

COURSE SYLLABUS
ENVIRONMENTAL LAW FOR ENVIRONMENTAL PROFESSIONALS
ENVS 5810-660

University of Penn (MES Program) - Spring Semester/2023 - Thursdays

Instructor: Joseph J. Lisa

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Office Hours: By appointment

REQUIRED TEXTS/READING MATERIALS:

- **OPTIONAL** - *Principles of Environmental Law (Concise Hornbooks)* – Craig Johnston and Melissa Powers (West Academic Publishing) (2016) (“PEL”)
- **REQUIRED** - “*A Civil Action*” – Jonathan Harr
- Additional course reading materials provided on CANVAS

COURSE OVERVIEW:

Numerous articles are posted everyday in newspapers, magazines, professional journals and media outlets throughout the world concerning the impacts of pollution on environmental resources, wildlife and public health. Environmental matters have become an important issue for voters in national, state and local elections, businesses in conducting their commercial operations, property owners seeking to develop real estate, NGOs working to prioritize environmental issues for governmental regulators, and members of the public concerned about the future of their families. Environmental laws are the primary tools that governments utilize to prevent, minimize and mitigate harmful impacts from such pollution. Environmental professionals (e.g., consultants, planners, engineers, inspectors, compliance officers, NGO representatives, policy-makers) play a vital and central role in the implementation and ultimate success or failure of these laws. This survey course presents environmental law in a new, accessible and thought-provoking manner. It focuses on the role of environmental professionals in the regulatory process and is designed to provide environmental professionals with a foundation in environmental law that will enable them to better serve the interest of their private clients, work productively with environmental attorneys and effectively represent individuals and businesses before governmental regulators. The practical aspects of environmental law will be addressed with the use of case studies. A variety of focus topics will be explored, including: regulation of e-waste; environmental justice; Flint, Michigan drinking water crisis; VW defeat device scandal; and the regulation and control of Greenhouse Gases. A number of important federal environmental statutes will be studied, including: Clean Air Act; Clean Water Act; CERCLA; RCRA; NEPA; and the Safe Drinking Water Act. Finally, students will read the book “*A Civil Action*” which will be the focus of class discussions about the interactions between environmental professionals, victims of environmental pollution, environmental attorneys and the legal system.

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COURSE FORMAT:

Grading - Grades for the class will be based upon the following:

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| - News Analysis | 10% |
| - Class Participation | 15% |
| - 3 Exercises (15 points each) | 45% |
| - A <i>Civil Action</i> Paper and Class Discussion | 30% |

Reading Assignments – Readings assigned should be completed prior to our weekly class.

News Analysis – For each News Analysis assignment a student is to select a news article that is of interest to them and prepare a written description (i.e., about a paragraph of 3 to 4 sentences) describing the topic discussed. A link to the article should be provided in the written description. News Analysis will then be posted to a Discussion Board on CANVAS

Office Hours: **Please do not hesitate to contact me** if you have any questions concerning the topics and material that are discussed in this course. Office hours are by appointment. Email me to arrange a mutually convenient time.

ACADEMIC HONESTY:

Please review Penn's Code of Academic Integrity.

COURSE SCHEDULE/ASSIGNMENTS

Class # 1 – Thursday, January 12, 2023

INTRODUCTION TO COURSE

1. Environmental Regulation in the US – Overview
2. History of U.S. Environmental Movement
3. Background Legal Concepts

Reading Assignment

1. Course Syllabus

Class # 2 – Thursday, January 19, 2023

NEWS ANALYSIS #1– post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, January 17, 2023**

CLEAN WATER ACT

1. CWA – Overview
2. History of Federal Regulation of Surface Water Pollution
2. CWA Section 402 NPDES Permit Program

Reading Assignment

1. CWA NPDES Permit Writers’ Manual Chapter 1
2. NPDES Permit Sample
3. Discharge Monitoring Report (DMR) Form
4. (Optional) PEL – 1-39

Class # 3 – Thursday, January 26, 2023

CLEAN WATER ACT

1. CWA Jurisdiction - Navigable Waters/WOTUS
2. *Case Study* – Wastewater Treatment Plant and NPDES Permit Violations
3. CWA Pretreatment Program – Indirect Dischargers
4. CWA Section 311/Oil Pollution Act
 - a. *Case Study* – Exxon Valdez Oil Spill

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Reading Assignment

1. Christopher Thomas, “*Can Anyone Define WOTUS? A Cranky History of Clean Water Act Jurisdiction*” (The Federal Lawyer – June/July 2018)
2. Schnapf, Lawrence “*Oil Spills and the Oil Pollution Control Act of 1990*” (p. 32-34)
3. EPA’s *Introduction to the National Pretreatment Program* (Feb. 1999)

Class # 4 – Thursday, February 2, 2023

CLEAN WATER ACT

1. CWA - Section 404 Dredge and Fill Permit Program (Wetlands Program)
 - a. *Sackett v. EPA – U.S. Supreme Court Oral Argument*

