

Course Syllabus – Environmental Law for Environmental Professionals

**COURSE SYLLABUS**  
**ENVIRONMENTAL LAW FOR ENVIRONMENTAL PROFESSIONALS**  
**ENVS 5810-660**

**University of Penn (MES Program) - Spring Semester/2024 – Thursdays (5:15 pm)**

**Instructor:** Joseph J. Lisa

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**Office Hours:** By appointment

**REQUIRED TEXTS/READING MATERIALS:**

- Elliott, E. Donald and Daniel Esty - *“An Introduction to U.S. Environmental Law”* – (Elgar Advanced Introductions – 2021) (ELLIOTT)
- *“A Civil Action”* – Jonathan Harr
- Additional course reading materials provided on CANVAS

**COURSE OVERVIEW:**

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 in national, state and local elections, 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 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: 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.

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**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                              | 10% |
| - <i>A Civil Action</i> Paper and Class Discussion | 30% |
| - Exam No. 1                                       | 25% |
| - Exam No. 2                                       | 25% |

*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 18, 2024**

#### **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. ELLIOTT at 1-30

### **Class # 2 – Thursday, January 25, 2024**

***NEWS ANALYSIS #1***– post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, January 23, 2024**

#### **CERCLA – Part 1**

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

#### ***Reading Assignment***

1. ELLIOTT at 87-95
2. “*Love Canal and the Poisoning of America*” – The Atlantic (1979)
3. Summary of CERCLA - Legal Information Institute

### **Class # 3 – Thursday, February 1, 2024**

#### **CERCLA – Part 2**

1. Liability, Cost Recovery and Superfund Trust Fund
2. *Focus Topic* – PFAS as Hazardous Substances
3. *Case Study* – Butler Mine Tunnel Superfund Site

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***Reading Assignment***

1. Gardella, John “*PFAS CERCLA Designation May Expand*” (National Law Review April 24, 2023)

**Class # 4 – Thursday, February 8, 2024**

**RCRA**

1. Subtitle C – Regulation of Hazardous Waste
2. Focus Topic – Disposal of E-Waste and EV Batteries
3. *Case Study* – Bil-Dry RCRA Administrative Enforcement Action

***Reading Assignment***

1. ELLIOTT at 95-101
2. *Introduction to RCRA Orientation Manual* (EPA 2014)
3. Hazardous Waste Manifest
4. Review EPA Webpage for E-Waste Regulation - <https://www.epa.gov/smm-electronics/regulations-initiatives-and-research-electronics-stewardship>

**Class # 5 – Thursday, February 15, 2024**

***NEWS ANALYSIS #2***– post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, February 13, 2024**

**NEPA**

1. NEPA - History and Overview of Statute
  - a. *Case Study* – Washington Aqueduct NEPA/EIS

***Reading Assignment***

1. ELLIOTT at 159-169
2. “*NEPA 101: Introduction to United States Environmental Policy*” (EnvironmentalScience.org)
3. NEPA Success Stories (Environmental Law Institute)
4. “*Biden finalizes NEPA regulation, reversing Trump*” (Washington Post – April 19, 2022)
5. (Optional) PEL – 221-235

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**Class #6 – Thursday, February 22, 2024**

**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. ELLIOTT at 77-86
2. *Understanding the Safe Drinking Water Act* (EPA 2004)
3. *“Flint Water Crisis – Everything You Need to Know”* (NRDC 2018)
4. *EPA Fact Sheet on Lead and Copper Rule*
5. *EPA Fact Sheet on PFAS*

**Class # 7 – Thursday, February 29, 2024**

**EXAM NO. 1 (Online/Open-Book)**

**No Class March 7, 2024 – Spring Break**

**Class # 8 – Thursday, March 14, 2023**

**REVIEW OF EXAM NO. 1**

**CLEAN WATER ACT**

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

***Reading Assignment***

1. ELLIOTT at 65-75
2. Semple, Robert – *“This Environmental Law Made Half of America’s Fresh Waters Swimmable and Fishable”* (Opinion NYTimes – Oct. 26, 2022)
3. CWA NPDES Permit Writers’ Manual Chapter 1
4. NPDES Permit Sample
5. Discharge Monitoring Report (DMR) Form

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**Class # 9 – Thursday, March 21, 2024**

**NEWS ANALYSIS #3**– post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, March 19, 2024**

**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. *United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121 (1985) (Designated portions)
3. EPA’s *Introduction to the National Pretreatment Program* (Feb. 1999)

**Class # 10 – Thursday, March 28, 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
3. Addressing Climate Change with the CAA

***Reading Assignment***

- 1) ELLIOTT at 31-63
- 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/>

**Class # 11 – Thursday, April 4, 2024**

**NEWS ANALYSIS #4** – post on CANVAS via Discussion Board by **5:00 pm EST, Tuesday, March April 2, 2024**

**ENFORCEMENT ACTIONS**

1. Types and Legal Authority
2. Fines, Imprisonment and Other Penalties

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3. *Case Study* – Criminal Enforcement Action

***Reading Assignment***

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

**Class #12 – Thursday, April 11, 2024**

**A Civil Action Paper** – Submit on CANVAS via Assignment Tab by **5:00 pm EST Thursday, April 11, 2024**

**A CIVIL ACTION – CLASS DISCUSSION**

**Class #13 – Thursday, April 18, 2024**

**A CIVIL ACTION – CLASS DISCUSSION (CONTINUED)**

**REVIEW FOR EXAM NO. 2**

**Class # 14 – Thursday, April 25, 2024**

**EXAM No. 2 (Online/Open-Book)**