

GEORGE MASON UNIVERSITY
School of Recreation, Health, and Tourism (RHT)
PRLS 670 – Environmental Law (3:3:0)
Fall 2011

DAY/TIME: Web based Televideo Course **LOCATION:** **GMU-TV Website**
INSTRUCTOR: James C. Kozlowski, J.D., Ph.D.
EMAIL ADDRESS: jkozlows@gmu.edu
RHT OFFICE LOCATION: 201 B BRH **PHONE NUMBER:** **703-993-2060**
OFFICE HOURS: **By Appointment** **CELL NUMBER:** **703-455-8474**
CREDITS: **3 hours**

PREREQUISITES: Graduate status in OR permission of instructor.

COURSE DESCRIPTION: Studies environmental laws such as the National Environmental Policy Act, and regulatory issues such as the Clean Water and Clean Air Acts. Emphasizes critical evaluation of alternatives to unresolved issues in environmental policies.

COURSE OVERVIEW: Through the case study method, this course examines the role of the federal courts and agencies courts in addressing a variety of environmental law and policy issues.

COURSE OBJECTIVES

At the completion of this course, students should be able to:

1. Describe the limited role of the courts in resolving environmental law issues, particularly the level of judicial deference afforded to agency discretion and expertise under the Administrative Procedure Act and the Constitution.
2. Analyze the relevance and significance of specific facts cited by a court in a particular case to resolve issues/questions of environmental law.
3. Describe the role scientific and economic data in determining the social costs and benefits of environmental law and policy.
4. Identify the applicable rules of law used by courts to resolve issues of environmental law and policy.
5. Describe the legal analysis and methodology applied by courts to resolve environmental law issues, including the role of relevant case law, agency regulations, and legislative history.

REQUIRED TEXT

Farber, Freeman and Carlson's *Cases and Materials on Environmental Law*, 8th ed. (American Casebook Series) West Law School 2009 1082 pp. ISBN-13:9780314908834

EVALUATION

3 exams ("take home, open book", weighted equally 33.3% each)

Exams in PRLS 670 will be computer based on Blackboard., including multiple choice and True/False questions.

The exams are based on required readings and video lectures.

To prepare for the exams, students will be required to focus on the applicable rules of law illustrated and distinguished by the case reports and court opinions in the required readings. Each exam will test students' understanding of general principles of environmental law and case examples described in the required readings and lectures. Exam questions will measure students' abilities to identify general legal principles used by the court to resolve questions of environmental law generally and in particular cases.

Grading Scale

A	92-100
A-	84-91
B+	76-83
B	67-75
B-	59-66
C	51-58
F	0-50

Students are expected to view each weekly class lecture available via on demand Webstream on the GMU-TV website.

TENTATIVE COURSE SCHEDULE:

* Farber, Freeman and Carlson's *Cases and Materials on Environmental Law*, 8th ed. (American Casebook Series) West Law School 2009 1082 pp. ISBN-13:9780314908834

Unit One 9/3: Introduction to Environmental Regulation
(Webstream Lectures 1A & 1B)

Required Reading: * Farber, Freeman and Carlson's Cases and Materials on Environmental Law, 8th ed.

Reserve Mining Co. v. EPA, 514 F.2d 492 (8th Cir. 1975)	81-89 *
Industrial Union Dept. AFL-CIO v. API, 448 U.S. 607 (1980)	89-101
American Textile Manufacturers v. Donovan, 452 U.S. 490 (1981)	101-105
State v. Ventron Corp., 468 A.2d 150 (N.J. 1983)	168-171
Ayers v. Township of Jackson	171-176
Environmental Protection & the Constitution	
Missouri v. Holland	287-289
Hodel v. Indiana	289-291

Unit Two 9/10: Environmental Protection & the Constitution
(Webstream Lectures 2A & 2B)

Required Reading: (Farbman, 8th edition)

