

POLITICAL SCIENCE 457 – Section 1

ENVIRONMENTAL LAW

Spring, 2022

COURSE INFORMATION

COURSE MEETING: Monday, Wednesday, and Friday, 10:00 – 10:50pm, in **EHFA #249**

INSTRUCTOR: Dr. Mikel Norris

OFFICE: Brittain Hall #356

OFFICE HOURS: Tuesday and Thursday, 10:00am – 1:00pm, and by appointment

- Please contact me via email to arrange face-to-face meetings on Microsoft Teams

E-MAIL and PHONE: mnorris1@coastal.edu / (843) 349-4033

INTRODUCTION

Catalog Description

POLI 457 Environmental Law (3) (Prereq: POLI 201 or permission of instructor) A study of the public law, regulations, and court decisions governing environmental policy in the United States. Special emphasis is placed on the important governmental and private actors involved in the policy making process. Covered topics include air and water regulation, toxic substances, the regulation of energy production, and the regulation of public lands.

Course Objectives

1. Expose students to key policy and practical questions that confront those active in environmental law on a daily basis.
2. Provide knowledge of the basic policy choices available to those practicing in the field and explain the practical difficulties regulators and courts face in implementing environmental law.
3. Examine how important governmental and private actors shape – and are shaped by – the political, regulatory, and economic questions of environmental law.
4. Examine the importance of environmental impact statements and other rules guiding various courses of action in environmental policy.
5. Analyze important environmental statutes and examine how these statutes have been interpreted by American courts over time.

Student Learning Outcomes

Upon successful completion of this course, students are expected to be able to:

1. Understand legal opinions and analyze opinions to find legal principles.
2. Demonstrate a thorough understanding of the legal concepts related to the structure, history, and politics of environmental law.
3. Demonstrate an understanding of the scope of environmental law as interpreted through current court decisions and precedents.
4. Apply common law environmental remedies and explain how those remedies supplement environmental statutory law.

5. Identify key participants involved in the formulation of environmental policy, and understand the multiple legal strategies used by these actors to achieve their policy goals in the American court system.

BOOKS and SUPPLEMENTARY MATERIALS

The following book is available for purchase at the University Bookstore:

- Doremus, Holly; Albert C. Lin, and Ronald H. Rosenberg. 2012. *Environmental Policy Law, Problems, Cases, and Readings, 6th Edition*. Foundation Press. (ISBN: 978-1-60930-173-6)

Other readings may be assigned over the course of the semester. These readings will be made available on Moodle.

ASSIGNMENTS

The assignments for this course are listed below:

- **MIDTERM EXAM:** The midterm examination will consist of multiple choice, short answer, and essay questions. It will be worth 25% of your grade. The date of the midterm examination will be **Wednesday, March 2nd**.
- **FINAL EXAM:** The final examination will be in the same format as the midterm examination. It will also be worth 25% of your grade. The date of the final examination will be **Wednesday, May 4th**.
- **QUIZZES:** Two quizzes will be given during the semester and will consist of multiple choice questions, fill-in-the-blank, and/or short answers. Quizzes will be worth 20% of your final grade (10% each). The date of the first quiz will be **Friday, February 11th**. The date of your second quiz will be **Monday, April 4th**.
- **CASE BRIEFS:** Students will write detailed case briefs on selected Supreme Court opinions over the course of the semester. Five (5) briefs will be assigned. I will announce in class which cases need to be briefed and when they need to be turned in. We will discuss the ins and outs of case briefing in class. Case briefs will be worth 20% of your final grade.
- **CLASS PARTICIPATION:** Class participation will be worth 10% of your final grade.

GRADING

A total of 500 points can be earned in this class. You will earn points as follows:

- Midterm Examination: 125 points
- Final Examination: 125 points
- Quizzes: 100 points (50 points each)
- Case Briefs: 100 points
- Class Participation: 50 points

Your grade will be based on the following calculations:

- A (90% - 100%) = 450-500 points
- B+ (88% - 89.9%) = 438-449 points
- B (80% - 87.9%) = 400-437 points
- C+ (78% - 79.9%) = 388-399 points
- C (70% - 77.9%) = 350-387 points
- D+ (68% - 69.9%) = 338-349 points
- D (60% - 67.9%) = 300-337 points
- F (0% - 59.9%) = 299 points or less

CLASS ATTENDANCE and PARTICIPATION

Class Attendance: Attendance will be taken for every class. Per University policy, I reserve the right to fail any student who is absent for more than 25% of regularly scheduled classes. This comes out to missing eight (8) or more courses for a Monday, Wednesday, Friday course. This policy will be strictly enforced, and will apply regardless of previous course progress. There will be no exceptions to this rule.

