

**Environmental Law**  
**NRM 407, 3 credits**  
**Spring Semester 2015**  
**Tuesday and Thursday 9:45-11:15**  
**Arctic Health 183**

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If you have a physical or learning disability, please advise me in writing of any special consideration necessary by the beginning of the second class. I will do everything possible to accommodate you in accordance with the Americans with Disabilities Act.

This is a survey class that aims to cover the major federal environmental laws in place in the United States. The goals of the course are to gain a basic understanding of these laws and the major cases that interpret them.

## **Course Requirements and Grading:**

### Textbook:

*Environmental Regulation: Law, Science, and Policy*, **sixth edition**, by Percival, Miller, Schroeder, & Leape, published by Little, Brown and Company. The book is available at the campus bookstore.

### Exams:

There will be one mid term exam and one final exam, the final exam is not cumulative. Each exam will account for 35% of your total final grade. Exams will take place in class and will be **closed book**. Exam questions will be drawn from the required readings, lectures, and the course discussions. A close understanding of the course material is important as exam questions will require you to apply information you learned in class to new situations, rote memorization will often not be enough to get an A.

Exams will include essay and short answer questions. Please make sure that you write legibly as illegible answers may not be graded.

There will be no makeup exams, if you are unable to take the exam on the date scheduled and you have a good reason, please see me as soon as possible.

### Quizzes:

There will be 4-6 quizzes over the course of the semester. The quizzes will be in class, **open note** (though NOT open book). Quizzes will all be pop quizzes and will take place during the first 15 minutes of a class period. The lowest quiz grade will be dropped. There will be no makeup quizzes, so make sure you always attend class and make sure you always arrive on time. Quizzes will account for a total of 20% of your final grade. You will not be allowed to access notes on a laptop during quizzes.

### Attendance, Preparation, and Class Participation:

Attendance and proper preparation for each class session are mandatory. Classes will be taught using the Socratic Method; this means that students will regularly be called on to answer questions based on the reading material or lectures. If you feel you are unable to properly answer questions on a given day please let me know at the start of the class and I will refrain on calling on you for that day, however, this greatly increases your chances of being called on during the following class session. Additionally, only 2 free passes will be tolerated per student. These three components will make up 10% of your final grade.

### Grades:

This course is graded with a letter grade which corresponds to the numerical score you receive. This class uses +/- grades.

### Extra Help:

If you find, at any time during the semester, that you are having trouble understanding the concepts discussed in class, please see me before you fall behind. I am happy to provide additional explanations and other help to any student who is interested.

## **Course Schedule:**

### Thursday January 15 – Course Introduction

- Review of syllabus and course requirements and expectations
- Explanation of how to diagram a case
- Basic description of American legal system: common law v. statutory law, federal v. state courts, criminal v. civil cases

### Tuesday January 20 - Origins of Environmental Law

pp. 62-89

- Private Nuisance: *Madison v. Ducktown Sulphur, Copper & Iron Co.*
- Public Nuisance: *Missouri v. Illinois & Georgia v. Tennessee Copper Co.*

### Thursday January 22 - The Regulatory Process

pp.136-141, 148-158, 161-174, 178-190

- Basic administrative law
- Regulatory approaches to environmental protection
- Congressional, Executive, and Judicial roles: *Sierra Club v. Costle & Chevron USA v. NRDC*

### Tuesday January 27 - RCRA

pp.349-384

- The Waste Problem
- What is Solid Waste? *American Mining Congress v. EPA*

Thursday January 29 – RCRA pp. 384- 411

- What is hazardous waste under Subtitle C? *City of Chicago v. EDF*
- Subtitle D

Tuesday February 3 – CERCLA pp. 411-417, 420-449

- Owners: *NY v. Shore Realty Corp.*
- Operators: *U.S. v. Bestfoods*
- Arrangers: *Burlington Northern and Santa Fe Railway Co. v. US*

Thursday February 5 – CERCLA pp. 449-466, 472-488

- Type of Liability: *Burlington Northern and Santa Fe Railway Co. v. US*
- Contribution: *U.S. v. Vertac Chemical Corp.*
- Settlement: *AKZO Nobel Coatings Inc. v. Aigner Corp.*

