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**Environmental Law**  
**LAW5390**  
**Fall 2014**

**ENVIRONMENTAL LAW**  
**LAW 3590**  
**FALL 2014**

**COURSE SYLLABUS**

No.	Date	Topics	Guest Speaker(s)	Readings	Comments and Reference Materials
1.		Introduction to class; Foundations of Environmental Law		Percival, et al. (PSML) pp. 1-15, 38-49	<a href="#">Environmental Law Research Guide</a> <a href="#">PSML Chap. 1</a>
2.		Economic Approaches to Environmental Law and Alternative Approaches		PSML 26-38, 49-51, 57-60	
4.		Common Law -Private Nuisance		PSML 61-76	<a href="#">Sample federal complaint</a> <a href="#">Sample state petition</a> <a href="#">Crye v. Reichhold Chemicals</a> (234th Dist. Ct. 1999) (dismissal of Ship Channel nuisance action)
5.		Common Law - Public Nuisance		PSML 76-89, 100-111 <a href="#">North Carolina v. Tennessee Valley Authority</a>	<a href="#">Background reference materials: lead paint public nuisance ruling</a> <a href="#">FPL Farming Ltd v. Environmental</a>

					<a href="#"><i>Processing Systems</i></a> <a href="#"><i>LC</i></a> (Tex. Aug 26, 2011)
6.		Overview of Federal Environmental Regulation: Congress' Commerce Power, Citizens' Standing to Sue, Rulemaking, and Takings  Rise of the Statutory Framework		PSML 111-122, 131-136  PSML 89-100	Sample citizen suit <a href="#">notice letter</a> and affidavit  Cross-State Air Pollution Rule (CSAPR) -- <a href="#">petition for reconsideration</a>  CSAPR -- <a href="#">petition for review</a>
7.		Statutory Framework (cont'd)  Review of Administrative Law Principles		PSML 168-190 (skim if you have already had some exposure to administrative law or regulatory practice)	
8.		Clean Air Act: Air Pollutants, Mobile Sources		PSML 523-34, 555-563  <a href="#">Sources of Air Pollution</a> handout	<a href="#">Texas reply to EPA's demand for GHG regulations</a> (NOT required reading - solely for your reading pleasure)
9.		Clean Air Act: NAAQS/SIP Program		PSML 569-594, 598-601  <a href="#">NAAQS Summary Table</a>	
10.		Clean Air Act: New Source Review/Prevention of Significant Deterioration, Hazardous Air Pollutants		PSML 608-628	<a href="#">HRVOC Allowance Preliminary Allocation Table</a>  <a href="#">Plain English Guide to the Clean Air Act</a>
11.		Clean Air Act: Wrap-up on NSR/PSD and HAPs, Acid Rain, Multi-State Air Quality Issues		PSML 628-656, 303-317	<a href="#">Air Toxics PowerPoint</a>  <a href="#">EPA Summary of Cross-State Air Pollution Rule</a>
12.		Clean Air Act: Multi-State Air Quality Issues		PSML 628-656 (refresh)	<a href="#">CAA Section 7410(a)(2)(D)</a>  <a href="#">Western US Ozone Trends</a>  <a href="#">Briefs and Petitions for U.S. Supreme Court review of EPA v. EME Homer City Generation</a>
13.		Climate Change Law - Regulations		PSML 1207-1235, 534-555	

