Environmental Law in the Oil & Gas Industry

Prof. Tracy Hester

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Reasons to Take This Course

• Work for or defend energy companies

• Sue the bastards

• Regulate the industry

• Effect on vast array of other types of legal work (bankruptcy, IP, international, contracts)

• Great time slot!
Senator Inhofe: Oil & Gas Do Not Cause Pollution

https://www.youtube.com/watch?v=LwW9lWc0Hhs
Readings for Next Week

- Will send to you as attachments to email and will post to website
  - *Corbello*: The Aftermath
  - Drilling for Damages
Class Structure

- Will hold class a few extra minutes per session to provide flexibility in schedule
- Along those lines – Nov. 27?
- **No** textbook – we’ll use web postings and emailed materials (including PowerPoints)
- Participation – 10%
More Syllabus Stuff

- Will include supplemental materials as reference for future practice – not expected to know for final exam.

- Will receive articles before lecture, and will be expected to have read before class.

- Usual three-absence limit – see me if approaching that limit.

- Take-home final exam; open book, with personal notes (no commercial outlines or materials).

- Recordings will be posted to website.
Course Focus

• Emphasis on Texas and federal environmental laws, and how they interact with oil & gas upstream and midstream development
  
  – (sorry, refineries and distribution won’t get full treatment they deserve)
  – (same with other states)

• Only need background in Common Law Torts (nuisance, negligence, trespass)

• Will cover in class the basics of Environmental Law, Administrative Law, and Oil & Gas Law
Environmental Laws

• We’ll cover key statutes affecting
  – Surface water (Clean Water Act, federal and Texas)
  – Wastes (RCRA and Texas Solid Waste Disposal Act)
  – Hazardous Substances (CERCLA, Texas Superfund)
  – Groundwater (Safe Drinking Water Act, Texas groundwater law)
  – Other statutes

• Liability ($$$)
Oilfield Contamination and Environmental Damages (U.S. Oil Recovery Site)
Colorado Settlement – Fracking, Suing, and Secrecy

[Image with text: "All of this will soon be toxic, because of fracking... but SHHHHHH!!"

http://www.ernstversusencana.ca/drillers-silence-fracking-claims-with-sealed-settlements/

Provoking a musical response....

https://www.youtube.com/watch?v=xgEoVqwLO5M
A Growth Industry

http://www.arnolditkin.com/Practice-Areas/Property-Contamination.aspx

Thoughts, Suggestions or Questions?

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