ENVIRONMENTAL LAW
Fall 2005

Richard Revesz

Class Times

Office
Vanderbilt Hall, Room 406; 212-998-6000; richard.revesz@nyu.edu

Office Hours
By appointment. Please contact Jeff Malamy at 998-6004 or by e-mail at jeff.malamy@nyu.edu.

Examination
Wednesday, December 21, 1:30 P.M to 5:30 P.M. (open book)

Texts


Richard L. Revesz, Foundations of Environmental Law and Policy (Foundation Press, 2000) [R]

Supplemental Materials [SM]

Panel Assignments
A list of panel assignments is attached. Please note your panel assignment and the days your panel will be on call during the semester. Any changes made to the panels after the drop-add period ends will be posted on the course blackboard system. Please contact my assistant, Charlene Kim, by e-mail at charlene.kim@nyu.edu, if you will miss a panel for any reason and she will assign you to a different day.

* There will be no class on Tuesday, October 4 and Thursday, October 13. Make-up sessions for these classes will be on Friday, September 23 and Friday, October 14. Also, please hold Friday, October 28 for another possible make-up class. Make-up classes will be held in Vanderbilt Hall, Room 202 from 3:05-4:55 P.M.
Syllabus and Readings

1. Thursday, September 1
   Introduction to the Course

2. Tuesday, September 6 (PANEL ONE)
   The Economic Perspective on Environmental Degradation (R 2-18)

3. Thursday, September 8 (PANEL TWO)
   Non-Economic Perspectives on Environmental Degradation (R 19-49)

4. Tuesday, September 13 (PANEL THREE)
   The Scientific Predicate for Environmental Regulation: Risk Assessment (R 50-84; P 363-79)

5. Thursday, September 15 (PANEL FOUR)
   The Objectives of Environmental Regulation: Risk Management (R 85-115; P 406-25)

6. Tuesday, September 20 (PANEL ONE)
   Distributional Consequences of Environmental Policy (R 116-47)

7. Thursday, September 22 (PANEL TWO)
   The Choice of Regulatory Tools: Marketable Permit Schemes and Effluent Fees (R 148-60 & 171-77 (notes 1-21))

8. Friday, September 23 (PANEL THREE)
   The Choice of Regulatory Tools: Deposit-Refund Systems, Liability Rules, Informational Approaches (R 160-71 & 177-80 (notes 22-39))

9. Tuesday, September 27 (PANEL FOUR)
   Federalism and Environmental Regulation (R 182-206)

10. Thursday, September 29 (PANEL ONE)
    Environmental Law and Public Choice (R 207-48)
11. **Thursday, October 6 (Panel Two)**

The Clean Air Act:
- Introduction (P 491-501)
- National Ambient Air Quality Standards (P 501-21, 567-68; § 109(a)-(b); SM #1)

12. **Tuesday, October 11 (Panel Three)**

The Clean Air Act:
- State Implementation Plans (P 521-36; § 110(a) (1) - (2), 110 (c)(1), 110 (k)(4)(5))
- New Source Performance Standards (SM #2; § 111(a) - (b))

13. **Friday, October 14 (Panel Four)**

The Clean Air Act:
- Nonattainment Provisions (SM #3; §§ 171-172, 173(a) - (c))
- Prevention of Significant Deterioration (SM #4; R 265-71 & 273-76 (notes 9-17);
  §§ 160-162, 163(a)-(b), 164(a)-(b), 165(a), 169)

14. **Tuesday, October 18 (Panel One)**

The Clean Air Act:
- Interstate Pollution Provisions (P 541-52; SM #5; §§ 110(a) (2)(D), 126(b))

15. **Thursday, October 20 (Panel Two)**

The Clean Water Act:
- Introduction (P 569-87, § 101 (a))
- Effluent Limitations (P 604-24; SM #6; §§ 301(b)(1)(A), (b)(2)(A), (c), 306(a), (d))
- Variances (P 625-32; SM #7)

16. **Tuesday, October 25 (Panel Three)**

The Clean Water Act:
- Control of Nonpoint Sources (P 694-99)
- Water Quality Standards (P 637-42, 662-73, SM #8, R 276 (note 18);
  §§ 301(b)(1)(c), 302(a), 303(a)-(d))
- Interstate Pollution (P 642-49)

17. **Thursday, October 27 (Panel Four)**

The Resource Conservation and Recovery Act (RCRA) (P 174-220)
18. **Tuesday, November 1 (Panel One)**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA):
- Introduction (R 277-87; P 223-31)
- Liable Parties (P 231-57; R 304 (notes 1-3); §§ 107(a), (b), (p), 101(20))

19. **Thursday, November 3 (Panel Two)**

CERCLA:
- Land Transactions (P 236-40; SM #9; §101(35), (40), 107(q), (r))
- Use of Joint and Several Liability (P 257-67, 271-88, SM #10; §§ 113(f), 122(g), 107(o), 113 (e))
- Liability Problem (P 257)

20. **Tuesday, November 8 (Panel Three)**

CERCLA:
- Cleanup Standards (P 267-71; R 287-95 & 304-06 (notes 4-10); § 121(a), (b), (d))
- Assessments (P 284-88)

21. **Thursday, November 10 (Panel Four)**

The National Environmental Policy Act (NEPA) (P 783-821; §§ 2, 101, 102)

22. **Tuesday, November 15 (Panel One)**

NEPA, continued (P 821-52)

23. **Thursday, November 17 (Panel Two)**

Protection of Natural Resources:
- The Endangered Species Act (ESA) (P 853-66, 887-904, SM #11; § 3(6), (20), §§ 4(a), (b), (f); 7 (a)-(h))

24. **Tuesday, November 22 (Panel Three)**

Protection of Natural Resources:
- ESA, continued (P 904-21, SM #12; §§ 9(a), 10(a))
- Public Lands (P 921-30)
- Wetlands (P 673-94)

24a. **Thursday, November 24**

NO CLASS (THANKSGIVING)
25. **Tuesday, November 29 (PANEL FOUR)**
   Environmental Enforcement (P 931-73)

26. **Thursday, December 1 (PANEL ONE)**
   Citizen Suits (P 996-1032)

27. **Tuesday, December 6 (PANEL TWO)**
   To Be Determined

28. **Thursday, December 8 (PANEL THREE)**
   To Be Determined