Syllabus
Environmental Law
Law 6471-03F5
Spring 2017

Professor: Mary Jane Angelo
Time: Tuesday, Wednesday, Thursday 11:00-11:50 a.m.
Room: 360
Office: Holland Hall Office 309
Contact: 273-0944 or angelo@law.ufl.edu

This course is designed to:

- Teach you about the major federal environmental laws, including, the Clean Air Act, the Clean Water Act, wetlands law, and hazardous waste law

- Teach you fundamental legal principles that are critical to understanding and practicing environmental law, including, federalism, standing, key administrative law concepts, citizen’s suits, and enforcement

- Provide you with an understanding of the important recent developments in environmental law, including the Clean Power Plan, the Paris climate negotiations, EPA’s new “waters of the United State rule,” and many other recent developments

- Teach you and give you an opportunity to use legal skills that will help you in the practice of law, including, researching regulations and the regulatory process


Additional Recommended Text:

For those of you who feel as though you would like to do supplemental reading and problems, I recommend the following: If you feel as though you need more context/background I recommend: James Salzman & Barton H. Thompson, Jr., Environmental Law and Policy (Foundation Press). If you would like to have more practice working through problems, I recommend: Steven Ferrey, Examples
and Explanations, Environmental Law, (Aspen).

**Office Hours:** **Wednesday 2:00-4:00 pm, or by appointment.** You may also come by my office whenever it is convenient for you and, if I am there and do not have prior commitments, I will be happy to meet with you. My only request is that you not come by immediately before class.

**TWEN Site:** I have established a TWEN site for this course. I will post course assignments, PowerPoint slides and other materials on the TWEN page. You are responsible for checking the TWEN site and ensuring that you have review information as it is posted on the site.

**Attendance:** **Attendance is required; a maximum of 7 absences is allowed.** I will pass around a sign-in sheet for you to initial every day. Keeping track of the number of your absences is your responsibility; I do not issue warnings. Upon missing the 8th class, you will either be dropped from the course involuntarily or be ineligible to receive a grade higher than D+, at my option. The only excused absences are those taken for observance of religious holidays. If you are planning to miss class for that reason, please let me know. Otherwise, it is not necessary to tell me why you are absent and telling me does not excuse the absence.

**Participation:** **Class participation is mandatory.** During the first week of class, I will divide you into 4 groups. Each group will be “on call” for the weeks of class designated below. I may call on other students as well and expect all students to be prepared, but I will rely primarily on students in the group “on call” for the week. In addition, volunteer participation is encouraged. I will also be assigning problems to the “on-call” groups for the weeks they are on call. I will provide more information about the problems in class.

Group I: Weeks of 1/11, 2/8, 3/14  
Group II: Weeks of 1/18, 2/15, 3/21  
Group III: Weeks of 1/25, 2/22, 3/28  
Group IV: Weeks of 2/1, 3/7, 4/4

**Preparation:** I expect you to come to class prepared and ready to participate in classroom discussion. You should expect extensive questions about the problems and the main cases assigned, as well as detailed questions about the assigned statutory language.

If you are unprepared for class, I will call on you the next day that we are covering difficult material. If you are unprepared
more than once, I will exercise discretion in deducting points from your final exam score.

**Etiquette:** Late arrivals and early departures are distracting and rude. If you arrive late, I may call on you that day or thereafter. Please turn off cell phones before class. It is absolutely forbidden to surf the Net, check your email, text, or play computer games during class -- I reserve the right to deduct points from your final grade if I catch you.

**Grading:** The grade for this course will be based primarily on the final exam. The final exam will be a take-home open-book exam. However, I will assign several mandatory ungraded short “skills assignments,” which may involve short writing assignments or participation in classroom simulations. High quality work on the skills assignments and meaningful classroom participation can improve your grade. All exams will be graded anonymously. Although the exam is designed to take approximately 3 hours to complete, I will give you 4 hours to complete the exam.

