

COURSE REQUIREMENTS

Fall 2017

Environmental law is equal part environment and equal part law. While environmental law courses traditionally focus solely on the significant laws and cases, this course will place equal emphasis on the scientific, political and economic issues driving environmental conflicts. By the end of the course, you will have strengthened your skills in reading cases, regulations and statutes; writing client memos; thinking on your feet; acting as an advocate for both sides of an issue; and understanding the legal structure and strategies for environmental protection.

The scope of environmental law has greatly expanded over the last three decades, moving from traditional air and water pollution to waste management, product design, and international diplomacy. To keep the reading assignments at a reasonable length, we will cover a lot of ground during class using case studies and problem exercises. As a result, you are expected to come prepared to discuss the readings and class participation will be factored into the final grade. Excessive absences will prevent taking the final exam.

There will be two short memos (2 pages max) due on October 10 and October 26. You will be required to meet with the writing tutors for the second memo. These memos will analyze a legal problem your clients face and provide your recommended course of action. They will take extra time to prepare so please plan accordingly. These will be graded pass/fail and failing memos can be re-written. Passing grades for both memos are required to take the final exam. The final grade will be based on a three hour, in-class, open book exam that tests your understanding of (1) specific legal doctrine, (2) application of doctrine to a fact pattern, and (3) assessment of legal approaches to a current policy challenge.

The readings will be contained in the course supplement. Please note that this course has a fair amount of reading, much of which is cases and statutes. Learning how to read legal texts is an important skill for working in the environmental field and we will focus on this in class. In preparing for class, skimming will be counterproductive. Please set aside the time to read the material carefully since I will be calling on people to recount the facts in cases or respond to hypothetical problems.

Since much of the learning will occur in class, attendance is required. If something comes up and you need to be absent, please let me know *beforehand*, not after.

There will be make-up classes on September 28, October 6 and October 13. The first two classes will meet at the regular time. The October 13 class will meet at 3pm. There is also an optional class on the afternoon of September 29 describing the basics of our political/legal.

Please note that I do not allow laptops in the classroom. While I appreciate that this is an inconvenience to those who prefer typing their notes during class, I have found that a classroom without the distractions created by surfing and instant messaging results in a much better learning environment.

The Basic Themes

"A good planet is hard to find"

9/26.	Introduction to Environmental Law The <i>Estai</i> Controversy Environmental Ethics	Supp. 1 Supp. 2
9/28.	The Modern Era of Environmental Law The Common Law Making Environmental Law	Supp. 3 Supp. 4

Waste Management and Pollution Prevention

Make-up class

9/29.	RCRA Introduction AMC v. EPA RCRA solid waste rules	Supp. 5
10/3.	RCRA Hazardous Waste and Land Bans (8.30-9.45) <i>Read 79-98</i> RCRA haz waste, Stoll reading	Supp. 5
10/5.	Environmental Justice and NIMBY Additional readings posted on GauchoSpace Waste reduction and the Future of Waste Management Philadelphia v. NJ	Supp. 7
<i>Make-up class</i>		
10/6.	CERCLA: Remediation and Prevention <i>Read 165-170 bottom, 174-185</i>	Supp. 8
10/10.	Philem case study <i>Memo Due</i>	Supp. 6
<i>No class on 10/12.</i>		
<i>Make-up class at 3pm</i>		
10/13.	CERCLA: Liability <i>Read 170-173, 186-196</i>	Supp. 8
10/17.	Clean Air Act: NAAQS, SIPs and other acronyms <i>Read 199-210,</i>	Supp. 9
10/19.	Clean Air Act: Non-attainment, Mobile Sources and Acid Rain <i>Read 210-228</i>	
<i>No class on 10/24.</i>		
10/26.	CAA Violations and the Wood Products Industry <i>Memo due</i>	Supp. 10
10/31.	Climate Change <i>Read 245-259</i> Additional reading on GauchoSpace	

No class on 11/2.

- 11/7. Managing Risk
Readings on GauchoSpace
- 11/9. Clean Water Act: Point Sources and Effluent Limits Supp. 11
Read 263-271
Additional reading on GauchoSpace
- 11/14. Clean Water Act: Nonpoint Sources, TMDLs and Wetlands
Read 272-290
- 11/16. Enforcement and permitting
Read 291-313
- 11/21. NEPA I Supp. 12
Read 317-335
- 11/28. NEPA II
Read 335-356
- 11/30. ESA I Supp. 13
Read 359-364
Additional reading on GauchoSpace
- 12/5. ESA II
Read 365-371
Additional reading on GauchoSpace
- 12/7. Zoo Law
Additional reading on GauchoSpace