UNIVERSITY AT ALBANY
ENVIRONMENTAL LAW
Syllabus – Spring Semester 2011

Prof. Joan Leary Matthews
joanm.leary@gmail.com
518-727-9457 (personal cell)

Tues & Thurs 7:15 - 8:35 p.m.
ES 242

Focus of the Course

This course introduces you to several of the more prominent environmental laws. In covering this material, we will discuss the substance of these laws and examine the strengths and weaknesses of different approaches to limiting pollution and protecting our environment. Current events will be woven into the course.

Course Materials

We will not be using a textbook. Instead, reading materials or links to reading materials will be posted on the course’s Blackboard site.

Course Grading

You will receive a three-credit grade at the end of the course. The grade will be based on the following:

• Written Assignments and Quizzes 40%
• Final Exam 40%
• Class Participation (includes attendance) 20%

Attendance & Class Preparation

My philosophy about teaching and learning is very simple: I will come to class prepared to teach and I expect that you will come to class prepared to learn.

Schedule – The following schedule provides an overall picture of the material that we will study in this course and the order in which we will study it. The schedule may need to be adjusted to accommodate various speakers. Some reading assignments appear on this syllabus - others will be filled in as we proceed along the course. Check Blackboard and email for any changes.

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Course Schedule
(with some of the assigned readings - always check Blackboard for updates)

Thurs 1/20  Introduction to the Course

Tues 1/25  Introduction to Law - Organizational Structure of the Law and Forums for Hearing Disputes

**Thurs 1/27 - No class

Tues 2/1  Introduction to Environmental Law
http://www.fas.org/ota/reports/9517.pdf

Thurs 2/3  The Application of Common Law to Environmental Disputes - Private & Public Nuisance
Connecticut v. AEP, 582 F.3d 309 (2d Cir. 2009) (public nuisance).

Tues 2/8  Introduction to Statutory Environmental Law
NYS Pesticide Coalition, Inc. v. Jorling, 874 F.2d 115 (2d Cir. 1989).

Thurs 2/10  The Regulatory Process & Scope of Judicial Review (how judges review legal disputes)
New York v. Reilly, 969 F.2d 1147 (D.C. Cir. 1992)
Peruse: – www.epa.gov - Find anything interesting?
– www.archives.gov/federal_register/ Anything published for EPA in the most current Federal Register (as of the day you access it)?
– http://www.epa.gov/epahome/dockets.htm Search for your favorite environmental topic. Find anything interesting?

Tues 2/15  Clean Water Act - Basic Structure of the Law

Thurs 2/17  Clean Water Act
Movie: Liquid Assets - The Story of Our Water Infrastructure
Penn State Public Broadcasting, 2008

**Tues 2/22 & Thurs 2/24 - No class - Winter Break / President’s Day
Tues 3/1  Special Regulatory Issues in Agriculture: Concentrated Animal Feeding Operations (CAFOs)
  – Concerned Area Residents for the Environment v. Southview Farm, 34 F.3d 114 (2d Cir. 1994)
  – Federal and State regulatory materials

Thurs 3/3  Clean Air Act - Basic Structure of the Law

Tues 3/8  Clean Air Act
Peruse: Maps of nonattainment areas in the United States at http://www.epa.gov/air/data/nonat.html?us~USA~United%20States
When you access this site, pick a pollutant.
What did you find? How does Albany County fare for that pollutant?

Thurs 3/10  The Global Environment - Climate Change

Tues 3/15  Environmental Justice / Climate Justice

Thurs 3/17  Who Can Sue in Environmental Cases? – “Standing” to Sue

Tues 3/22  Environmental Review - Federal Law - National Environmental Policy Act (NEPA)

Thurs 3/24  Environmental Review - State Law - State Environmental Quality Review Act (SEQRA)

Tues 3/29  Special Topic: NYS Department of Environmental Conservation Dam Safety Program

Thurs 3/31  Current Environmental Issue on the Supreme Court Docket
AEP v. Connecticut - Students will be assigned to read and discuss a brief from one of the many parties involved in the case.

Tues 4/5  Current Environmental Issue on the Supreme Court Docket (cont.)

Thurs 4/7  Case Study: NYS Department of Environmental Conservation Review of Environmental Impacts of Drilling in the Marcellus Shale
Tues 4/12  Endangered Species Act

Thurs 4/14  Endangered Species Act

**No class Tues 4/19 or Thurs 4/21 - Spring Break

Tues 4/26  Fundamentals of Enforcement
           – Chapter 3 of EPA’s Enforcement Training Manual

Thurs 4/28  Citizen Suits

Tues 5/3  Wrap - up