Tuesday February 10 – Toxics and Uncertainty pp. 191-209

- *Reserve Mining Co. v. EPA*
- *Ethyl Corp. v. EPA*

Thursday February 12 – TSCA pp. 251-277

- *Corrosion Proof Fittings v. EPA*

Tuesday February 17 – FIFRA, Food Safety pp. 295-303

- Health Based Standards
- Delaney Clause: *Public Citizen v. Young*

Thursday February 19 - Alternative Approaches to Toxics pp. 327-347

- California's Proposition 65
- Emergency Planning and Community Right to Know

Tuesday February 24 - Questions about distribution pp. 15-23, 509-521

- NIMBY, LULU
- Environmental Justice: *In the Matter of Louisiana Energy Services*

Thursday February 26 - In Class Review for Midterm

Tuesday March 3 - **Midterm**

Thursday March 5 - Water Pollution pp. 663-672, 694, 710-730, 735-741

- Point Source Limitations: *NRDC v. Costle & U.S. v. Plaza Health Laboratories*
- POTWs

Tuesday March 10 – Water Pollution

pp. 742-778, 702-707

- Review of CWA
- Water Quality Based Controls: *AR v. OK, PUD No.1 of Jefferson County v. WA. Dept. of Ecology, Pronsolino v. Nastri, South Florida Water Mgmt District v. Miccosukee Tribe of Indians*

Thursday March 12 – Wetlands

pp.779-793, 694-701

- Quick review of CWA
- Intro to §404 of CWA: *Coeur Alaska Inc v. SE AK Conserv. Council*
- § 404 Permits: *National Mining Assc. v. ACE*

Tuesday March 17 and Thursday March 19- **Spring Break**

Tuesday March 24 – Wetlands

pp. 672-693

- What is a wetland? *US v. Riverside Bayview Homes, SWANCC v. ACE, & Rapanos v. U.S.*

Thursday March 26 – Air Pollution

pp. 523-532, 569-592

- Clean Air Act
- NAAQS: *Lead Industries Assc. v. EPA & Whitman v. American Trucking Asscs.*

Tuesday March 31 – Air Pollution

pp. 592-617

- Role of the State: *Union Electric v. EPA*
- Role of the Federal Government: *Virginia v. EPA*
- Other issues in implementation: *AK Dept. of Environment Conservation v. EPA*

Thursday April 2 – Air Pollution

pp. 533-555

- What is an Air Pollutant? *Mass. v. EPA*
- CO<sub>2</sub> Endangerment Finding: *Coalition for Responsible Regulation v. EPA*

Tuesday April 7 - Air Pollution

pp. 624-651, 555-569

- Transboundary pollutants: *Alliance for Clean Coal v. Bayh, Michigan v. EPA*
- Mobile Sources
- California's Role in Mobile Source Mgmt

Thursday April 9 – NEPA

pp. 895-905, 927-953

- Structure: *Calvert Cliffs v. U.S. AEC & Stryker's Bay Neighborhood Council v. Karlen*
- When must an EIS be prepared? *Hanly v. Kleindienst, Dept. of Transportation v. Public Citizen, Center for Biological Diversity v. NHTSA*

Tuesday April 14 – NEPA

pp. 911-918, 922-927

- Timing and Scope: *Kleppe v. Sierra Club, Sierra Club v. Peterson*

Thursday April 16 – NEPA

pp. 918-922, 953-978

- Is the EIS adequate? *Thomas v. Peterson*, *Vermont Yankee v. NRDC*, *Sierra Club v. U.S. ACE*, *Marsh v. OR Natural Resources Council*
- Does NEPA work?

Tuesday April 21 – Endangered Species

pp. 984-993, 1009-1028

- God Squad: *TVA v. Hill*
- Delisting and Recovery Plans: *Friends of Blackwater v. Salazar*

Thursday April 23 – Endangered Species

pp. 1029-1034, 1044-1064

- Federal Actions: *Thomas v. Peterson*, *Carson-Truckee Water Conservancy v. Clark*
- Private Action: *Babbitt v. Sweet Home Chapter Communities for a Great OR*

Tuesday April 28 – In Class Review for Final

Tuesday April 30 – **Final Exam** in class

Good luck to each of you this semester.

The exam time for TR 0945-1115 will be 0800-1000 on FRIDAY, May 8th