

ENVIRONMENTAL LAW

4-5.20pm, Mon and Wed

PROFESSOR SALZMAN

Office Hours: Mon. 1-2pm and by appointment

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COURSE REQUIREMENTS

Environmental law is equal part environment and equal part law. While environmental law courses traditionally focus solely on the significant laws and cases, this course will also emphasize the scientific, political and economic issues driving environmental conflicts.

The scope of environmental law has greatly expanded over the last four decades, moving from traditional air and water pollution to waste management, product design, and international diplomacy. To keep the reading assignments at a reasonable length, we will cover a lot of ground during class using case studies and problem exercises. As a result, you are expected to come prepared to discuss the readings.

There will be three short memos (two pages max) throughout the semester. These will be graded on a pass/fail basis. All memos must be handed in and receive a passing grade before a final grade is submitted to the registrar. The final exam will be a three-hour, in-class, open-book exam.

The class will be fully online in real time. To make this as productive a learning environment as possible, students will keep the video on during class. You are welcome to use a virtual background so long as it is not unduly distracting. Powerpoints for the classes will be posted online as will recordings of the classes.

Please note that attendance is mandatory. If you need to miss a class, please let me know beforehand. Particularly poor class attendance may prevent you from sitting for the final exam or affect your final grade.

Reading materials

Casebook

J.B. Ruhl et al., The Practice and Policy of Environmental Law, 4th ed. Foundation Press, 2017, referred to as "CB"
Make sure you purchase the FOURTH edition

Supplemental readings on Sakai

Referred to as "Supp"

Optional Study Guide

James Salzman and Barton Thompson, Jr., Concepts and Insights in Environmental Law and Policy, 5th ed., 2019

SYLLABUS

The Basic Themes

"A good planet is hard to find"

- 8/24. The North-Atlantic fisheries conflict
CB 1-17
Supp. – Northwest Atlantic Fisheries Case Study
Skim CB 42-48
- 8/26. Green economics
Supp. – Green Economics
- 8/31. Environmental ethics and history
Supp. – Environmental Ethics
- 9/1. *Optional Law Primer Class for Nic students*
3:15-4pm, room 3043
- 9/7. From common law to the Administrative State
Supp. – From common law to Statutory Law
CB 157-162
Supp. Missouri v. Illinois
CB 768-778
Skim administrative record from CB 778-803

Waste Management and Pollution Prevention

- 9/9. RCRA Introduction
Supp. – RCRA
Supp. – American Mining Congress v. EPA
CB 354-359
- 9/14. RCRA Hazardous Waste and Land Bans
Supp. – RCRA haz waste and land bans
CB 359-376
Supp. – Stoll reading
Supp. – RCRA haz waste laws and regs
Supp. – Incinerator problem
- 9/16. Philern case study
Supp. – Philern
Memo Due
- 9/21. Environmental Justice and NIMBY
CB 30-34, Note 5 at CB 35
Supp. – Carrboro Citizen readings 1, 2, 3, 4
Supp. – Jemez Principles
Supp. – Philadelphia v. New Jersey
- 9/23. Risk Assessment and Management
Supp. – Managing Risk
Supp. – Arithmetic of Arsenic

- 9/28. CERCLA: Remediation and Prevention
Supp. – CERCLA Remediation and Prevention
CB 380-404

- 9/30. CERCLA: Liability
Supp. – CERCLA Liability Class Exercise
REAL group should read CB 406-417
CIA group should read CB 417-429
START should read Supp. – MSW Liability Policy
Everyone should read CB 427-434
Prepare for Senate hearing

Optional Midterm (ungraded)

- 10/5. Clean Air Act: NAAQS, SIPs and other acronyms
Supp. – CAA: NAAQS and other acronyms
CB 165-182, 189-190, 200-201 (Note 2)
CB 204-207

- 10/7. Clean Air Act: Non-attainment and PSDs
Supp. – PSDs and Non-attainment
CB 201-204
CB 207-216

- 10/12. Clean Air Act: Mobile Sources and Acid Rain
CB 217-220
Supp. – California Waiver
230-236

- 10/14. CAA Violations and the Wood Products Industry
CB 1035-1052
Memo due

- 10/19. Climate Change
Supp. – Duke Flyer
CB 653-665
Come prepared to discuss Problem Exercise at 676-677
Supp. AB-32
Supp. Paris Agreement
Read the NDC of a country that begins with the first letter of your first or last name

- 10/21. Clean Water Act: Point Sources and Effluent Limits
Supp. – Point Sources and Effluent Limits
CB 237-250
Supp. – Plaza Health Labs

- 10/23. Clean Water Act: Nonpoint Sources, TMDLs and Wetlands
CB 257-264
CB 265-272, 276-283
Skim Supp. – Fracking
Skim Supp. – WOTUS Rukle
Skim CB 287-294

- 10/28. Riparian Rights and Prior Appropriation

- Supp. – Water rights
- 10/30. Safe Drinking Water Act
CB 283-286 (Note 2)
Supp – Flint
- 11/2. Enforcement and Permitting
CB 967-979
CB 991-1001
CB 1007-1020 (through Note 3)
- 11/4. NEPA I
CB 471-502 (Note 4)
- 11/9. NEPA II
CB 504-512
Supp – NEPA revisions
- 11/11. ESA I
CB 51-57
CB 81- 92 (through Note 5)
CB 96-97
CB 111-123 (Note 5)
- 11/16. ESA II
CB 125-133
CB 145 (Note 2)-151
Skim 152-154
- 11/18. Zoos and Captive Breeding
Supp. Evolution of Zoos
Supp. Variation in Nature
Supp. Animal Welfare Act (skim for the major provisions of the Act)
- 12/3. Final Exam