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 3rd 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 20th, 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...
jleonzard@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"

4/1.  Introduction to Environmental Law
   The Estai 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

4/9.  RCRA Introduction
   Read 71-76, 78 (bottom)-84
   AMC v. EPA, RCRA solid waste rules
   Supp. 5

4/10.  RCRA Hazardous Waste and Land Bans
   Read 76-78, 85-98
   RCRA haz waste, Stoll reading
   bring readings to class
   Supp. 5

Make up class, 8-9.15am, BH 1414

4/12.  Enforcement and permitting
   Read 287-292
   Read EPA COVID Policy
   Read State Reactions
   Supp. 11

   Philadelphia v. NJ
   Environmental Justice and NIMBY
   Read  Warren County
   Skim EPA’s EJ Grants Website
   Input your hometown into the EPA EJ Mapper
   Supp. 6

4/17.  Philern case study
   Memo Due
   Supp. 7

Make up class, 8-9.15am, BH 1414

4/19.  CERCLA: Remediation and Prevention
   Read 150-153, 159 (bottom)-171
   Supp. 8

4/22.  CERCLA: Liability
   Read 154-159, 172-182
   Prepare Congressional Hearing
   Supp. 8

Make up class, 4-5.15pm, BH 1414

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

Optional Midterm distributed

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


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


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