

## ENVIRONMENTAL LAW I: Fall 2007

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

Mondays & Wednesdays 10:30-11:45  
Room 208

The required book for this course is Findley & Farber, *Environmental Law: Cases and Materials* 7th ed. (2006). The assignment for the first class, Wednesday, August 22nd is pp.1-20, 25-35, 39-44, 47-53. Weekly assignments will be given in class.\*

One-third of your initial grade 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 discussed in the Findley book, class or approved by Professor Mank. You must hand in a short one page description of your topic by Monday, November 19th. I will review your proposal, may modify it, and will return a revised proposal by Wednesday, November 28<sup>th</sup>. The paper will be due the day of your examination, Monday, December 17th. Please hand it 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. A two-hour final examination will constitute two-thirds of your initial grade. 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. 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. You may not record or tape my class without my permission.

My office hours are Mondays 11:45-12:45 & Wednesdays 11:45-12:45. My Office is in Room 425.

- I. Introduction
  - Environmental Issues pp. 1-20, 25-35, 39-44, 47-53
  - Environmental Federalism pp. 276-294 (769-773), 299-302, 305-323 & *United Haulers* Handout
- II. Judicial Review
  - Administrative Law pp. 360-365
  - Standing pp. 365-405 & Kennedy Concurrence in *Lujan* Handout & *Massachusetts v. EPA* Handout
  - Citizen Suits pp. 405-415
  - Challenging Agency Action pp. 415-441
- III. NEPA pp. 441-512
- IV. Endangered Species Act pp. 191-260
- V. Risk, Economics & Equity pp. 67-117
- VI. Air Pollution Control pp. 526-626 & *Massachusetts v. EPA* Handout & *Duke Energy* Handout
- VII. Water Pollution Control
  - Point and Non-Point Sources pp. 646-752
  - Wetlands pp. 763-779 & *Rapanos* Handout
- VIII. Hazardous Waste & Toxic Substances
  - RCRA pp. 788-834
  - CERCLA & Brownfields pp. 841-925 & *Atlantic Research Corp.* Update
  - TSCA pp. 949-962
- \*IX. Environmental Enforcement {If Sufficient Time}
  - Mandatory Disclosure pp. 975-988
  - Criminal Liability pp. 168-179

\*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.