

Law 271
Environmental Law and Policy
(Springs 2008)

Units: 3
CCN (2Ls/3Ls): 49792

Instructor: Holly Doremus
Email: hddoremus@usdavis.edu
Location: 140 Boalt
Time: M, Tues 11:15 a.m. -12:30 p.m.

Course Description:

Grading

Your grade will be based on class participation (15%) and a final exam (85%). Class participation includes attendance and contributions to class discussion. The final exam will be in-class, essay format, closed book.

Office Hours:

I will hold office hours Wednesdays from 1:30 to 3:30 p.m. You are welcome to drop by at other times, but if you want to be sure you find me in and with time to talk it would be a good idea to schedule an appointment. I am happy to respond to questions by e-mail, and make every effort to do so promptly.

Texts:

1. Doremus, Lin, Rosenberg & Schoenbaum, Environmental Policy Law: Problems, Cases, and Readings (5th ed., forthcoming 2008).
2. The casebook, which is currently in press, will be posted on the course web page in pdf form.

Syllabus

Introduction and Perspectives

Assignment 1	What is Environmental Law? Insights from Ecology and Economics	1-1 to 1-24
Assignment 2	The Role of Values Discussion Problem: Global Warming	1-25 to 1-39

Environmental and Common Law

Assignment 3	Discussion Problem: Pollution on the Pigeon River Common Law Environmental Doctrines	2-40 to 2-67
Assignment 4	Common Law Versus Public Law	2-79 to 2-90

Administrative Law and the Environment

Assignment 5	The Administrative Decision-making Process (read for background)	3-91 to 3-103
	Introduction to Standing	3-126 to 3-140
Assignment 6	Standing, continued Ripeness, Exhaustion, and Mootness	3-140 to 3-152 3-156 to 3-161
Assignment 7	Judicial Review	3-103 to 3-126

NEPA and the Power of Information

Assignment 8	Introduction The Duty to Prepare an EIS	5-255 to 5-281
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Assignment 9	Major Federal Actions Significantly Affecting the Environment	5-282 to 5-310
Assignment 10	Contents of the EIS Evaluating NEPA; Other Information- Based Strategies	5-310 to 5-333
<u>Setting Substantive Standards</u>		
Assignment 11	Risk Assessment and Management	7-439 to 7-457
Assignment 12	From Risk Assessment to Regulation	7-457 to 7-473
<u>The Clean Air Act: Air Quality Standards, Technology Forcing and Harnessing the Market</u>		
Assignment 13	Introduction and Overview Air Quality Criteria and Standards	10-682 to 10-717
Assignment 14	State Implementation Plans	10-717 to 10-737
Assignment 15	The Problem of Nonattainment	10-737 to 10-757
Assignment 16	Automobile Emissions and Technology Forcing	10-757 to 10-785
Assignment 17	Grandfathering and New Source Review	10-786 to 10-801
Assignment 18	Tradable Emission Permits	10-801 to 10-824
<u>The Clean Air Act: From Best Available Technology to Water Quality</u>		
Assignment 19	Introduction and Overview The NPDES Program	11-825 to 11-854
Assignment 20	The Scope of NPDES Regulation, continued	11-854 to 11-868
Assignment 21	Effluent Standards for Point Sources	11-868 to 11-889
Assignment 22	Nonpoint Source Pollution Water Quality Standards	11-889 to 11-914
<u>Environmental Enforcement</u>		
Assignment 23	Introduction Civil Enforcement	12-915 to 12-949
Assignment 24	Criminal Enforcement	12-955 to 12-977
Assignment 25	Citizen Suits	12-978 to 12-992
<u>Environmental Federalism</u>		
Assignment 26	Historical and Theoretical Background Cooperative Federalism	4-164 to 4-190
Assignment 27	Sources of and Limits on Federal Power	4-190 to 4-216
Assignment 28	Preemption	4-237 to 4-253