Reading Assignment

1. Semple, Robert – “*This Environmental Law Made Half of America’s Fresh Waters Swimmable and Fishable*” (Opinion NYTimes – Oct. 26, 2022)
2. Basics of Wetland Regulation – National Association of Wetlands Managers
<https://www.nawm.org/wetland-programs/regulation>
3. *United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121 (1985) (Designated portions)
4. (Optional) PEL – 40-47

Class # 5 – Thursday, February 9, 2023

EXERCISE # 1 – post on CANVAS via Assignment Tab by **5:00 pm EST, Thursday, February 9, 2023**

NEPA

1. Review of Exercise No. 1
2. NEPA - History and Overview of Statute
 - a. *Case Study* – Washington Aqueduct NEPA/EIS

Reading Assignment

1. “NEPA 101: Introduction to United States Environmental Policy” (EnvironmentalScience.org)
2. “*Biden finalizes NEPA regulation, reversing Trump*” (Washington Post – April 19, 2022)
3. (Optional) PEL – 221-235

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Class #6 – Thursday, February 16, 2023

RCRA

1. Subtitle C – Regulation of Hazardous Waste
2. *Case Study* – Bil-Dry RCRA Administrative Enforcement Action

Reading Assignment

1. *Introduction to RCRA Orientation Manual* (EPA 2014)
2. Hazardous Waste Manifest
3. Review EPA Webpage for E-Waste Regulation - <https://www.epa.gov/smm-electronics/regulations-initiatives-and-research-electronics-stewardship>
4. (Optional) PEL – 101-120

Class # 7 – Thursday, February 23, 2023

NEWS ANALYSIS #2– post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, February 21, 2023**

SAFE DRINKING WATER ACT

1. SDWA - Overview of Statute
 - a. *Case Study* - Flint Michigan Drinking Water Crisis

Reading Assignment

1. *Understanding the Safe Drinking Water Act* (EPA 2004)
2. *“Flint Water Crisis – Everything You Need to Know”* (NRDC 2018)
3. *EPA Fact Sheet on Lead and Copper Rule*
4. *EPA Fact Sheet on PFAS*

Class # 8 – Thursday, March 2, 2023

EXERCISE # 2 – post on CANVAS via Assignment Tab by **5:00 pm EST, Thursday, March 2, 2023**

ENVIRONMENTAL JUSTICE

1. Review Exercise No. 2
2. Environmental Justice - Overview
 - a. *Case Study* – Camden Waterfront Development

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Reading Assignment

1. “*Environmental Justice in Focus Why EPA’s New EJ Office and EJ FAQs Guidance Matter*” (National Law Review – 2022)

March 9, 2023 – No Class – Spring Break

Class # 9 – Thursday, March 16, 2023

CERCLA

1. The Story of Love Canal
2. CERCLA - History and Overview of Statute
 - a. *Case Study* – Butler Mine Tunnel Superfund Site

Reading Assignment

1. “*Love Canal and the Poisoning of America*” – The Atlantic (1979)
2. Summary of CERCLA - Legal Information Institute
3. (Optional) PEL – 153-180

Class # 10 – Thursday, March 23, 2023

NEWS ANALYSIS #3– post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, March 21, 2023**

CLEAN AIR ACT

1. CAA -History and Overview of Statute
2. Title 1 – Stationary Sources/Title II – Mobile Sources
 - a. *Case Study* – VW Emissions Scandal

Reading Assignment

- 1) Clean Air Act in a Nutshell - EPA
- 2) VW Defeat Device - <https://www.epa.gov/vw/learn-about-volkswagen-violations>
- 3) <https://www.caranddriver.com/news/a15339250/everything-you-need-to-know-about-the-vw-diesel-emissions-scandal/>
- 4) (Optional) PEL – 49-63

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Class # 11 – Thursday, March 30, 2023

ENFORCEMENT ACTIONS

- 1) Types and Legal Authority
- 2) Case Study – Enforcement Action

Reading Assignment

1. Mintz, Joel “*Scrutinizing Environmental Enforcement*” (April 2018)

Class #12 – Thursday, April 6, 2023

EXERCISE # 3 –post on CANVAS via Assignment Tab by **5:00 pm EST, Thursday, April 6, 2023**

CLIMATE CHANGE

1. Review Exercise No. 3
2. International Efforts to Address Climate Change

Reading Assignment

1. “*Global Climate Agreements: Successes and Failures*” (Council on Foreign Relations – 2022)
2. Clemencon, Raymond “*The Two Sides of the Paris Climate Change Agreement: Dismal Failure or Historic Breakthrough*” (2016)

Class #13 – Thursday, April 13, 2023

A Civil Action Paper – Submit on CANVAS via Assignment Tab by **5:00 pm EST Thursday, April 13, 2023**

A CIVIL ACTION – CLASS DISCUSSION

Class # 14 – Thursday, April 20, 2023

A CIVIL ACTION – CLASS DISCUSSION (CONTINUED)

CONCLUDING THOUGHTS

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