GEORGE MASON UNIVERSITY  
School of Recreation, Health, and Tourism  
PRLS 670 (Section DL1) – Environmental Law (3)  
Fall 2012

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<th>DAY/TIME:</th>
<th>Web based Tele video</th>
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<tr>
<td>INSTRUCTOR:</td>
<td>Dr. James C. Kozlowski</td>
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<tr>
<td>OFFICE HOURS:</td>
<td>by appointment</td>
<td>CELL:</td>
<td>703.455.8474</td>
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PREREQUISITES: Graduate status 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:

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:


Unit One Week of 8/27: 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
Ayers v. Township of Jackson 171-176
Environmental Protection & the Constitution
Missouri v. Holland 287-289
Hodel v. Indiana 289-291
Unit Two Week of 9/3: 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 Week of 9/10: 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 Week of 9/17: 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 Week of 9/24: 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 Week of 10/1: Air Pollution Part 1
(Webstream Lectures 6A & 6B)
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<tr>
<th>Required Reading:</th>
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<tr>
<td>Boomer v. Atlantic Cement Co.</td>
<td>526-530</td>
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<td>Spur Industries, Inc. v. Del E. Webb Development, Co.</td>
<td>536-537</td>
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<td>NRDC v. Train, 545 F.2nd 320 (1976)</td>
<td>554-557</td>
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<td>Lead Industries, Inc. v. EPA</td>
<td>559-567</td>
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<td>Whitman v. American Trucking Assn., Inc.</td>
<td>568-574</td>
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Unit Seven Week of 10/8: 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 Week of 10/15: Air Pollution Part 3
(Webstream Lectures 8A & 8B)
Required Reading: (Farbman, 8th edition)
| International Harvester Co. v. Ruckelshaus | 627-632 |
| Appalachian Power Company v. EPA | 643-650 |
| North Carolina v. EPA | 651-662 |

Unit Nine Week of 10/22: 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 Week of 10/29: 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 Week of 11/5: Water Pollution Part 3
(Webstream Lectures 11A & 11B)
Required Reading: (Farbman, 8th edition)
Dioxin/Organochlorine Center v. EPA 774-782
Pronsolino v. Nastri 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 Week of 11/12: 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 Week of 11/26: 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 Week of 12/3: Toxic SubstancesHazardous Waste
(Webstream Lectures 14A & 14B)
Required Reading: (Farbman, 8th edition)
Environmental Defense Fund v. EPA (Aldrin) 981-986
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 (ODS) and inform their instructor, in writing, at the beginning 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 required to activate their account and check it regularly. All communication from 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 by the instructor.

• 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 psychologists, social workers, and counselors who offer a wide range of services (e.g., individual and group counseling, workshops and outreach programs) to enhance students’ personal experience and academic performance [See http://caps.gmu.edu/].

• The George Mason University Writing Center staff provides a variety of resources and services (e.g., tutoring, workshops, writing guides, handbooks) intended to support students as they work to construct and share 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 [See http://rht.gmu.edu].

CORE VALUES COMMITMENT: The College of Education and Human Development is committed to collaboration, ethical leadership, innovation, research-based practice, and social justice. Students are expected to adhere to these principles.