

ENVIRONMENTAL LAW I: Fall 2010

Professor Mank
James B. Helmer, Jr. Professor of Law

Mondays & Wednesdays 1:30-2:55
Room 104

The required book for this course is Daniel A Farber, Jody Freeman & Ann E. Carlson, Cases and Materials on Environmental Law: 8th ed. (2010) (ISBN: 978-0-314-90883-4) (West)

The assignment for the first class, Monday, August 23rd is pp. 1-36 (Environmental Protection & Ecological Perspectives), 40-44 (Commons), 47-59 (Climate change). Weekly assignments will be given in class.*

Roughly one-third of your initial grade (before I modify the grade for class attendance, preparation or performance) in this course will be based on a short ten to fifteen page (double-spaced, 10-12 point fonts, including footnotes) paper on an environmental topic approved by Professor Mank. Please note that your grade for the paper is *not* anonymous so I can help you with selecting an appropriate topic. You must hand in a short one page description of your topic by Monday, November 15th. I will review your proposal, may modify it, and will return a revised proposal by Monday, November 22nd. You must hand in your paper on the day of the final examination, *before you take your examination*, Wednesday, December 8th (schedule set by the Dean). Please hand the paper to the registrar *before* you take your examination. At my discretion, I reserve the right to fail or reduce the grade of any student who hands in the paper late. Any extension of the paper deadline must be approved by me in advance or I may give you a failing grade.

A two-hour anonymous (examination-number system) final examination will constitute roughly two-thirds of your initial grade (before I adjust the grade for class attendance, preparation or performance). The exam will be based on my class presentations, my class handouts and my discussion of the readings in class. You may not rely on outside sources to “overrule” the materials presented in class. My interpretation of environmental law is controlling for purposes of examination grading. It will be a limited open book examination in which you may use a personally handwritten (in pen ink or pencil, no typewritten or computer-modified materials), one page (both sides of a standard 8.1/2 inch by 11 inch piece of paper) “help” sheet that is your own work in your own handwriting, using a pencil or pen; I will give details before the end of the semester. You may not use any other materials during the exam. If you use any other materials or communicate in any way during the examination, I may fail you in my sole discretion.

I reserve the right to take class attendance, preparation or performance into account in assigning a final grade. I may increase your grade for good class participation, up to one full letter grade, or reduce it to a failing grade for lack of class attendance, preparation or performance. I reserve the right to fail any student who has any unexcused absences that are not approved by me in advance, unless there is a medical emergency. You may not record or tape my class without my permission.

My office hours are Mondays & Wednesdays 2:55-3:55. My Office is in Room 425.

First Assignment, Monday, August 23rd, 2010: pp. 1-36 (Environmental Protection & Ecological Perspectives), 40-44 (Commons), 47-59 (Climate change).

I.	<u>Introduction to Environmental Issues</u>	pp. 1-36 (Environmental Protection & ecological Perspectives), 40-44 (Commons), 47-59 (Climate change).
II.	<u>Judicial Review</u>	
	Administrative Law	pp. 371-375
	Standing	pp. 376-422
	Citizen Suits	pp. 422-431
	Challenging Agency Action	pp. 431-455
III.	<u>NEPA</u>	pp. 456-524
IV.	<u>Wetlands</u>	pp. 799-829
V.	<u>Endangered Species Act</u>	pp. 36-40 (Salzman), 189-263
VI.	<u>Environmental Federalism</u>	pp. 279-293 (805-810), 294-298, 304-306, 309-324
VII.	<u>Risk, Economics & Equity</u>	pp. 63-101(Risk), 110-114(Cost-Benefit Analysis), 132-140 (Cap & Trade), 147-156(Equity)

VIII.	<u>Air Pollution Control</u>	pp. 525-664, 670-676 (Acid Rain & Cap & Trade)
IX.	<u>Water Pollution Control</u>	pp. 682-789, 832-833 (Water Quality Trading
	Policy), 835 (SEPs)	
X.	<u>Hazardous Waste & Toxic Substances</u>	
	RCRA	pp. 838-882
	CERCLA & Brownfields	pp. 890-977
	TSCA	pp. 1000-1013

*Note: The information contained in this syllabus is subject to change, and you are responsible for all revisions announced in class. The course outline is tentative and I may change it.