

COURSE SYLLABUS
ENVIRONMENTAL LAW FOR ENVIRONMENTAL PROFESSIONALS
ENVS 5810-660

University of Penn (MES Program) - Spring Semester/2025 – Thursdays (5:15 pm)

Instructor: Joseph J. Lisa

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Office Hours: By appointment

REQUIRED TEXTS/READING MATERIALS:

- *Environmental Law: Examples and Explanations* - by Steven Ferrey (Aspen Publishers - 9th edition.) 978-1-5438-5007-9.
- “*A Civil Action*” – Jonathan Harr
- Additional course reading materials provided on CANVAS

COURSE OVERVIEW:

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. Numerous articles are posted every day 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, businesses in conducting their commercial operations, property owners seeking to development 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, policymakers) play a central role in the implementation and ultimate success of these laws. The practical aspects of environmental law will be addressed with the use of case studies. A variety of focus topics will be explored: 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: 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.

COURSE FORMAT:

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

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|--|-----|
| - 4 News Analysis (2.5 points each) | 10% |
| - Class Participation | 05% |
| - <i>A Civil Action</i> Paper and Class Discussion | 30% |
| - Exam No. 1 | 25% |
| - Exam No. 2 | 30% |

Total scores will be converted to final letter grades using the following general scale:

A+	97-100	A	94-96	A-	90-93	B+	87-89	B	84-86	B-	80-83	C+	77-79
C	74-76	C-	70-73	D+	67-69	D	64-66	D-	60-63				
F	0-59												

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.

COURSE SCHEDULE/ASSIGNMENTS

Class # 1 – Thursday, January 16, 2025

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
2. Lazarus, Richard – “*Environmental Law Without Congress*” (Journal of Land Use and Environmental Law – Fall 2014)

Class # 2 – Thursday, January 23, 2025

NEWS ANALYSIS #1– post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, January 21, 2025**

CERCLA – Part 1

1. The Story of Love Canal
2. CERCLA - History and Overview of Statute
3. Response/Clean-up Authority

Reading Assignment

Course Syllabus – Environmental Law for Environmental Professionals

1. *“Love Canal and the Poisoning of America”* – The Atlantic (1979)”
2. *EPA’s Superfund Community Guide*
3. *“EPA Awards \$1B to Clean Up 22 Toxic Waste Sites Nationwide”* (Associated Press – Feb. 2023)
4. *EPA Superfund Accomplishments Quarterly Report – Fiscal Year 2023*
<https://www.epa.gov/superfund/superfund-accomplishments-quarterly-report-fiscal-year-2023>

Class # 3 – Thursday, January 30, 2025

CERCLA – Part 2

1. Liability, Cost Recovery and Superfund Trust Fund
 - a. Review of Superfund Hypothetical Fact Patterns
2. *Focus Topic* – PFAS as Hazardous Substances
3. *Case Study* – Butler Mine Tunnel Superfund Site

Reading Assignment

1. Superfund Hypothetical Fact Patterns
2. *“Liability Under CERCLA”* (Cong. Research Service – March 12, 2021)
3. Gardella, John *“PFAS CERCLA Designation May Expand”* (National Law Review April 24, 2023)

Class # 4 – Thursday, February 6, 2025

RCRA

1. Subtitle C – Regulation of Hazardous Waste
 - a. Hypothetical Fact Patterns RCRA HW
3. *Case Study* – Bil-Dry RCRA Administrative Enforcement Action

Reading Assignment

1. *Times Beach, MO Superfund Site Summary* - EPA
2. RCRA Hazardous Waste Hypothetical Fact Patterns
3. *Introduction to RCRA Orientation Manual* (EPA 2014)
4. Hazardous Waste Manifest

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Class # 5 – Thursday, February 13, 2025

NEWS ANALYSIS #2– post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, February 11, 2025**

NEPA

1. 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. NEPA Success Stories (Environmental Law Institute)
3. “Biden finalizes NEPA regulation, reversing Trump” (Washington Post – April 19, 2022)

Class #6 – Thursday, February 20, 2025

SAFE DRINKING WATER ACT

1. SDWA - Overview of Statute
2. *Focus Topic* – Lead and Copper Rule
3. *Case Study* - Flint Michigan Drinking Water Crisis
4. *Focus Topic* – PFAS Regulation

REVIEW FOR EXAM NO. 1

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*
5. *EPA Grants Louisiana Primacy to Permit CCS Wells, Despite EJ Concerns* (Inside EPA – Dec. 29, 2023)

Class # 7 – Thursday, February 27, 2025

EXAM NO. 1 (Online/Open-Book)

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Class # 8 – Thursday, March 6, 2025

REVIEW OF EXAM NO. 1

CLEAN WATER ACT

1. CWA – History/Overview
2. CWA Section 402 NPDES Permit Program

Reading Assignment

1. Semple, Robert – “*This Environmental Law Made Half of America’s Fresh Waters Swimmable and Fishable*” (Opinion NYTimes – Oct. 26, 2022)
2. NPDES Permit Sample
3. Discharge Monitoring Report (DMR) Form
4. *County of Maui* – U.S. Supreme Court Decision (Syllabus – 2019)

No Class – Thursday, March 13, 2025 – Spring Break

Class # 9 – Thursday, March 20, 2024

NEWS ANALYSIS #3– post on CANVAS via Discussion Board by 5:00 pm EST, Tuesday, March 18, 2025

CLEAN WATER ACT

1. CWA Pretreatment Program – Indirect Dischargers
2. CWA - Section 404 Dredge and Fill Permit Program (Wetlands Program)

