

ENVIRONMENTAL LAW
SALZMAN

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PROFESSOR JIM

COURSE REQUIREMENTS **Spring 2021**

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 April 15 and May 4. 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. There will be an optional primer on the US legal system on April 9th.

Passing grades for both memos are required to take the final exam. There will be an ungraded midterm halfway through the quarter. The final grade will be based on an eight hour, open book take-home 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 posted on Gauchospace. Please note that this course has a fair amount of reading, much of which is cases and statutes. Even if you never practice law, 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 lectures, virtual attendance is required. If something comes up and you need to be absent, please let me know *beforehand*, not after. If a student misses an unreasonable number of online classes, they will not be allowed to take the final exam.

This is obviously a challenging time to be taking challenging courses. Please know that I will work hard to accommodate issues as they arise. I encourage you to feel free to get in touch if you have concerns or questions about the course.

The Basic Themes*"A good planet is hard to find"*

3/30.	Introduction to Environmental Law	
	The <i>Estai</i> Controversy	Supp. 1
	Environmental Ethics	Supp. 2
4/1.	The Modern Era of Environmental Law	
	The Common Law	Supp. 3
	Making Environmental Law	Supp. 4

Waste Management and Pollution Prevention

4/6.	RCRA Introduction	
	AMC v. EPA	Supp. 5
	RCRA solid waste rules	
4/8.	RCRA Hazardous Waste and Land Bans	
	<i>Read 79-98</i>	Supp. 5
	RCRA haz waste, Stoll reading	
4/9.	<i>Optional class on the U.S. legal system, 3-4pm</i>	
4/13.	Environmental Justice and NIMBY	Supp. 7
	Additional readings posted on GauchoSpace	
	Waste reduction and the Future of Waste Management	
	Philadelphia v. NJ	
4/15.	Philern case study	Supp. 6
	<i>Memo Due</i>	
4/20.	CERCLA: Remediation and Prevention	Supp. 8
	<i>Read 157-160, 166-181</i>	
4/22.	CERCLA: Liability	Supp. 8
	<i>Read 160-166, 182-188</i>	
4/23	<i>Optional Midterm distributed</i>	
4/27.	Clean Air Act: NAAQS, SIPs and other acronyms	Supp. 9
	<i>Read 191-202</i>	
4/29.	Clean Air Act: Non-attainment, Mobile Sources and Acid Rain	
	<i>Read 202-220</i>	
5/4.	CAA Violations and the Wood Products Industry	Supp. 10
	<i>Memo due</i>	
5/6.	Climate Change	Supp. 10
	Additional reading on GauchoSpace	
5/11.	Clean Water Act: Point Sources and Effluent Limits	Supp. 11
	<i>Read 261-269</i>	
	Additional reading on GauchoSpace	

5/13.	Clean Water Act: Nonpoint Sources, TMDLs and Wetlands <i>Read 270-285</i>	
5/18.	Safe Drinking Water Act reading on GauchoSpace	
5/20.	Enforcement and permitting <i>Read 287-292</i> Additional reading on GauchoSpace	Supp. 11
5/25.	NEPA I <i>Read 295-313</i>	Supp. 12
5/27.	NEPA II <i>Read 313-334</i> Additional reading on GauchoSpace	
6/1.	ESA I <i>Read 337-343</i> Additional reading on GauchoSpace	Supp. 13
6/3.	ESA II <i>Read 343-355</i> Additional reading on GauchoSpace	