Alabama-Tombigbee Rivers Coalition v. Kempthorne	294-298
New York v. United States	299-302
Minnesota v. Clover Leaf Creamery Co.	305-306
Hughes v. Alexandria Scrap Corp.	306-308
City of Philadelphia v. New Jersey	309-312
C&A Carbone v. Town of Clarkstown, N.Y.	313-318
United Haulers Assn. Inc. v. Onieda-Herkimer Solid Waste Mgmt .	318-324
Engine Manufacturers Assn. v. South Coast Air Quality Mgmt	327-330

Unit Three 9/17: Judicial Review and Administrative Process
(Webstream Lectures 3A & 3B)

Required Reading: (Farbman, 8th edition)

Sierra Club v. Morton	376-381
United States v. SCRAP I	381-385
Lujan v. Defenders of Wildlife	385-394
Friends of the Earth v. Laidlaw Environmental Services	394-403
Massachusetts v. EPA , 549 US 497	403-413
Summers v. Earth Island Institute	413-418
Citizens to Preserve Overton Park v. Volpe	437-443
Vermont Yankee Nuclear Power Corp. v. NRDC	443-450
Chevron, USA v. NRDC	450-455

Unit Four 9/24: National Environmental Policy Act Part 1
(Webstream Lectures 4A & 4B)

Required Reading: (Farbman, 8th edition)

Hanley v. Mitchell (Hanley I)	462-464
Metropolitan Edison Co. v. People Against Nuclear Energy	464-469
Hanley v. Kleindienst (Hanley II)	469-474
Department of Transportation v. Public Citizen	474-479
Kleppe v. Sierra Club	483-488

Unit Five 10/1: National Environmental Policy Act Part 2
(Webstream Lectures 5A & 5B)

Required Reading: (Farbman, 8th edition)

Weinberger v. Catholic Action of Hawaii	491-493
Marsh v. Oregon Natural Resources Council	493-496
Center for Biological Diversity v. NHTSA	498-506
Vermont Yankee Nuclear Power Corp. v. NRDC	507-509
Baltimore Gas & Electric v. NRDC	511-515
Robertson v. Methow Valley Citizens Council	517-521

EXAM ONE Units 1 thru 5

Unit Six 10/8: Air Pollution Part 1
(Webstream Lectures 6A & 6B)

Required Reading: (Farbman, 8th edition)

Boomer v. Atlantic Cement Co.	526-530
Spur Industries, Inc. v. Del E. Webb Development, Co.	536-537
NRDC v. Train, 545 F.2nd 320 (1976)	554-557
Lead Industries, Inc. v. EPA	559-567
Whitman v. American Trucking Assn., Inc.	568-574

Unit Seven 10/15: Air Pollution Part 2
(Webstream Lectures 7A & 7B)

Required Reading: (Farbman, 8th edition)

Massachusetts v. EPA	575-587
Union Electric Co. v. EPA	590-593
Train v. NRDC, US 1975	593-596
Citizens Against the Refinery's Effects, Inc. v. EPA	597-600
National Mining Assn. v. EPA	603-606
Delaney v. EPA	609-611

Unit Eight 10/22: Air Pollution Part 3
(Webstream Lectures 8A & 8B)

Required Reading: (Farbman, 8th edition)

Whitman v. American Trucking Assn., Inc.	614-616
International Harvester Co. v. Ruckelshaus	627-632
Appalachian Power Company v. EPA	643-650
North Carolina v. EPA	651-662

Unit Nine 10/29: Water Pollution Part 1
(Webstream Lectures 9A & 9B)

Required Reading: (Farbman, 8th edition)

Milwaukee v. Illinois (Milwaukee II)	691-695
International Paper Co. v. Ouelette	695-698
NRDC v. Costle	709-714
Sierra Club v. Abston Construction Co.	714-718
Concerned Area Residents for the Environment v. Southview Farm	718-724