Reading Assignment

1. Basics of Wetland Regulation – National Association of Wetlands Managers
<https://www.nawm.org/wetland-programs/regulation>
2. *U.S. v. Sackett* – US Supreme Court Decision (Syllabus – 2023)
3. Olmstead, Sheila – “*The Future of the Waters of the United States after Sackett v. US Environmental Protection Agency*” (Resources August 18, 2023)
4. EPA’s *Introduction to the National Pretreatment Program* (Feb. 1999)

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Class # 10 – Thursday, March 27, 2025

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
3. Addressing Climate Change with the CAA

Reading Assignment

- 1) VW Defeat Device - <https://www.epa.gov/vw/learn-about-volkswagen-violations>
- 2) <https://www.caranddriver.com/news/a15339250/everything-you-need-to-know-about-the-vw-diesel-emissions-scandal/>
- 3) Coy, Peter “*Carbon Capture Won’t Save Us From Climate Change*” (NYTimes Opinion – Dec. 8 2023)
- 4) “*What is Carbon Capture and how much of a solution is it after COP 28*” (AP News – Dec 13, 2023)

Class # 11 – Thursday, April 3, 2025

NEWS ANALYSIS #4 – post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, April 1, 2025**

ENFORCEMENT ACTIONS

1. Types and Legal Authority
2. Fines, Imprisonment and Other Penalties
3. *Case Study* – Criminal Enforcement Action

Reading Assignment

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

Class #12 – Thursday, April 10, 2025

A Civil Action Paper – Submit on CANVAS via Assignment Tab by **5:00 pm EST Thursday, April 10, 2025**

A CIVIL ACTION – CLASS DISCUSSION

Class #13 – Thursday, April 17, 2025

A CIVIL ACTION – CLASS DISCUSSION (CONTINUED)

REVIEW FOR EXAM NO. 2

Class # 14 – Thursday, April 24, 2025

EXAM No. 2 (Online/Open-Book)

UNIVERSITY POLICIES

DIVERSITY, EQUITY, AND INCLUSION

The Earth and Environmental Science Department embraces human diversity and intends equity and inclusion in our community and our classrooms. We expect instructors, staff, and students to respect our diversity. We encourage you to contact our Climate, Diversity, Equity and Inclusion (CDEI) Committee at ees-cdeic@groups.sas.upenn.edu if you need support or have suggestions for how our efforts in EES can improve.

ACADEMIC INTEGRITY & GENERATIVE AI

Students are expected to be familiar with and comply with Penn’s Code of Academic Integrity, which is available in the [Pennbook](#). This course has a zero-tolerance policy for cheating or plagiarism, and all violations will result in substantial penalties. If you have any doubts or questions about what constitutes academic misconduct, please do not hesitate to contact me. AI programs, such as ChatGPT, may be used for generating ideas and brainstorming, to supplement your own ideas and research. However, the final output of any work should reflect your own understanding, analysis, and synthesis of the material. **You may not submit any work generated by an AI program within an assignment.** If you use AI as part of your prep work for an assignment, you are required to disclose its use and appropriately cite all sources. Failure to do so will be a violation of the Penn’s Code of Academic Integrity (see above). AI is a tool and should be used as such; it should not replace your own creativity and independent thinking. AI will not necessarily give the best explanation or answer to your questions, and often the material(s) generated may be inaccurate, based on outdated information, or completely fabricated. Using AI should supplement your learning experience, not replace your intellectual work. Your engagement with the content in this course is essential in creating a rich learning environment and for developing critical skills in environmental studies.

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CLASS ETIQUETTE

In-person class sessions, including office hours, should be spaces where everyone feels welcome and safe. In order to facilitate a welcoming and inclusive environment, it is expected that every student in this course will:

- Exercise consideration and respect in their speech and actions.
- Attempt collaboration and consideration, including listening to differing perspectives and respectfully raising any concerns, avoiding direct conflict.
- Refrain from demeaning, discriminatory, or harassing behavior and speech.

Please consider the following expectations when communicating in the online environment, such as on Canvas.

Please do:

- Ask questions and engage in conversations as often as possible.
- Be patient and respectful of others and their ideas they post online.
- Be prepared to wait for a response - you may not receive an immediate response.
- Contact the instructor to report inappropriate or offensive communications.

Please avoid:

- Using inappropriate language—this includes, but is not limited to, the use of hurtful and offensive terms.
- Posting inappropriate materials—this includes, but is not limited to, sharing nude, offensive, and graphic images.
- Posting in ALL CAPS, as this is perceived as shouting.
- Sending or respond to heated messages.
- Sending an email to the entire class, unless it requires a response from all classmates.

DISABILITY DISCLOSURE

The University of Pennsylvania provides reasonable accommodations to students with disabilities who have self-identified and been approved by the Office of Student Disabilities Services (SDS). If you have not yet contacted SDS and would like to request accommodations or have questions, you can make an appointment by calling SDS at 215-573-9235 or by visiting their website: <https://www.vpul.upenn.edu/lrc/>. The office is in the Weingarten Learning Resources Center at Stouffer Commons, 3702 Spruce Street, Suite 300. All services are confidential. I will make every effort to ensure that your needs are accommodated so that you can fully participate in this class. A helpful summary of everyone's roles and responsibilities to ensure your needs are accommodated can be found [here](#).

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EXTENSIONS (LATE ASSIGNMENTS)

Late assignments are accepted up to 24 hours after the deadline, with no penalty. Beyond that a late penalty will be applied unless an extension has been agreed. Extensions are granted for unforeseen and extenuating circumstances. If you need to request an extension please communicate with the instructor early and ahead of the due date where possible.