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 31. 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.

In order to minimize the number of make-up classes to just one (September 29), I have swapped a number of classes with ESM 206 and ESM 256A. They are indicated on the syllabus. Please let me know if these create a conflict for you. There is also an optional class on the afternoon of September 29 describing the basics of our political/legal system.

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"

4/2.
Introduction to Environmental Law
   The Estai Controversy Supp. 1
   Environmental Ethics Supp. 2

4/4.
The Modern Era of Environmental Law
   The Common Law Supp. 3
   Making Environmental Law Supp. 4

Supplementary class on the U.S. legal system
4/4. 2-3pm

Waste Management and Pollution Prevention

4/9.
   RCRA Introduction Supp. 5
   AMC v. EPA
   RCRA solid waste rules

4/11.
   RCRA Hazardous Waste and Land Bans (8.30-9.45)
      Read 79-98 Supp. 5
      RCRA haz waste, Stoll reading

Make-up Class at 2-3.20pm
4/12.
   Environmental Justice and NIMBY Supp. 7
   Additional readings posted on GauchoSpace
   Waste reduction and the Future of Waste Management
   Philadelphia v. NJ

4/16.
   Philern case study Supp. 6
   Memo Due

4/18.
   CERCLA: Remediation and Prevention Supp. 8
      Read 157-160, 166-181

4/23.
   CERCLA: Liability Supp. 8
      Read 160-166, 182-188

4/25.
   Clean Air Act: NAAQS, SIPs and other acronyms Supp. 9
      Read 191-202

4/30.
   Clean Air Act: Non-attainment, Mobile Sources and Acid Rain
      Read 202-220

5/2.
   Climate Change
      Read 237-251
      Additional reading on GauchoSpace
Make-up Class at 2-3.20pm
5/3. CAA Violations and the Wood Products Industry Supp. 10

Memo due

5/7. Clean Water Act: Point Sources and Effluent Limits Supp. 11
Read 255-263
Additional reading on GauchoSpace

5/9. Clean Water Act: Nonpoint Sources, TMDLs and Wetlands
Read 264-282

5/14. Enforcement and permitting
Read 283-306

5/16. NEPA I Supp. 12
Read 309-327

5/21. NEPA II
Read 327-348
Additional reading on GauchoSpace

5/23. ESA I Supp. 13
Read 351-356
Additional reading on GauchoSpace

5/28. ESA II
Read 357-363
Additional reading on GauchoSpace

No Class on 5/30

Surf Safari!

6/4. Zoo Law
Additional reading on GauchoSpace

No Class on 6/6