

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

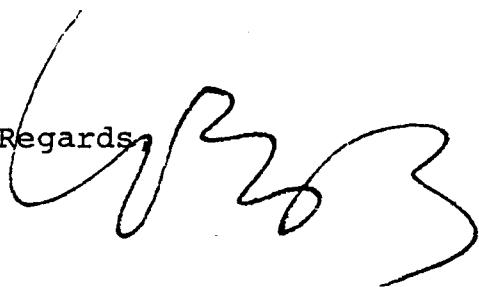
March 11, 1980

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 W. J. BRENNAN, JR.

March 13, 1980

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

Dear Harry:

I agree.

Sincerely,

Frei

Mr. Justice Blackmun

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20542

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

Dear Harry,

Please join me.

Sincerely yours,



Mr. Justice Blackmun

Copies to the Conference

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.

✓
—

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

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Black
Mr. Justice Powell
Mr. Justice Rehnquist
Mr. Justice O'Connor

From: Mr. Justice Blackmun

Circulated: MAR 7 1980

1st DRAFT

Reprinted

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.

[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,



Mr. Justice Blackmun

lfp/ss

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

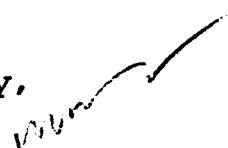
March 10, 1980

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

Copies to the Conference