

# The Burger Court Opinion Writing Database

## *Costle v. Pacific Legal Foundation*

445 U.S. 198 (1980)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

March 11, 1980

RE: 78-1472 - Costle v. Pacific Legal Foundation

Dear Harry:

I join.

Regards,



Mr. Justice Blackmun

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

March 13, 1980

RE: No. 78-1472 Costle v. Pacific Legal Foundation

Dear Harry:

I agree.

Sincerely,



Mr. Justice Blackmun

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

March 10, 1980

Re: No. 78-1472, Costle v. Pacific Legal Foundation

Dear Harry,

I am glad to join your opinion for the  
Court.

Sincerely yours,

P.S.  
/

Mr. Justice Blackmun

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

March 10, 1980

Re: 78-1472 - Costle v. Pacific Legal  
Foundation

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Dear Harry,

Please join me.

Sincerely yours,



Mr. Justice Blackmun

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cmc

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

March 10, 1980

Re: No. 78-1472 - Costle v. Pacific Legal  
Foundation

Dear Harry:

Please join me.

Sincerely,

*T.M.*

T.M.

Mr. Justice Blackmun

cc: The Conference

✓  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

March 7, 1980

MEMORANDUM TO THE CONFERENCE:

Re: No. 78-1472 - Costle v. Pacific Legal Foundation

This obviously is not a candidate for the prize as to the most lively writing of the Term. I apologize, but not very much.

H.  
1

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pp. 2, 3, 6, 7, 10, 16, 21

Mr. The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Rehnquist

From: Mr. Justice Blackmun

Circulated: MAR 7 1980

Revised: \_\_\_\_\_

1st DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 78-1472

Douglas M. Costle, Administrator, Environmental Protection Agency, Petitioner, v. Pacific Legal Foundation et al.	} On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.
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[March —, 1980]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

This case, in a sense, is a tale of a great city's—and the Nation's—basic problems in disposing of human waste. "How" and "where" are the ultimate questions, and they are intertwined. The issues presently before the Court, however, center in the administrative processes by which the city and the Nation seek to resolve those basic problems.

I

Respondent city of Los Angeles owns and operates the Hyperion Wastewater Treatment Plant located in Playa Del Rey, Cal. Since 1960, the Hyperion plant has processed most of the city's sewage, and has discharged the wastes through three "outfalls" extending into the Pacific Ocean. The shortest outfall terminates about one mile from the coastline in 50 feet of water. It is operative only during emergencies caused by increased sewage flow during wet weather or by power failures at the pumping plant. The second outfall terminates about five miles out. Approximately 340 million gallons of treated wastewater are discharged every day into the ocean, at a depth of 187 feet, through that outfall. This



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

March 10, 1980

78-1472 Costle v. Pacific Legal Foundation

Dear Harry:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Blackmun

lfp/ss

cc: The Conference

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

March 10, 1980

Re: No. 78-1472 - Costle v. Pacific Legal Foundation

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

March 10, 1980

Re: 78-1472 - Costle v. Pacific Legal  
Foundation

Dear Harry:

Please join me.

Respectfully,



Mr. Justice Blackmun

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