Environmental Protection Information Center v. Pacific Lumber 726-730

Unit Ten 11/5: Water Pollution Part 2

(Webstream Lectures 10A & 10B)

Required Reading: (Farbman, 8th edition)

E.I. du Pont de Nemours & Co. v. Train	731-736
Chemical Manufacturers Assn. v. EPA	737-745
Entergy Corp. v. Riverkeeper, Inc.	746-752
Chemical Manufacturers Assn. v. EPA	754-762
Pud No. 1 of Jefferson County v. Washington Dept. of Ecology	762-766
Arkansas v. Oklahoma	768-770

EXAM TWO Units 6 thru 10

Unit Eleven 11/12: Water Pollution Part 3

(Webstream Lectures 11A & 11B)

Required Reading: (Farbman, 8th edition)

Dioxin/Organochlorine Center v. EPA	774-782
Pronsolino v. Natri	782-789
United States v. Riverside Bayview Homes, Inc.	802-805
SWANCC v. Army Corps of Engineers	805-809
Rapanos v. United States	811-822

Unit Twelve 11/19: Hazardous Waste Part 1

(Webstream Lectures 12A & 12B)

Required Reading: (Farbman, 8th edition)

American Mining Congress v. EPA	848-852
Chemical Waste Mgmt, Inc. v. Environmental Protection Agency	855-859
Edison Electric Institute v. EPA	859-863
Hazardous Waste Treatment Council v. EPA	866-872
Chemical Waste Mgmt, Inc. v. EPA	873-876
United States v. NEPACCO	878-881 914-916

Unit Thirteen 12/3: Hazardous Waste Part 2

(Webstream Lectures 13A & 13B)

Required Reading: (Farbman, 8th edition)

United States v. Monsanto Company	894-901
Burlington Northern & Santa Fe Railway Co. v. United States	902-903, 916-920
Commander Oil Corp. v. Barlo Equipment Corp.	906-910
Cooper Industries Inc. v. Aviall Services, Inc.	943-948
United States v. Cannon Engineering Corp.	956-961

Unit Fourteen 12/10: Toxic Substances Hazardous Waste

(Webstream Lectures 14A & 14B)

Required Reading: (Farbman, 8th edition)

Environmental Defense Fund v. EPA (Aldrin)	981-986
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Environmental Defense Fund v. EPA (Chlordane)	987-990
Les v. Reilly	993-994
NRDC v. EPA	1002-1004
Corrosion Proof Fittings v. EPA	1005-1011

EXAM THREE Units 11 thru 14

Note: Faculty reserves the right to alter the schedule as necessary.

Student Expectations

- Students must adhere to the guidelines of the George Mason University Honor Code [See <http://academicintegrity.gmu.edu/honorcode>].
- Students with disabilities who seek accommodations in a course must be registered with the George Mason University Office of Disability Services by the first day of the semester [See <http://ods.gmu.edu/>].
- Students must follow the university policy for Responsible Use of Computing [See <http://universitypolicy.gmu.edu/1301gen.html>].
- Students are responsible for the content of university communications sent to their George Mason University email account and are responsible for ensuring that the university, college, school, and program will be sent to students solely through their Mason email account.
- Students must follow the university policy stating that all sound emitting devices shall be turned off during class unless otherwise authorized.
- Students are expected to exhibit professional behaviors and dispositions at all times.

Campus Resources

- The George Mason University Counseling and Psychological Services (CAPS) staff consists of professional counseling and clinical services (e.g., individual and group counseling, workshops and outreach programs) to enhance students' personal experience and academic success.
- The George Mason University Writing Center staff provides a variety of resources and services (e.g., tutoring, workshops, writing guides) to enhance students' knowledge through writing [See <http://writingcenter.gmu.edu/>].

For additional information on the College of Education and Human Development, School of Recreation, Health, and Tourism, please visit our website at <http://www.gmu.edu>.

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