

**Syllabus  
Environmental Law  
Law 6471-21404  
Fall 2018**

Professor: Mary Jane Angelo  
Time: Wednesday, Thursday, Friday 1:00-1:50 pm  
Room: 285B  
Office: Holland Hall Office 309  
Contact: 273-0944 or [angelo@law.ufl.edu](mailto:angelo@law.ufl.edu)

**Materials:**

**Required Casebook:**

**Farber, and Carlson, Cases and Materials on Environmental Law  
(West, ninth edition 2014) ISBN 13 978-0-314-28398-6**

**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).

**Learning Outcomes:**

**After completing this course, students should be able to:**

1. Describe the historical context of environmental problems that led to existing federal environmental laws and regulatory programs;
2. Describe the major federal environmental statutes (including, the Clean Air Act, the Clean Water Act, wetlands law, and hazardous waste law) and apply them to new factual situations;
3. Describe fundamental legal principles that are critical to understanding and practicing environmental law (including, federalism, standing, key administrative law concepts, citizen's suits, and enforcement) and apply them to new factual situations;

4. Describe common law doctrines of environmental law and apply them to new factual situations;
5. Identify environmental law issues in new fact patterns;
6. Conduct legal research using federal administrative law materials, including the Federal Register and the Code of Federal Regulations.
7. Provide basic advice to future clients on the environmental laws covered in this course;
8. Describe important recent developments in environmental law, including the Clean Power Plan, the Paris Climate Agreement, EPA's "waters of the United States rule," and many other recent developments,

**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, sign-up sheets, and other materials on the TWEN site. You are responsible for checking the TWEN site regularly and ensuring that you review information as it is posted on the site.

**Attendance:** **In accordance with ABA Standards, attendance is required. A maximum of 7 absences is allowed.** Upon missing the 8<sup>th</sup> 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.

**Attendance will be taken at each class meeting.** Students are responsible for ensuring that they sign the attendance sheet and that they are not recorded as absent if they come in late. Keeping

track of the number of your absences is your responsibility; I do not issue warnings.

**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 8/22, 9/19, 10/17  
Group II: Weeks of 8/29, 9/26, 10/24  
Group III: Weeks of 9/5, 10/3, 10/31  
Group IV: Weeks of 9/12, 10/10, 11/7

**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.**

**Workload/class preparation:**

**ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction.** This Course has 3 “classroom hours” of in-class instruction each week, requiring at least 6 hours of preparation outside of class. I will assign about 60 pages of reading each week. Because the course includes statutory and regulatory excerpts that require careful reading, as well as discussion problems that require thoughtful advance written preparation, you should spend at least one hour on every 10-15 pages of reading. Reading assignments are posted on the TWEN site.

**Etiquette:**

**Late arrivals and early departures are distracting and rude.** If on a particular day you are not able to avoid arriving late, please do not walk in front of the classroom where you will distract me and other students. Instead, please quietly take a seat in the back of the room. 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.

**Academic honesty:**

**Academic honesty and integrity are fundamental values of the University community.** Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

**Accommodations:**

**Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>).** Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**Grading:**

**The grade for this course will be based primarily on the final exam.** The final exam will be an **in-class 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. The law school’s policy on delay in taking exams can be found at: <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>. The law school assigns the following values to each grade:

<u>Grade</u>	<u>Points</u>
A (Excellent)	4.00
A-	3.67
B+	3.33
B (Good)	3.00
B-	2.67
C+	2.33
C (Satisfactory)	2.00
C-	1.67
D+	1.33
D (Poor)	1.00
D-	0.67
E (Failure)	0.00

**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.

### **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**

**NOTE: You are not responsible for reading the “notes” sections in the book.**

### **Week One**

Wednesday, August 15: read pages 1-18

Thursday, August 16: read pages 19-24 & 28-38

Friday, August 17: read pages 39-45 & 46-52

## **Week Two**

Wednesday, August 22: read pages 68-73 & 75-84

Thursday, August 23: read pages 91-97 & 99-107

Friday, August 24: read pages 110-113 & 114-124

## **Week Three**

Wednesday, August 29: 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 page708]**

Thursday, August 30: read pages 219-236

Friday, August 31: read pages 244-248 & 252-265  
***Skills exercise on international trade***

## **Week Four**

Wednesday, September 5: read pages 295-317

Thursday, September 6: read pages 318-339

Friday, September 7: ***skills exercise on standing***

## **Week Five**

Wednesday, September 12: read pages 339-357

Thursday, September 13: read pages 399-404 & 410-417

Friday, September 14: 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