

ARE 309-001 and 601 - Environmental Law and Economic Policy

Spring 2009

Course Syllabus - Schedule (Tentative.)

Note: All dates are due dates. Assignments are due in class (or by Vista or e-mail for section 601 students), unless otherwise specified. (The order of assignments on a given date is not indicative of the order in which those assignments should be completed.) Additional assignments may be added at a later date. Unit materials including the outline, lecture notes, the PowerPoint®, and reserve readings should be read and studied before the due date.

Th 1/8 Unit 1 Introduction/Administrative matters/ Final project. Read:

- 1.) the Constitution of the United States;
- 2.) this schedule;
- 3.) the policy section of the syllabus; and
- 4.) the write-up on "How to analyze a judicial decision (a case)".
- 5.) Submit your biographical information in class (or through e-mail for section 601 students).

T 1/13 Unit 2: Sources of Law. Read:

- 1.) Jack McGeachy's website on legal research <<http://www.lib.ncsu.edu/courses/are309/>>
- 2.) the Wake County Clerk's office web site: <<http://web.co.wake.nc.us/courts/>>; and
- 3.) unit 2 (Sources of Law) materials,.
- 4.) Prepare an analysis of *State v. Adams*. Then compare your analysis against the model analysis of this case which is in your course pack (and on the web). **Do not submit the analysis to me.**

Th 1/15 Continue discussion of unit 2. 1.) Read and submit an analysis of *New Hampshire v. Nemser*. (Each case analysis counts 10 points.)

- 2.) Read the unit 3 (Dispute Resolution) materials;
- 3.) Read on electronic reserve/Vista, the articles,
 - a.) "When You Need a Lawyer"
 - b.) "On the Stand",
 - c.) An Introduction to Law for North Carolinians,
 - d.) the client letter, and
 - e.) the two charts on the federal and state court systems.

T 1/20 Continue discussion of unit 3.

- 1.) Find *Sundown Ranch v. General American Life Insurance Co.*, U.S.D.C. N.D. Texas (July 17, 2001) using Academic Universe or other source, and be prepared to discuss. A copy of the case is in your course pack (and on the web); however, try to find it before using the copy in the course pack.
- 2.) Read and be prepared to discuss *Tabor v. County of Orange*.

Th 1/23 Unit 4: The Law of Administrative Agencies.

- 1.) Read the unit 4 materials; and

2.) read and submit a case analysis for *Craig v. Chatham County*.

T 1/27 Continue discussion of unit 4.

Unit 5 Common law solutions/Nuisance/Economic basis for modification of the common law.

- 1.) Read the unit 5 materials.
- 2.) Read and be prepared to discuss *Southview Farm I*.
- 3.) News analysis due.

Th 1/29 Continue discussion of unit 5.

1.) Read and be prepared to discuss *Durham v. Britt*.
Unit 6 National Environmental Policy Act (NEPA)/SEPA.

- 2.) Read the unit 6 materials.
- 3.) Read and be prepared to discuss *National Audubon Society v. Department of the Navy*.

T 2/3 Continue unit 6 materials.

1.) Read and submit a case analysis for *Winter v. Natural Resources Defense Council, Inc.*

Unit 7 Constitutional limitations: Regulatory Takings

- 2.) Read the unit 7 materials.
- 3.) Read and be prepared to discuss *Piedmont Triad Regional Water Authority v. Sumner Hills, Inc.*
- 4.) Read and be prepared to discuss *Lingle v. Chevron U.S.A., Inc.*

Th 2/5 Continue discussion of unit 7.

1.) Skim *San Remo Hotel, L.P. v. City and County of San Francisco* and *Kelo v. New London*.
<<http://www.supremecourtus.gov/>>

2.) Read and be prepared to discuss *N.C. DOT v. Stagecoach Village*.

Unit 8 Risk Management Concepts and Practices.

- 4.) Read and be prepared to discuss the unit 8 materials.
- 5.) **News analysis topic and group members due.**

T 2/10 Guest lecture.

Th 2/12 Unit 9 (Contaminated Real Property/ Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund))

- 1.) Read and be prepared to discuss the unit 9 materials.
- 2.) Read and be prepared to discuss *Z&Z Leasing Inc. v. Graying Reel, Inc.*
- 3.) Read and be prepared to discuss *Gould Inc. v. A & M Battery & Tire Service*.

T 2/17 Continue unit 9 materials.

- 1.) Skim *Brown v. AMI* and read and be prepared to discuss *Cooper Industries, Inc. v. Aviall Services, Inc.*
- 2.) Read and submit a case analysis for *U.S. v. Atlantic Research Corp.*

Th 2/19 Exam I. 75 minutes. Closed book, except as noted. Covers Units 2 through 9. **One 3X5 notecard of handwritten notes (front & back) permitted.**

T 2/24 Return and discuss exam.

