental Enforcement

Attorney General Roland W. Burris
Diane L. Rosenfeld 563

In this article, the authors explain the critical role of the Attorney General in the enforcement of Illinois' environmental laws. Improvements made in the attorney-client relationship between the Attorney General's Office and the Illinois Environmental Protection Agency have led to streamlined enforcement of cases and a stronger prioritization of environmental matters. Attorney General Burris' hands-on management style in prosecuting environmental violations and formulating initiatives to strengthen enforcement is explained. The first part of the article describes the responsibilities and function of the Attorney General as chief legal officer for the State in his representation of State agencies and as lawyer for the People of the State of Illinois. The second part of the article describes environmental policy initiatives taken by the Attorney General to improve the delivery of environmental legal resources in the State. The article concludes that the most effective approach to environmental enforcement must include a policy of gaining full information to carefully balance the competing interests at stake in environmental matters.

Wetlands Preservation in the United States: A Case of Fragmented Authority

Lettie McSpadden Wenner 589

This article addresses the problems which have been associated with environmental regulation in the context of wetlands preservation. The article begins by reviewing how wetlands protection evolved from the early seventies. The article concentrates on the Clean Water Act Amendments of 1977, especially the nationwide permit system. The article provides a comprehensive discussion of the permitting process. The article concludes that there are many changes that need to be made, especially bringing all actors involved in wetlands regulation together to attempt to remedy the problems inherent in a fragmented regulatory system.

Park Districts Coping with Environmental Liability and Environmental Responsibility in the Nineties

Catherine Nichols 611

This article examines the special concerns that park districts must cope with as environmental enforcement efforts have been broadened to include local governmental bodies. The author analyzes the impact of environmental regulations on park districts and concludes that park districts need to strictly enforce risk management programs to minimize environmental response costs.

Benefits to Industry of Planning For Regulatory Compliance

Fredric P. Andes 623

This article discusses the benefits that are to be gained by industry when it takes a planning approach to environmental compliance. The article advocates that industry establish an internal compliance planning system which results in significant long term savings. Environmental compliance problems are avoided, thereby saving industry time and money in the long run. Further, industry, by planning for the future, can impose regulatory burdens on competitors, avoid costs by reducing use of hazardous materials, and create better working relationships with regulatory authorities. The article concludes with an example of an effective compliance program.

Comment

Borders, Barriers, and Other Obstacles to a Holistic Environment

Steven M. Siros 633

This article addresses the barriers and obstacles that are facing parties harmed by transboundary pollution in the Great Lakes ecosystem. The article advocates the breakdown of reciprocal access for parties on both sides of the border. The article further advocates the breakdown of substantive barriers facing parties harmed by transboundary pollutants via the integration of the fragmented regulatory scheme into one holistic environmental statute. The environment must be looked at in a holistic manner, and the breakdown of the substantive and procedural barriers facing parties affected by pollutants is a step in that direction.