

## ENVIRONMENTAL LAW

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Office hours by appointment

PROFESSOR JIM SALZMAN

Mon/Wed, 8-9.15

### COURSE REQUIREMENTS Spring 2024

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 also emphasize 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 effectively; thinking on your feet; acting as an advocate for both sides of an issue; and understanding the legal structure and strategies for environmental protection.

These skills will prove useful to you whatever environmental career path you follow after Bren. Even if you never practice law, learning how to read legal texts is a fundamental skill for working in the environmental field whether in the public, private or non-profit sector.

The readings and lecture Powerpoint slides will be posted on Gauchospace. In preparing for each 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.

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. **Attendance is required.** If something comes up and you need to be absent, please let me and know *beforehand*, not after. Excessive absences will prevent taking the final exam. There are a number of make-up and swapped classes during the quarter so please regularly check the syllabus and let me know if you have a conflict.

***Please note that I do not allow laptops in the classroom.*** I apologize in advance since I appreciate this can be difficult for those who prefer typing their notes during class. I have found that a classroom without the distractions created by surfing and Tik Tok results in a much better learning environment, particularly with Socratic teaching. I will post all the class Powerpoints on Gauchospace to help with your review. If taking notes by hand is infeasible and you require an accommodation, please let me know and I will be happy to explain the DSP process that will arrange for a class note taker.

There will be two short memos (2 pages max) due on April 17 and April 29. 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 must be re-written. There will be an optional primer on the US legal system on April 3<sup>rd</sup> and an ungraded midterm halfway through the quarter. The final grade will be based on an open book exam and class participation.

The week of May 20<sup>th</sup>, we will have presentations by practitioners. You are required to attend at least one of these. I will circulate a sign-up sheet later in the quarter.

We have a TA for the class, Jenna Leonard. She will hold weekly office hours and is a great resource if you are uncertain about any of the topics covered. Her email is

[jleonard@bren.ucsb.edu](mailto:jleonard@bren.ucsb.edu). I am also happy to meet with you. Please email me to schedule a time.

### **The Basic Themes**

*"A good planet is hard to find"*

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

*Optional: Primer on US Law, available on Canvas*

### **Waste Management and Pollution Prevention**

#### ***Swapped class with ESM 204***

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|-------|---------------------------------------|---------|
| 4/9.  | RCRA Introduction                     |         |
|       | Read 71-76, 78 (bottom)-84            | Supp. 5 |
|       | AMC v. EPA, RCRA solid waste rules    |         |
| 4/10. | RCRA Hazardous Waste and Land Bans    |         |
|       | Read 76-78, 85-98                     | Supp. 5 |
|       | RCRA haz waste, Stoll reading         |         |
|       | <b><i>bring readings to class</i></b> |         |

#### ***Make up class, 8-9.15am, BH 1414***

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|-------|--|----------|
| 4/12. | Enforcement and permitting                         | Supp. 11 |
|       | Read 287-292                                       |          |
|       | Read EPA COVID Policy                              |          |
|       | Read State Reactions                               |          |
| 4/15. | Waste reduction and the Future of Waste Management | Supp. 6  |
|       | Philadelphia v. NJ                                 |          |
|       | Environmental Justice and NIMBY                    |          |
|       | Read Warren County                                 |          |
|       | Skim EPA's EJ Grants Website                       |          |
|       | Input your hometown into the EPA EJ Mapper         |          |
| 4/17. | Philearn case study                                | Supp. 7  |
|       | <b><i>Memo Due</i></b>                             |          |

#### ***Make up class, 8-9.15am, BH 1414***

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|-------|------------------------------------|---------|
| 4/19. | CERCLA: Remediation and Prevention | Supp. 8 |
|       | Read 150-153, 159 (bottom)-171     |         |
| 4/22. | CERCLA: Liability                  | Supp. 8 |
|       | Read 154-159, 172-182              |         |
|       | Prepare Congressional Hearing      |         |

#### ***Make up class, 4-5.15pm, BH 1414***

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|-------|---|---------|
| 4/23. | Clean Air Act: NAAQS, SIPs and other acronyms | Supp. 9 |
|       | Read 185-195 (middle), 198 (bottom)-216       |         |

#### ***Optional Midterm distributed***

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|------|---|--|
| 4/24 | Clean Air Act: Non-attainment, Mobile Sources and Acid Rain |  |
|      | Read 195 (middle)-198, 217-224, 227                         |  |

*Read* Fuel Efficiency Standards

4/29 CAA Violations and the Wood Products Industry Supp. 10  
*Read 231-244*

***Memo due***

***No classes from 5/1-5/13***

***Swapped class with ESM 204***

5/14. Climate Change Supp. 10  
*Read 245-253*  
*Skim Biden Executive Order*  
*Read Climate Case*

5/15. Clean Water Act: Point Sources and Effluent Limits Supp. 11  
*Read 261-269*

***Make up class, 8-9.15am, BH 1414***

5/17. Clean Water Act: Nonpoint Sources, TMDLs and Wetlands  
*Read 270-285*  
*Read California and WOTUS*

***Note afternoon practitioner sessions on 5/20 and 5/22 at 4pm; 5/21 and 5/23 at 5pm***

5/20. ESA I Supp. 13  
*Read 337-342, 345 (middle)-354 (middle)*

5/22. ESA II  
*Read 342-345, 354-355*  
*Read Elk Occupancy Agreement*  
*Read Hunting Tags*

***Make up class, 8-9.15am, BH 1414***

5/24. NEPA I Supp. 12  
*Read 295-313*

***No class on 5/29, 6/3***

6/5. NEPA II  
*Read 313-334*  
*Read Noema*