AR 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.
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 Agrosciences 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*

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.