			Chemical		
14.		Climate Change Law - Litigation		<p>Review prior reading on <a href="#">American Electric Power v. Connecticut</a> at PMSL 105-110</p> <p><a href="#">Comer v. Murphy Oil</a>, pp. 1-8, 13-30, 34-35</p>	<p>Climate Change Litigation mini-<a href="#">Powerpoint</a></p> <p><a href="#">Kivalina v. ExxonMobil</a> (9th Cir.), pp. 11647-11657</p> <p><a href="#">Bonser-Lain v. TCEQ petition</a></p> <p><a href="#">Bonser-Lain v. TCEQ letter opinion</a></p> <p><a href="#">Alec L v. Jackson Memorandum in Support of Motion to Dismiss by United States</a></p>
15.		Clean Water Act: Structure of Act; "Waters of the United States" and Jurisdiction		PSML 666-693	<p><a href="#">Clean Water Act Intro PowerPoint</a></p> <p><a href="#">U.S. v. Jones &amp; Laughlin Steel Co. original complaint</a></p> <p><a href="#">U.S. v. Jones &amp; Laughlin Steel Co. consent decree</a></p>
16.		Update on Climate Change Regulation and Litigation		<a href="#">West Virginia State Board of Education v. Barnette</a> (suggested reading only; focus on Justice Frankfurter's dissent)	
17.		<p>Clean Water Act: Definitions of "Point Source", "Discharge" and "Pollutant"</p> <p>Clean Water Act: Water Quality Standards and technology requirements in NPDES permits</p>		PSML 694-701, 710-725 (from our original 10/16 reading assignment)	Draft EPA <a href="#">Study</a> on <i>Connectivity of Streams and Wetlands to Downstream Waters</i>
18.		Clean Water Act: TMDLs, Wetlands Protection		PSML 767-793	<p>PSML 725-747 (skim; will cover in lecture)</p> <p><a href="#">Sample NPDES Permit Fact Sheet</a></p> <p><a href="#">Effluent Standards Table</a></p> <p><a href="#">Houston Ship Channel Dioxin Zones</a></p> <p><a href="#">Wetlands PowerPoint</a></p>

					<a href="#">2012 Nationwide Permits Summary Chart</a>
19.					
20.		RCRA - Solid Waste, Hazardous Waste, TSDs, Generators and Transporters		PSML 354-360, 365-384  Download the <a href="#">Philern Case Study</a> materials and <a href="#">supplement</a> and review Part I only. Keep them in mind as you prepare to represent your clients in the class Case Study.	Statutory definitions <a href="#">handout</a>  Read the solid waste statutory definition and regulatory definition at 40 CFR 261.2, but <i>skim only</i> the lengthy exemptions from the solid waste definition in 40 CFR 261.4
21.		RCRA - Solid Waste, Hazardous Waste, TSDs, Generators and Transporters		PSML 384-399, 410-411	
22.		RCRA - Solid Waste, Hazardous Waste, TSDs, Generators and Transporters  Philern Case Study		PSML 399-406	<a href="#">Hazardous Waste Facility PowerPoint</a>
23.		Tour - Valero, Texas City refinery			<a href="#">Information for Refinery Tour</a>  <a href="#">Directions to Valero Texas City refinery</a>  <a href="#">Parking information for Valero Texas City refinery</a>
24.		CERCLA - the National Contingency Plan, Potentially Responsible Parties, Defenses, Liability and Allocation		PSML 411-438  <a href="#">Statutory definitions handout</a>  Start preparing to advocate your clients' interests in the CERCLA <a href="#">negotiation exercise</a>	
25.		CERCLA - the National Contingency Plan, Potentially Responsible Parties,		PSML 438-458	Practice Exam Review (handout)

		Defenses, Liability and Allocation			
26.		CERCLA - the National Contingency Plan, Potentially Responsible Parties, Defenses, Liability and Allocation		PSML 458-484 <a href="#">CERCLA settlement allocation worksheet</a>	<a href="#">Sample cost recovery complaint and 106 order</a>
27.		CERCLA Negotiation and Enforcement Exercise		See reading for class on Nov. 11, 2013  No lecture recording for this class.	
28.		Environmental Justice Overview  Endangered Species Act - Listing, Endangerment, Consultation Process		<a href="#">Environmental Justice mini-PowerPoint</a>  PSML 984-993, 1009-1017, 1029-1047	<a href="#">ESA Introduction PowerPoint</a>  <a href="#">In re Endangered Species Act Section 4 Deadline Litigation</a> (May 10, 2011)
		Thanksgiving Holiday - no class			
29.		Endangered Species Act - Private Takings		PSML 1047-1064	<a href="#">Ridge Top Ranch LLC v. U.S. Fish &amp; Wildlife Service</a> (complaint)  <a href="#">S. 1731</a> (Endangered Species Management Self-Determination Act)
30.		National Environmental Policy Act: Major Actions, FONSI, Environmental Impact Statements		PSML 895-897, 905-918, 932-939, 943-945, 950 n.3-953, 970-973	<a href="#">NEPA Net</a>  <a href="#">Sample Environmental Impact Statement</a> (new nuclear unit at South Texas Project)  <a href="#">Petition</a> for writ of habeas corpus for Tommy (N.Y. Sup. Ct., Fulton County, filed Dec. 2, 2013) and supporting <a href="#">memorandum</a>
31.		<u>Voluntary</u> final review session.			