I only excuse absences for **FOUR** circumstances, which are deemed acceptable by Coastal Carolina University:

- University representation
- Death of an immediate family member
- Religious observance
- Incapacitating illness

The key word in the last excuse is **incapacitating**. Merriam-Webster's Dictionary defines incapacitating as "unable to work, move, or function in the usual way." So, a cold is not incapacitating, a tummy-ache is not incapacitating, etc. etc. I will only accept as incapacitating illness different illnesses requiring you to have extensive bedrest, hospital stay, or quarantine. This includes COVID-related illness. Please see below.

DO NOT bring me doctors' excuses or other forms of verification for missing class unless your absence occurs on a test or a quiz day, and the notification must be presented **before** the test or quiz. Be aware that **just because you bring me a doctor's note does not mean I will count your absence as excused**. If you are truly sick, or are going to miss time due to a death in the family, please fill out an **Attendance Notification Request Form**. This form can be found on the Dean of Students' website:

<https://www.coastal.edu/deanofstudents/attendancenotificationforstudents/>

When you submit this form, the Dean of Students' Office will send notification of the reason of absence to **all** of your professors. It's the easiest and most effective way to let your professors and others know that you will be missing class. **I am more likely to accept this verification of an excused absence than I am a doctor's note.**

For further information on the rights and responsibilities of students and professors regarding class attendance, please see policy **ACAD-125** on the University's Policies webpage:

<https://www.coastal.edu/policies>

Class Participation: It should be common knowledge that class participation and discussion are vital to the learning process. To that end, class attendance and participation will be a component of your final course grade. Students will be allowed three (3) free unexcused absences. Five (5) points will be deducted from a student's participation grade beginning with their fourth unexcused absence and each unexcused absence thereafter.

Class participation is also important to class success. All students should come to class prepared to discuss the materials to be covered for each lecture. Class preparation includes reading and thinking critically about all class material. Students should also be prepared to ask questions about material they do not understand, answer questions during class, and make appropriate comments and insights that will benefit and enhance class discussion. Participation will keep your participation grade steady and, in some circumstances, may raise it if it has fallen due to absences and cell phone usage. These points will be given at the discretion of the professor.

Students are also asked to speak and act appropriately during class. This includes not talking to other students in a disruptive manner during class, or making inappropriate comments toward other students. **Cell phones should also not be used during class.** They are disruptive to the instructor and other students. 3 points will be deducted from a student's class participation grade each time I see a student using their cell phone in class. Depending on circumstances, more points may be deducted, and I will ask the student to leave the class.

I would ask all students to think of their participation grade as a clean slate. Everyone has a 100% on the first day of class. If you regularly attend class, come to class prepared, participate in discussion and don't use your cell phone you will get a 100% participation grade. If you don't exhibit these behaviors your grade will drop. It will ultimately be up to you what this final grade will be.

POLICIES

Academic Integrity and Code of Conduct: Cheating and plagiarism are wrong and I do not like it. It is unfair to other students. Furthermore, it reflects very poorly on your character. Cheating carries with it a severe penalty, and may even lead to expulsion from the university. **DON'T DO IT.** It is wrong and will not be tolerated. Those caught cheating (e.g., looking at someone else's paper during a test, consulting notes during a test, consulting previously-taken tests/quizzes, etc.) in this class will receive a zero for that assignment and be reported to the University Academic Integrity Officer. Further action may be considered based on the extent and severity of the offense. If further action is pursued, I will request the student receive a grade of **Fx** for the course.

Coastal Carolina University operates under a Code of Student Conduct, which governs both academic and social conduct. The Code of Student Conduct may be reviewed here:

<https://www.coastal.edu/media/2015ccuwebsite/contentassets/documents/deanofstudents/2020-2021%20Code%20of%20Student%20Conduct.pdf>

Per the Code of Student Conduct, all students at Coastal Carolina pledge to oppose all instances of academic dishonesty. Plagiarism is listed as the second form of prohibited conduct in the Code of Conduct behind personal behavior. This should make clear the importance of not engaging in this type of activity. Students may talk to me privately if they have any questions or concerns involving cheating and plagiarism.

Late Assignment Policy: I will not tolerate late assignments. Students who miss tests or quizzes will not be able to make up those assignments unless they have an excused absence (see above), and will receive a zero for the assignment. Case briefs will be considered late if they are not submitted before class on the day they are due. I will immediately deduct five (5) points from a brief not turned in on time, and five (5) more points each day it is late thereafter.

