The GEORGE WASHINGTON UNIVERSITY

INTRODUCTION TO ENVIRONMENTAL LAW

Spring 2015

Lecture: 7:10 - 9:40 p.m.

Monroe 115

INSTRUCTOR: Marlene C. McGuirl, Esq.
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Washington, D.C. 20007
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Office Hours by Appointment
Overview

Environmental law includes regulation of environmental contaminants, and the preservation, use, or allocation of natural resources. It also touches on many other areas, such as energy development, agriculture, real estate, and land use. In recent years the field has expanded to address cutting-edge issues, such as international environmental problems and solutions, environmental justice, and genetically modified organisms. Our studies will confront the assumption that humans are somehow separate from the natural environment, moving instead toward an appreciation of the interrelationship between the two. This will be done through the study of philosophical and economic approaches to the environment, and a review of contemporary environmental issues such as resource uses, air and water pollution, and global environmental change.

This introductory course will introduce students with little or no previous legal background to major pieces of federal environmental legislation and implementing regulations. This will be accomplished by studying the role of courts in interpreting federal legislation, as well as the impact of those court decisions on environmental decision-making in both the public and private sectors.

OVERALL COURSE LEARNING OBJECTIVES

1. Analyze and evaluate information regarding environmental issues, and evaluate laws and public policy that emerges in response to them;
2. Understand the extent and impact of human activity on local, regional and global environmental systems;
3. Apply key decision-making constructs to environmental policies;
4. Develop the skills necessary to analyze legal documents, court decisions, and other sources of information related to environmental issues;
5. Gain a familiarity with the problems of environmental disruptions and their social impacts;
6. Work collaboratively with others by participating in problem-solving and decision-making situations pertaining to environmental issues.

EXPECTATIONS

Students must be willing to make a commitment to active learning in this class. Active learning means coming to class (attendance will be taken), keeping up to date on reading and writing assignments, asking questions, engaging in discussion, and playing a role in what is in fact your class. To facilitate staying on pace in a comprehensive and fast-moving class, you are encouraged to keep written notes on judicial decisions read in the form of a “brief” and on the class discussion. Attention is called to the pages on Blackboard entitled “How to Brief a Case.”

The reading load will consist of the judicial decisions in the textbook and on Blackboard,
articles, and other documents relevant to the lectures and discussions. In addition, an exercise or project will be assigned and passed in for a grade.

ACADEMIC INTEGRITY

This course will adhere closely to The George Washington University Code of Academic Integrity. Its standards can be found at:

http://studentconduct.gwu.edu/code-academic-integrity

Academic dishonesty is defined as cheating of any kind, including misrepresenting one’s own work, taking credit for the work of others without crediting them—this includes cut and pasting from online sources such as Wikipedia without attribution—and without appropriate authorization, and the fabrication of information. If you have any questions about this or have any doubt about whether your work is or is not your own, please contact the instructor.

TEXTS

There is one required text for the class Daniel Farber and Ann E. Carlson, Cases and Materials on Environmental Law, 9th ed., St. Paul, West 2013 [ISBN 031428986] which is available from the GW Bookstore or through online outfits.

Additional reading assignments will be made and found on the course page in Blackboard. Check it on a regular basis.

You are responsible for staying up to date on the reading. Material from all the readings is fair game for exams.

COURSE STRUCTURE

The course is lecture based with expected class participation. Material for the class will be broken into by a major environmental problem, such as air, water, etc. each with its own learning objectives, and case readings.

GRADING

Grades will be based on the following measures of knowledge, performance, and participation. The examinations will also be explained in an exam guide handed out prior to the taking of each exam.

Percentage of total grade:
Midterm Exam  March ____  30%
Final Exam Final Exam period  30%
Environment Project
   (The Class Project will be discussed more fully in class)  25%
Lecture Attendance and Participation  15%

100 total points

ATTENDANCE AND PARTICIPATION POLICY

Bearing in mind the expectations for the class, you are expected at minimum to be present. You are allowed to miss up to two classes without penalty, but your third (and any successive) miss will result in one point taken from your final grade, as reflected in the Attendance and Participation grade.

