

James Salzman and Barton H. Thompson, Jr., *Environmental Law and Policy*, 5th ed. Concepts & Insights Series, Foundation Press, 2019

Richard J. Lazarus and Oliver A. Houck (eds), *Environmental Law Stories*, Foundation Press, 2005

Additional readings are available on the internet. The textbooks are also available on reserve in the library. It is also fine to buy used copies. All readings are *required* and should be read before class to enhance the value of both the lectures and the discussion.

ASSIGNMENTS:

Written assignments: Directions will be provided (and posted on Blackboard) for each assignment. Be sure to comply with all instructions, including *minimum* page limits. ***Academic honesty is important; you must include citations, quotation marks, and works cited.*** Points will be deducted for late work unless prior permission is given.

Group court case discussion leader assignments: The class will break into small groups to discuss cases. Discussion questions will be provided prior to class on Blackboard. *Each student is expected to lead a group court case discussion over the course of the semester.*

Group project: Reading and instructions for the group project will be posted on Blackboard prior to class. Students will work together in class on the group project. *Students will submit a self-evaluation for the group project.*

Group power point presentation: Instructions for the group power point presentation will be posted on Blackboard before Thanksgiving recess. Each student will be responsible for helping prepare and

presentation.

GRADING: Attendance, participation, case discussion and homework count as 15%; group project 10%; group PowerPoint presentation 15% and each test counts as 30% of your semester grade.

COURSE LEARNING/OUTCOMES: Students will be able to demonstrate a basic foundational understanding of the historical context, purpose, statutory and programmatic goals, and evolution of the federal environmental laws and programs studied this semester as assessed by the midterm and final exams. Per the instructions provided for the group projects, students will demonstrate the ability to analyze legal issues in documents, such as proposed rules or draft legislative language, and construct a well-reasoned and well supported argument addressing the assigned issue. Students will

these issues via student led discussion, class discussion, and through team-based group project work inside and outside of the classroom.

ACADEMIC SUPPORT SERVICES: Students are encouraged to utilize academic support services: the Writing Speaking and Argument Program, <https://writing.rochester.edu> ; Center for Excellence in Teaching and Learning (CETL), www.rochester.edu/college/cetl/

ACADEMIC HONESTY: All assignments and activities associated with this course must be performed in accordance with the University of Rochester's Academic Honesty Policy. More information is available at: www.rochester.edu/college/honesty

DISABILITY RESOURCES: The University of Rochester respects and welcomes students of all backgrounds and abilities. In the event you encounter any barrier(s) to full participation in this course due to the impact of disability, please contact the Office of Disability Resources. The access coordinators in the Office of Disability Resources can meet with you to discuss the barriers you are experiencing and explain the eligibility process for establishing academic accommodations. 10/12/2017 10:51:13 AM

Sept. 8

Historical underpinnings, purpose, and scope of ESA listing process for
: Shift in s

III. National Environmental Policy Act

Sept. 27 Context, purpose and structure of NEPA: The need for comprehensive consideration of environmental impacts in *all* aspects of federal agency action, the role of CEQ, and the importance of the action forcing provisions of NEPA and the terms: EA, EIS, FONSI and categorical exclusion.

Reading: Salzman, Ch 12, pp 339-355; NEPA statute

Group project and group project self-evaluation due

Sept. 29 Calvert Cliffs Coordinating Committee, Inc. v. U.S. Atomic Energy Commission: What is the lasting meaning of this case? Is NEPA substantive or a procedural statute? What is the long-

Reading: *Environmental Law Stories: The Story of Calvert Cliffs*, pp 77-107

In class: Group discussion of Calvert Cliffs case study

Oct. 4 NEPA, Climate and Environmental Justice: We will discuss NEPA implementation, climate change and environmental justice. NEPA is particularly important for communities that suffer disproportionately from pollution and have often been deprived of prior public notice and the opportunity to comment on impending projects that may adversely impact the community, the local environment and public health.

Reading: Handout

Oct. 6 Test 1

Oct. 11 NO CLASS FALL BREAK

IV. The Clean Water Act

Oct. 13 Historical context, purpose and structure of the CWA: Shift in public perception and evolving scientific understanding of wetland functions and values; *Riverside Bayview Homes* & the hydrologic cycle; extent of conversion of historic wetlands; activities and physical jurisdiction; core of 404 regulatory program (404(b)(1) Guidelines steps of 1Tc[;)JTJETQq0.00000912 0 612 792 reW*hBT/F1 12 Tf1 042 4780ar& tPA statute

Oct. 18

What are Waters of the U.S.?

(Mother Jones, Aug. 14, 2013)

Optional reading:

Nov. 3 Test 2

V. Clean Air Act and Climate Change

Nov. 8 Context, purpose and regulatory strategy of the Clean Air Act: Historical air quality and public health concerns, the ambitious goals and regulatory strategy of the CAA, Uniform National Ambient Air Quality Standards (NAAQS), state implementation plans (SIPs) & balancing state/federal roles, nonattainment zones, new source performance standards (NSPSs) for stationary sources.

Reading: Salzman, ch. 5, pp. 115-137

Nov. 10 Whitman v. American Trucking
for ozone & particulate matter: Consider the economic, policy and legal arguments, including the regulatory compliance & human health costs, the CAA statutory language, and environmental policy goals re NAAQS for ozone & particulate matter.

Reading: *Environmental Law Stories: The Story of American Trucking: The Blockbuster Case that Misfired*, pp. 320-348.

In class: Group discussion of *American Trucking* case study

Nov. 15 CAA and Climate Change: Massachusetts v. EPA, Obama
Clean
subsequent EPA actions.

Reading: Salzman, Ch. 6, pp. 152-172

Reading: *West Virginia v. EPA* (June 30, 2022)

Handout for group presentations

Nov. 22-24 No Class Happy Thanksgiving!

VI. Hazardous waste, toxic air and citizen action

Nov. 29 CAA, toxics and citizen action: 1990 CAA Amendment and toxic air pollutants (shift from NESHAPs to industry by industry MACTs). Tonawanda, citizen air quality monitoring and NY DEC.

Reading: Salzman, ch. 5, pp. 138-142, ch. 6, pp. 143-152

illegal

<https://csresources.org/our-history> (watch the video too)

Dec. 1 RCRA/CERCLA: The 1980s, Love Canal and passage of CERCLA; the reporting, clean up and liability provisions (joint and several, strict liability); frontline communities and CERCLA implementation. Why is RCRA so important?

Reading: Salzman, ch. 9

Dec. 6-13