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"

<table>
<thead>
<tr>
<th>Date</th>
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<th>Reading Material</th>
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| 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  
CB 768-778  
*Skim* administrative record from CB 778-803 |
| 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