

**UNIVERSITY AT ALBANY
ENVIRONMENTAL LAW
Syllabus – Spring Semester 2011**

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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:

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| • | 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**

Ch. 1, "An Introduction to American Law," Legal Reasoning and Legal Writing, Richard K. Neuman, Jr. (Aspen, Fifth Ed. 2005).

***Thurs 1/27 - No class*

Tues 2/1 **Introduction to Environmental Law**

– Office of Technology Assessment, Environmental Policy Tools: A User's Guide (Sept. 1995), Executive Summary & Summary, pp. 1-22

<http://www.fas.org/ota/reports/9517.pdf>

Thurs 2/3 **The Application of Common Law to Environmental Disputes - Private & Public Nuisance**

Boomer v. Atl. Cement Co., 309 N.Y.S.2d 312 (1970) (private 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**
 – New York State Sea Level Rise Task Force
<http://www.dec.ny.gov/energy/45202.html>
- Tues 3/15 **Environmental Justice / Climate Justice**
 – Executive Order 12,898
<http://www.epa.gov/oswer/ej/html-doc/execordr.htm>
 – NYS DEC Guidance - Environmental Justice and Permitting
<http://www.dec.ny.gov/regulations/36951.html>
- 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**