Students with Disabilities: I am committed to making all necessary accommodations for students with verified disabilities. However, it is the responsibility of *the student* to begin the accommodation process. I will not make accommodations unless the student provides me with verification of disability and supplies the proper paperwork to me in a timely fashion so I can accommodate them. Students with disabilities are urged to contact the Office of Accessibility and Disability Services ((843) 349-2503) to learn more about the rights and responsibilities of disabled students attending Coastal Carolina University.

COVID-19: Individual students affected by COVID-19 need to refer to my absence policy detailed above. Students who are quarantined because of COVID-19 will still be able to stay on pace with the rest of the class via the recorded lectures on Moodle. It will be that student's responsibility to stay on pace with the rest of the class. I would also recommend that student's affected by COVID-19 stay in contact with me via email and Microsoft Teams so I can help you through the inevitable difficulties that will arise from missing a lot of class time.

Be aware that I take all reports of students becoming ill with COVID-19 *very* seriously. If you tell me you are missing class time due to COVID-19, I will contact Student Health Services personally to make sure they are aware of the situation. If you use COVID-19 as an excuse for missing class, you can expect for the University to place you in quarantine and compel you to undergo COVID-19 testing as a price for using that excuse.

In the event of a COVID-19 spread that affects the entire campus and we are evacuated or moved to a distance learning format, we will move our courses online as outlined in the Hurricane Policy listed above and proceed on schedule.

*******THE PROFESSOR RESERVES THE RIGHT TO MAKE CHANGES TO THE SYLLABUS DURING THE COURSE OF THE SEMESTER. ANY CHANGES WILL BE DISCUSSED IN CLASS BEFOREHAND*******

COURSE SCHEDULE & ASSIGNMENTS

MONDAY, JANUARY 10.....COURSE INTRODUCTION

WEDNESDAY, JANUARY 12 & FRIDAY, JANUARY 14.....WHAT IS ENVIRONMENTAL LAW?

- TEXTBOOK: pp. 1-39

WEDNESDAY, JANUARY 19 thru MONDAY, JANUARY 24.....ENVIRONMENTAL COMMON LAW

- TEXTBOOK: pp. 40-94
- **MONDAY, JANUARY 17th: MARTIN LUTHER KING DAY (NO CLASSES)**

WEDNESDAY, JANUARY 26 thru MONDAY, JANUARY 31.....ADMINISTRATIVE LAW OF THE ENVIRONMENT

- TEXTBOOK: pp. 95 – 160

WEDNESDAY, FEBRUARY 2 thru WEDNESDAY, FEBRUARY 9.....ENVIRONMENTAL FEDERALISM

- TEXTBOOK: pp. 161 – 231

FRIDAY, FEBRUARY 11 thru FRIDAY, FEBRUARY 18.....NEPA and INFORMATION

- TEXTBOOK: pp. 233-320
- **QUIZ #1: FRIDAY, FEBRUARY 11th**

MONDAY, FEBRUARY 21 thru MONDAY, FEBRUARY 28.....PUBLIC & QUASI-PUBLIC RESOURCES

- TEXTBOOK: pp. 321-411

WEDNESDAY, MARCH 2nd: MID-TERM EXAM

FRIDAY, MARCH 4 thru WEDNESDAY, MARCH 16.....TOXIC SUBSTANCES

- TEXTBOOK: pp. 414-471

MONDAY, MARCH 7th thru FRIDAY, MARCH 11th: SPRING BREAK (NO CLASSES)

FRIDAY, MARCH 18 thru WEDNESDAY, MARCH 23.....WASTE, RECYCLING, and RESOURCE CONSERVATION

- TEXTBOOK: pp. 472-540

FRIDAY, MARCH 25 thru FRIDAY, APRIL 1.....SUPERFUND and HAZARDOUS WASTE LIABILITY

- TEXTBOOK: pp. 541-628

MONDAY, APRIL 4 thru MONDAY, APRIL 11.....AIR POLLUTION

- TEXTBOOK: pp. 629-759
- **QUIZ #2: MONDAY, APRIL 4th**

WEDNESDAY, APRIL 13 thru WEDNESDAY, APRIL 20.....WATER POLLUTION

- TEXTBOOK: pp. 760-838
- **FRIDAY, APRIL 15th: SPRING HOLIDAY (NO CLASSES)**

FRIDAY, APRIL 22 thru WEDNESDAY, APRIL 27.....ENVIRONMENTAL ENFORCEMENT

- TEXTBOOK: 839-906

FINAL EXAM: WEDNESDAY, MAY 4th, at 11:00am, in this classroom

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