Grading will be based the number of points you earn as a percent of 100 total points with the following standard translation to letter grades:

A  90 – 100%
B  80 – 90%
C  70 – 80%
D  60 – 70%
F  less than 60%

ADDITIONAL CLASS POLICIES

Case briefs are for your own use and are not required to be turned in. Any other assignments will be due on the day they are due. The grade for work turned in during the first 24 hours after the due time and date will be reduced by one letter grade (e.g. from A to B or B to C etc.) during the second 24 hour period after the due time and date will be reduced by two letter grades etc. Note that work turned in 4 days late will receive a grade of F.

Make-up exams: In general, there will be no make-up exams. Individual cases will be considered if they are presented to the instructor at least one week prior to the time and date scheduled for the exam.

Emails about grades: Due to privacy issues as well as general decorum, the instructor will not respond to emails about grades for this course.
UNIVERSITY POLICY ON RELIGIOUS HOLIDAYS (PER GWU POLICY)

1. Students should notify faculty during the first week of the semester of their intention to be absent from class on their day(s) of religious observance;
2. Faculty should extend to these students the courtesy of absence without penalty on such occasions, including permission to make up examinations;
3. Faculty who intend to observe a religious holiday should arrange at the beginning of the semester to reschedule missed classes or to make other provisions for their course-related activities

The listing of Religious Holidays can be found on the Provost’s website under Resources: http://provost.gwu.edu/policies-procedures For a listing of all University Academic Policies, go to: http://registrar.gwu.edu/university-policies

SUPPORT FOR STUDENTS OUTSIDE THE CLASSROOM DISABILITY SUPPORT SERVICES (DSS)

Any student who may need an accommodation based on the potential impact of a disability should contact the Disability Support Services office at 202-994-8250 in the Marvin Center, Suite 242, to establish eligibility and to coordinate reasonable accommodations. For additional information please refer to: http://gwired.gwu.edu/dss/

UNIVERSITY COUNSELING CENTER (UCC) 202-994-5300 2033 K Street, Suite 330

The University Counseling Center (UCC) offers 24/7 assistance and referral to address students’ personal, social, career, and study skills problems. Services for students include: crisis and emergency mental health consultations confidential assessment, counseling services (individual and small group), and referrals. http://counselingcenter.gwu.edu/

SECURITY

In the case of an emergency, if at all possible, the class should shelter in place. If the building that the class is in is affected, follow the evacuation procedures for the building. After evacuation, seek shelter at a predetermined rendezvous location. The link to UPD along with a safety video can be found at: http://police.gwu.edu/
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<thead>
<tr>
<th>Class</th>
<th>Date</th>
<th>Subject</th>
<th>Readings</th>
<th>Comments</th>
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<tbody>
<tr>
<td>1</td>
<td>Jan. 15</td>
<td>Introduction to Environmental Protection and U.S. Courts;</td>
<td>“The Federal Courts,” How to Brief Cases; Both found on Blackboard Text pp.295-299</td>
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<td>2</td>
<td>Jan. 22</td>
<td>Parties, Standing and Remedies</td>
<td>BB – cases on Standing Text pp. 299-314; 318-324; 400-404</td>
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<td>Jan. 29</td>
<td>Common Law Theories; Environmental Torts</td>
<td>BB – cases on Common law I and II Text pp. 110-112; 117-118</td>
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<td>Feb. 5</td>
<td>NEPA</td>
<td>BB- cases on NEPA I Text pp. 358-368;369-370; 378-382; 389-393</td>
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<td>Feb. 12</td>
<td>EIS (process, methodology)</td>
<td>BB – cases on NEPA II</td>
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<td>6</td>
<td>Feb. 19</td>
<td>Clean Air Act</td>
<td>BB – cases on CAA Text pp.399</td>
<td>Guest Speaker</td>
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<td>Feb. 26</td>
<td>Climate Change</td>
<td>BB- cases on Climate Chg. Change Text pp. 102-109</td>
<td>Midterm Guide Distributed</td>
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<td>March 5</td>
<td>Midterm</td>
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<td>10</td>
<td>April 2</td>
<td>Wetlands; Takings</td>
<td>BB – Cases on Wetlands, Takings Text pp. 266-268; 702-734</td>
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<td>April 9</td>
<td>Hydraulic Fracking</td>
<td>BB – Cases on Fracking</td>
<td>Final Project Guide Distributed</td>
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<td>April 16</td>
<td>Waste Management</td>
<td>BB – Cases on RCRA Text pp. 744-752</td>
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<td>13</td>
<td>April 23</td>
<td>Waste Management</td>
<td>BB – Cases on Superfund Text pp. 799-8-3; 814-817</td>
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