

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**  
**VERMONT LAW SCHOOL**

Volume 13, Issue 2

Winter 2011

**ARTICLES**

Coal and the U.S. Economy <i>Eric Schaeffer</i> .....	131
The American Coal Miner, the Forgotten Natural Resource <i>Patrick R. Baker</i> .....	141
Managing Coal: How to Achieve Reasonable Risk with an Essential Resource <i>Peter S. Glaser, F. William Brownell &amp; Victor E. Schwartz</i> .....	177
The Inefficiencies and Deficiencies of Waste Coal <i>Jonathan Skinner &amp; Michael Brown</i> .....	229
Climate Change and the War on Coal: Exploring the Dark Side <i>Patrick Charles McGinley &amp; Judge Charles H. Haden II</i> .....	255
Low-carbon and More: Challenges and Solutions of China’s Coal Industry Legislation <i>Wenxuan YU</i> .....	333

**NOTE**

Troubled Waters: What the Gulf Oil Spill Reveals about the Consequences of Bankruptcy <i>Emily Slagle</i> .....	361
---	-----

**ROSCOE HOGAN ENVIRONMENTAL LAW ESSAY CONTEST  
WINNER**

The Gulf Oil Spill: OPA, State Law, and Maritime Preemption <i>William R. Gignilliat</i> .....	385
---	-----

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**

Vermont Law School

P.O. Box 96

South Royalton, Vermont 05068

(802) 831-1024

[vjel@vermontlaw.edu](mailto:vjel@vermontlaw.edu)

**[www.vjel.org](http://www.vjel.org)**

Cite to this *Journal* as: 13 VT. J. ENVTL. L. \_\_\_\_ (2011).

*The views expressed in this issue are those of the authors and do not represent the position or views of VJEL or Vermont Law School.*

**Submissions:** VJEL welcomes the submission of unsolicited articles, comments, essays, and book reviews. Manuscripts can be submitted to the above addresses.

**Subscriptions:** The current bound volume can be purchased for \$12.95. Law libraries can subscribe through William S. Hein & Co. Others can subscribe by directly contacting VJEL.

**Copyright:** © Copyright 2011 by Vermont Law School. All rights reserved. Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that: (1) copies are distributed at or below cost; (2) the author and *Vermont Journal of Environmental Law* are identified on the copied materials; (3) each copy bears the proper notice of copyright; and (4) *Vermont Journal of Environmental Law* is notified in writing of the use of the material(s).



The *Journal* is published by Western Newspaper Publishing, Co. on 100% recycled paper and uses a soy-based ink.

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**  
**VERMONT LAW SCHOOL**

Volume 13, Issue 2

Winter 2011

**2011–2012**

**EDITORIAL BOARD**

**EDITOR-IN-CHIEF**

Kristofer D. A. Hofstra

**ADMINISTRATIVE EDITOR**

Rachel B. Margulies

**SENIOR MANAGING EDITOR**

Andrea A. Cone

**SENIOR ARTICLES EDITOR**

Thomas Nececkas

**SENIOR NOTES EDITOR**

Susan Lettis

**MANAGING EDITORS**

Anthony J. Orlando  
Emily Slagle

**SYMPOSIUM EDITOR**

Jonathan Gerard

**WEB EDITOR**

Benjamin Muth

**ARTICLES EDITORS**

Jessica Baker  
Holli Brown  
James Crannell  
Laura Griffin

**EVENTS EDITORS**

Zachary Lees  
Kate Swartz

Cameron Kovach

**HEAD NOTES EDITORS**

Nolan Riegler

Jordan Wimpy

Cassandra Burdyslaw

Inga Caldwell  
Stephen Campbell

**PRODUCTION EDITORS**

Katharine Hoeksema  
Stephanie Lucas

Rachael Luzietti  
David C. Tessein  
Luis Torres

**EDITORIAL STAFF**

Jeffrey Aslan  
Juliette Balette  
Colin Beckman  
Marcelo Betti  
Thomas Broderick  
Danielle Changala  
Kathleen Chuchra-Zbytniuk  
Mary S. Clemmensen  
Amanda Dumville  
Zjok Durst