Unit 10 Hazardous Waste: Solid Waste Disposal Act (SWDA, as amended by the Resource Conservation Recovery Act (RCRA))

- 1.) Read and be prepared to discuss the unit 10 materials.
- 2.) Read and be prepared to discuss *Meghrig v. KFC Western, Inc.*
- 3.) Read and prepare an analysis of *U.S. v. Cover-It, Inc.*

T 2/26

Unit 11 Solid waste disposal, economic challenges.

- 1.) Read and be prepared to discuss the unit 11 materials.
- 2.) Read and be prepared to discuss *Grassroots Recycling Network, Inc. v. EPA.*

Unit 12 Underground storage tanks.

- 3.) Read and be prepared to discuss the unit 12 materials.
- 4.) **Submit your site selection for your final project.** (10 points.)

Spring break, March 2 - 6.

T 3/10 Unit 12 materials continued.

- 1.) Read and prepare an analysis of *Agricultural Excess.*

Unit 13 Economic Poisons (The regulation of pesticides: the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA))

- 2.) Read and be prepared to discuss the unit 13 materials.
- 3.) Read and be prepared to discuss *In the Matter of Meads v. N.C. Dept. of Ag.*

Wednesday, March 11, 2009 Last day to drop a course.

Th 3/12 Continue the unit 13 materials.

- 1.) Read and prepare an analysis of *Bates v. Dow Agrosiences LLC.*

Unit 14 Toxic Substances

- 2.) Read and be prepared to discuss the unit 14 materials.

T 3/17 Continue the unit 14 material.

Unit 15 Community Right-to-Know/Risk Management & Environmental Protection

- 1.) Read and be prepared to discuss the unit 15 material.
- 2.) Read and be prepared to discuss *Citizens for a Better Environment v. The Steel Company.*

Th 3/19 Unit 16 Occupational safety and health

- 1.) Read and be prepared to discuss the unit 16 material.
- 2.) Read and be prepared to discuss *Mickles v. Duke Power Company*

Th 3/19 Exam II. 75 minutes. Closed book, except as noted. Covers Units 10 - 16. **One 3X5 notecard of handwritten notes (front & back) permitted.**

March 21, Spring Holiday.

T 3/24 Discuss answers to exam.

Unit 17 Clean Water: Point Source Control.

- 1.) Read and be prepared to discuss the unit 17 materials.
- 2.) Read and be prepared to discuss *Southview Farm II*.

Th 3/26 Continue unit 17.

- 1.) Read and be prepared to discuss *Southview Farm III*.
- 2.) Read and be prepared to discuss *WaterKeepers Alliance, Inc. v. EPA*.

T 3/31 Unit 18 Clean Water: Nonpoint Source Control.

- 1.) Read and prepare an analysis of *Pronsolino v. Nastri*.
- 2.) **Final oral news analysis reports begin. Assessment of team members due by e-mail and written reports are due in class.**

Th 4/2

2.) Unit 18 Clean Water: Nonpoint Source Control, continued.

Unit 19 Drinking Water.

- 1.) Read and be prepared to discuss the unit 19 material.
- 3.) **Final projects due.**

T 4/7 Unit 19 Drinking Water., continued.

Unit 20 Wetlands Protection.

- 1.) Read and prepare an analysis of the 2005 U.S. Supreme Court decision in *Rapanos* (find on the Supreme court website.)
- 3.) Read and be prepared to discuss *Hoffman Homes*.
- 4.) Review sections 404 and 40, Clean Water Act.
- 5.) Read and be prepared to discuss *Cargill* and *SWANCC*.

Th 4/9 Unit 20 Wetlands Protection, continued.

Unit 21 Preserving Bio-diversity: Endangered Species; Germ Plasm Banking.

- 1.) Read and be prepared to discuss *Babbitt v. Sweet Home Chapter of Communities for a Greater Oregon*.

Friday, April 10, *Spring Holiday.*

T 4/14

Unit 22 Clean Air: Tradable permits and other market-based solutions.

- 1.) Read and be prepared to discuss the unit 22 materials.
- 2.) Read and prepare an analysis of *Massachusetts v. EPA*.

Th 4/16 Unit 23 Land Preservation/Land Use Management/Preservation of Agricultural, Forestry, and Tourism Resources.

1.) Read and prepare an analysis of *Smithsonian* (extra credit).

Tuesday 5/21 Catch up. News analyses presentations.

Thursday, 5/23 News analyses presentations.

NO FINAL EXAMINATION.