

ENVIRONMENTAL LAW I: Fall 2008

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

Mondays & Wednesdays 1:30-2:55
Room 100A

The required book for this course is Findley & Farber, *Environmental Law: Cases and Materials* 7th ed. (2006) & 2008 Supplement.

The assignment for the first class, Wednesday, August 27th is pp.3-4, 19-20, 360-405. Weekly assignments will be given in class.*

Approximately 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 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 28th. You must hand in your paper on the day of the final examination, *before you take your examination*, Wednesday, December 17th (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.

A two-hour final examination will constitute approximately 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. It will be a limited open book examination in which you may use a personally handwritten (in pen ink, 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; 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. You may not record or tape my class without my permission.

There is an optional one hour practical component to this course: Environmental Law I Practice. That course is graded on a pass-fail basis. It is taught on the following Wednesday afternoons in Room 306 from 4:40 until 6:20 p.m.: 9/24, 10/1, 10/8, 10/22, 10/29, 11/5, 11/12. It is taught by Adjunct Professor Ann Navaro. She is currently the Assistant Division Counsel for the Great Lakes and Ohio River Division of the US Army Corps of Engineers and formerly a Senior Trial Attorney with the Environment and Natural Resources Division of the U.S. Department of Justice. You are welcome to talk to me about taking this optional course in addition to environmental law.

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

First Assignment, Wednesday, August 27, 2008: pp. 3-4, 19-20, 360-405

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| I. | <u>Introduction to Environmental Issues</u> | pp. 3-4, 19-20 |
| II. | <u>Judicial Review</u> | |
| | Administrative Law | pp. 360-365 |
| | Standing | pp. 365-405 & Supplement 49-58 (Kennedy Concurrence in <i>Lujan & Massachusetts v. EPA</i>) |
| | Citizen Suits | pp. 405-415 |
| | Challenging Agency Action | pp. 415-441, Supplement 59-73 (<i>Massachusetts v. EPA</i>) |
| III. | <u>NEPA</u> | pp. 441-512 & Supplement 87-96 (<i>Center for Biological Diversity</i>) |

IV.	<u>Wetlands</u>	pp. 763-779 & Supplement 134-148 (<i>Rapanos</i>)
V.	<u>Endangered Species Act</u>	pp. 25-39, 191-260 & Supplement 97-109(Polar Bear & Ruhl article) & Supplement 115 (summary of case, <i>National Homebuilders</i>)
VI.	<u>Environmental Federalism</u>	pp. 276-294 (769-773), 299-302, 305-315 & Supplement 115-122 (<i>United Haulers</i>)
VII.	<u>Risk, Economics & Equity</u>	pp. 67-75, 88-108
VIII.	<u>Air Pollution Control</u>	pp. 526-626 & Supplement 123-34 (<i>North Carolina v. EPA</i>)
IX.	<u>Water Pollution Control</u>	pp. 646-752
X.	<u>Hazardous Waste & Toxic Substances</u>	
	RCRA	pp. 788-834
	CERCLA & Brownfields	pp. 841-925 & Supplement 148 (summary of case,, <i>Atlantic Research Corp.</i>)
	TSCA	pp. 949-962

*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.