

### *Course Overview*

[REDACTED]

### **Course Description**

This class provides an overview of environmental regulation in the United States. It introduces students to the legal sources of environmental regulation, different regulatory strategies for protecting the environment, and criteria for evaluating environmental regulation. The bulk of the course focuses on federal laws regulating air quality, water quality, species protection, and the disclosure of information about environmental impacts of development. The course will also address California's regulation of environmental impact disclosure and greenhouse gas emissions.

### **Learning Objectives**

By the end of the course, students should be able to:

- Identify the main legal sources of environmental regulation in the United States.
- Describe the most important features of laws governing air quality, water quality, species protection, and the disclosure of information about environmental impacts of development.
- Explain the advantages and disadvantages of different regulatory instruments.

### **Course Requirements**

Students are expected to complete all required readings before class, participate in all class meetings, and complete all assignments on time. Much of the reading consists of legal materials, such as judicial decisions and statutes. We will discuss *how* to read such materials during the first two weeks of class. The reading assignments, announced weekly on Thursdays, will be relatively short (usually less than 30 pages). In many instances, students may have to read a case or statute several times before it becomes comprehensible. In addition, students should make frequent reference to a reputable legal dictionary, such as *Black's Law Dictionary*, which is available in the bookstore or via a link on EEE.

### **Course Materials**

The textbook for the course is *Cases and Materials on Environmental Law (9<sup>th</sup> ed.)* (2014) by Daniel A. Farber and Ann E. Carlson. (The eighth edition contains most – but not all – of the assigned material.) Additional materials will be posted on the course website.



**Course Outline (reading assignments posted on a weekly basis)**

I. Introduction

A. Overview of Environmental Regulation

1. Major Themes in Environmental Regulation
2. Historical Development of Environmental Regulation
3. Economic and Informational Impediments to Environmental Regulation
4. Criteria for Evaluating Environmental Regulation
5. Types of Environmental Regulation
6. Federalism and Environmental Regulation

B. Sources of U.S. Law

C. How to Read Legal Materials

1. Cases
2. Statutes

II. Environmental Impact Reporting Requirements

A. National Environmental Policy Act

B. California Environmental Quality Act

III. Species Protection

IV. Air Quality Regulation

A. Common Law Regulation of Air Quality

B. Federal Clean Air Act

C. California Global Warming Solutions Act and Sustainable Communities and Climate Protection Act

V. Water Quality Regulation

**Assessment**

Course grades are based on the following:

***Class participation (15% of overall grade)***

Class attendance and participation are mandatory. Students should be prepared to discuss the assigned material and answer the reading questions provided by the instructor.

***Quizzes (10% of overall grade)***

Online quizzes are designed to help students focus on the reading questions and prepare for the final exam. Each quiz will be open from Friday to 4:30 PM Tuesday, and may be accessed via EEE.

***Group Projects (30% of overall grade)***

Working in groups of three (assigned by the instructor), students will address real-world problems in environmental law and policy. The first project will require students to comment on a draft environmental impact report. For the second project, students will assess legal tools intended to protect endangered species in California. The assignments will be detailed in documents posted on EEE.

Answers will be graded on a scale of 0 to 100 based on their accuracy, clarity, and concision. Please upload completed assignments in Microsoft Word format (.doc or .docx) to the dropbox on EEE. Submission in any other format will result in the automatic deduction of five points. Assignments submitted after the beginning of class on the due date are subject to the deduction of ten points for each day (or fraction thereof) of lateness.

A group may rewrite its project set within a week of receiving the initial grade, in order to increase that grade by up to 15 points. Any group receiving a grade of 83 or lower *must* rewrite its project.

***Case briefs (15% of overall grade)***

Each student must individually prepare two written case briefs as described in the guidelines posted on EEE. Case briefs will be assigned based on the alphabetical order of students' last names. Cases will be assigned every Thursday, and the briefs will be due at the beginning of class the following Tuesday. Students should be prepared to discuss the case that they have briefed. The brief need not include any quotes and need not refer to any sources other than the assigned version of the relevant case. Any quoted material should be indicated with quotation marks and a citation. Any material consulted, whether or not it is quoted, should be appropriately cited. Plagiarism will result in a zero on the assignment in addition to any disciplinary action.

Case briefs will be graded on a check-plus/check/check-minus basis. Please upload completed assignments in Microsoft Word format (.doc or .docx) to the dropbox on EEE. Submission in any other format will result in the automatic deduction of one grade increment (e.g., check to check-minus). Briefs submitted after the beginning of class on the due date are subject to the deduction of one grade increment (e.g., check-plus to check or check-minus to zero) for each day (or fraction thereof) of lateness.

You may revise your brief within a week of receiving the initial grade, in order to increase that grade by up to one grade increment (i.e., check-minus to check, or check to check-plus). Any brief receiving a grade of check-minus *must* be rewritten.

***Final Exam (30% of overall grade)***

The final exam will take place on March 23, 2017, from 4:00 PM to 6:00 PM in SBSG 3240. The exam will consist of multiple choice and short answer questions. Students may consult their textbooks, printed copies of the supplemental readings, and printed notes. Electronic devices (including computers) are prohibited.

***E-mail Policy***

Please post all general questions regarding course content and administration to the message board on MyEEE. Questions concerning personal matters such as specific absences should be sent via e-mail.



### **Laptop and Mobile Communication Device Policy**

Please do not use laptops or tablets in class for any purpose other than taking notes and referring to electronic course materials. The use of all other mobile communication devices, including phones, is strictly prohibited unless required for a special accommodation. Observed violations of this policy will be reflected in the class participation grade.

### **Special Accommodations**

Students with a documented disability or any other problem that may affect performance in this class should contact the instructor early in the quarter regarding accommodations. For more information, see <http://disability.uci.edu>.

### **Document Retention Policy**

The instructor will retain exam blue books and Scantron sheets for 30 calendar days following the final exam. Students must initiate any inquiries concerning exams, assignments, or grades within that 30-day period.

### **Academic Integrity**

Academic dishonesty will not be tolerated. It will result in a grade of zero on the relevant assignment in addition to any disciplinary action. For more information see <http://honesty.uci.edu/students.html>.