Jay Eidsness  
Daniel Fineberg  
Andrew Fiscella  
Alex Funk  
Priya Gandbhir  
Keenan Hawkins  
Cindy Hurt  
Sara Imperiale  
Graham Jesmer  
Douglas Johnson  
Zephyr Jost

Melissa Marks  
Daniel Niedzwiecki  
Zachary Price  
Robert Reagan  
Walter Sainsbury  
James E. Smith  
Rachel Stevens  
William Sullivan  
Pierce Wiegard  
Janssen Willhoit

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**  
**VERMONT LAW SCHOOL**

---

Volume 13, Issue 2

Winter 2011

---

**FACULTY ADVISORS**

Jason J. Czarnecki  
*Professor of Law*

Janet Milne  
*Professor of Law*

Christine Ryan  
*Environmental Research Librarian*

**ADMINISTRATION**

Geoffrey B. Shields  
*President, Dean, and Professor of Law*

Gil Kujovich  
*Vice Dean for Academic Affairs and Professor of Law*

Lorraine Atwood  
*Vice President of Finance and Administration*

Kathleen Hartman  
*Associate Dean for Enrollment Management*

Shirley Jefferson  
*Associate Dean for Student Affairs and Diversity*

Dorothy Behlen Heinrichs  
*Vice President for Institutional Advancement*

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**  
**VERMONT LAW SCHOOL**

---

---

Volume 13, Issue 2

Winter 2011

**FACULTY**

Susan Apel	Gregory Johnson	Craig M. Pease
Tracy L. Bach	Martha L. Judy	Brian Porto
Betsy Baker	Laurie C. Kadoch	Rebecca Purdom
Alexander W. Banks	Kenneth R. Kreiling	Anthony Renzo
Laurie Beyranevand	Donald Kreis	Hilary Robinson
Margaret Barry	Gil Kujovich	Betsy Schmidt
Richard O. Brooks	Siu Tip Lam	Geoffrey B. Shields
Theresa Clemmer	Mark Latham	Stefanie Sidortsova
Jason Czarnezki	Yanmei Lin	Linda Smiddy
Liz Ryan Cole	Jingjing Liu	Benjamin Sovacool
Sheryl Dickey	Reed E. Loder	Pamela J. Stephens
Michael Dworkin	Michelle Martinez- Campbell	Gus Speth
Stephen Dycus	James May	Jennifer Taub
John Echeverria	Michael McCann	Peter Teachout
Arthur C. Edersheim	Beth McCormack	Joan Vogel
Peg Elmer	Philip Meyer	Pamela Vesilind
David B. Firestone	Marc Mihaly	Jeff White
Jackie A. Gardina	Janet E. Milne	Stephanie J. Willbanks
Kat Garvey	Laura Murphy	L. Kinvin Wroth
Clara Gimenez	Sean Nolon	Tseming Yang
Oliver R. Goodenough	Cathryn C. Nunlist	Hanling Yang
Cheryl Hanna	Patrick Parenteau	Carl Yirka
Hillary Hoffmann		Maryann Zavez

**VISITING FACULTY**

Christine Cimini	Robert Rachlin	Robert Sand
Robert Gagnon	Rene Reyes	Jack Tuholske

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**  
**VERMONT LAW SCHOOL**

---

---

Volume 13, Issue 2

Winter 2011

---

---

**ADJUNCT FACULTY**

Bonnie Barnes  
Robin Barone  
Nolan Burkhouse  
Bernard S. Carrey  
Jennifer Emens-Butler  
John Evers  
Catherine Feeney  
Randy Foose  
Jamie Gallagher  
Kevin W. Griffin  
David Hall  
Phil Harter  
Martina Hofmann

Walter Judge  
Robert Keiner  
Thomas Kohler  
Julie G. Krishnaswami  
Peter B. Kunin  
Matthew Levine  
Cynthia Lewis  
Randall Mayhew  
Alexandra Meise Bay  
Dwight Merriam  
Sheldon M. Novick  
Larry S. Novins

Jason Okai  
Mark Oettinger  
Tad Powers  
Dan Richardson  
Maria Royle  
William P. Russell  
Christine Ryan  
Anna Saxman  
Belinda Sifford  
Martha Smyrski  
Naira Soifer  
Jessica West  
Jane Woldow