The law school’s policy on delay in taking exams can be found at: [http://www.law.ufl.edu/students/policies.shtml#12](http://www.law.ufl.edu/students/policies.shtml#12). Any arrangements regarding delaying exams, or other accommodations regarding exams, should be addressed to the staff in the Student Affairs office. The law school’s grading policy is available at: [http://www.law.ufl.edu/students/policies.shtml#9](http://www.law.ufl.edu/students/policies.shtml#9). The law school assigns the following values to each grade:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Points</th>
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<tbody>
<tr>
<td>A (Excellent)</td>
<td>4.00</td>
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<tr>
<td>A-</td>
<td>3.67</td>
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<tr>
<td>B+</td>
<td>3.33</td>
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<tr>
<td>B (Good)</td>
<td>3.00</td>
</tr>
<tr>
<td>B-</td>
<td>2.67</td>
</tr>
<tr>
<td>C+</td>
<td>2.33</td>
</tr>
<tr>
<td>C (Satisfactory)</td>
<td>2.00</td>
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<tr>
<td>C-</td>
<td>1.67</td>
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<tr>
<td>D+</td>
<td>1.33</td>
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<tr>
<td>D (Poor)</td>
<td>1.00</td>
</tr>
<tr>
<td>D-</td>
<td>0.67</td>
</tr>
<tr>
<td>E (Failure)</td>
<td>0.00</td>
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Extra Credit:  **I will add 5 points to your final exam** if you bring in and present to the class (a few minutes informal presentation) a news item relating to environmental law. News items must be approved by me prior to presentation to the class.

**Statement Related to Accommodations for Students with Disabilities:**  Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.
Reading Assignments:

The assignments for the first five weeks of class are indicated below. I will provide you with the assignments for additional weeks as the semester progresses. In general, however, we will be covering the entire casebook in order, except we will not cover the sections of the book on the Endangered Species Act, NEPA, and takings law, which are covered by land use or natural resources courses. I expect you to read all required assigned material and come to class prepared to discuss the readings.

Reading Assignments

The first four weeks assignments are as follows. Future reading assignments will be posted on the TWEN site. **NOTE:** You are not responsible for reading the “notes” sections in the book.

**Week One**


- **Wednesday, January 11:** read pages 19-24 & 28-38 & Dave Owen, *Six Thoughts for an Environmental Law Student Wondering What This All Means*, available at [http://www.progressivereform.org/CPRBlog.cfm?idBlog=4D360F14-A7E7-05C1-D6C37DB1682BE963](http://www.progressivereform.org/CPRBlog.cfm?idBlog=4D360F14-A7E7-05C1-D6C37DB1682BE963)

- **Thursday, January 12:** read pages 39-45 & 46-52

**Week Two**

- **Tuesday, January 17:** read pages 68-73 & 75-84

- **Wednesday, January 18:** read pages 91-97 & 99-107

- **Thursday, January 19:** read pages 110-113 & 114-124

**Week Three**

- **Tuesday, January 24:** read pages 203-218 & 708-713
[Note: the “Solid Waste” case listed on page 218 refers you to the text of the case, which starts on page 708]

Wednesday, January 25: read pages 219-236

Thursday, January 26: read pages 244-248 & 252-265

*skills exercise on international trade*

**Week Four**

Tuesday, January 31: read pages 295-317

Wednesday, February 1: read pages 318-339

Thursday, February 2: *skills exercise on standing*

**Week Five**

Tuesday, February 7: read pages 339-357

Wednesday, February 8: read pages 399-404 & 410-417

Thursday, February 9: read pages 418-435

**Below is the approximate schedule for the remainder of the semester.**

**Week 6: Air Pollution**

Clean Air Act Overview, Air Quality Standards, the Role of Cost, and State Implementation Plans, Climate Change

**Week 7: Air Pollution**

Hazardous Air Pollutants, New Source Review, and Title V permits

**Week 8: Air Pollution**

Mobile Sources and Interstate Air Pollution
Week 9: Water Pollution

Clean Water Act (CWA), History, Comparing the CAA and CWA, Common Law, and NPDES program

Week 10: Water Pollution

CWA NPDES program, technology-based standards, POTWs, Water Quality Standards, Non-point sources Pollution, and TMDLs

Week 11: Water Pollution

*Field Trip to Wastewater Treatment Facility*

*Skills exercise on effluent limitation guidelines*

Week 12: Wetlands Protection

CWA Wetlands Program

*Field trip to wetland site*

Week 13: Hazardous Waste

Resource Conservation and Recovery Act (RCRA)

Week 14: Hazardous Waste & Toxic Substances

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

*Guest lecture on local superfund site*

Federal Insecticide Fungicide and Rodenticide Act (FIFRA), Toxics Substances Control Act (TSCA), Genetically Modified Organisms

*Wrap Up & Review*