ENVIRONMENTAL LAW

Fall 2017

Richard L. Revesz

Class Times
Mondays and Wednesdays 10:50 AM-12:40 PM. (Furman Hall 212)

Office
Vanderbilt Hall, Room 411I; 212-998-6185; richard.revesz@nyu.edu

Office Hours
By appointment with Brette Weinkle (212-992-8874 or brette.weinkle@nyu.edu)

Teaching Assistant
Teaching Assistant: Nick Krafft: nak381@nyu.edu

Examination
The morning of Friday, December 15, 2017

Texts
Richard L. Revesz, Environmental Law and Policy (Foundation Press, 3d ed. 2015) (C)

Robin Craig, Environmental Law and Policy: Statutory and Regulatory Supplement 2017-2018 Edition (particularly relevant section numbers indicated on the syllabus) or other hard copy version of the relevant statutes

Richard L. Revesz, Supplemental Materials (SM) (to be handed out)

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 NYU Classes system. If you are unable to attend your panel’s on-call date, please notify my assistant, Brette Weinkle by e-mail at brette.weinkle@nyu.edu before the class, so that she can schedule you for a different day.
Syllabus and Readings

Wednesday, August 30: CLASS ONE (PANEL ONE)
  o Introduction to the Course (C 1-5)

Wednesday, September 6: CLASS TWO (Legislative Monday) (PANEL TWO)
  o Economic Perspective on Environmental Degradation (C 5-20)

Monday, September 11: CLASS THREE (PANEL THREE)
  o Non-Economic Perspectives on Environmental Degradation (C 20-49)

Wednesday, September 13: CLASS FOUR (PANEL FOUR)
  o Scientific Predicate for Environmental Regulation: Risk Assessment (C 51-91)

Monday, September 18: CLASS FIVE (PANEL ONE)
  o Objectives of Environmental Regulation: Risk Management (C 91-125)

Wednesday, September 20: CLASS SIX (PANEL TWO)
  o Distributional Consequences of Environmental Policy (C 125-59)

Monday, September 25 CLASS SEVEN (PANEL THREE)
  o Choice of Regulatory Tools: Command-and-Control Regulation, Marketable Permit
    Schemes and Effluent Fees (C 161-93)

Wednesday, September 27: CLASS EIGHT (PANEL FOUR)
  o Choice of Regulatory Tools: Deposit-Refund Systems, Liability Rules, Informational
    Approaches (C 193-211)

Monday, October 2: CLASS NINE (PANEL ONE)
  o Federalism and Environmental Regulation (C 213-14, 225-37, 253-82)

Wednesday, October 4: CLASS TEN (PANEL TWO)
  o Environmental Law and Public Choice (C 282-312)

Monday, October 9: CLASS ELEVEN (PANEL THREE)
  o Clean Air Act:
    ▪ Introduction (C 313-18)
    ▪ National Ambient Air Quality Standards (C 318-46); §§ 108(a)-(b), 109(a)-(b)
Wednesday, October 11: CLASS TWELVE (PANEL FOUR)
  o Clean Air Act:
     State Implementation Plans (C 346-61); § 110(a) (1)-(2), 110 (c)(1), 110 (k)(4)-(5))
     New Source Performance Standards (C 361-73); § 111(a)-(b))

Monday, October 16: CLASS THIRTEEN (PANEL ONE)
  o Clean Air Act:
     Prevention of Significant Deterioration (C 373-89); §§ 160-162, 163(a)-(b), 164(a)-(b), 165(a), 169)
     Nonattainment (C 389-409); §§ 171-172, 173(a)-(c))

Wednesday, October 18: CLASS FOURTEEN (PANEL TWO)
  o Clean Air Act:
     New Source Review (C 409-28); § 111(a)(4))

Monday, October 23: CLASS FIFTEEN (PANEL THREE)
  o Clean Air Act:
     Interstate Pollution Provisions (C 428-52)
     Acid Deposition (C 452-63)

Wednesday, October 25: CLASS SIXTEEN (PANEL FOUR)
  o Clean Air Act:
     Mobile Sources (C 463-64, 468-82); §§ 177, 202(a), 209(a)-(b))
     Hazardous Air Pollutants (C 482-500); (SM)

Monday, October 30: CLASS SEVENTEEN (PANEL ONE)
  o Clean Air Act:
     Greenhouse Gas Regulation (C 512-53)

Wednesday, November 1: CLASS EIGHTEEN (PANEL TWO)
  o Clean Air Act:
     Clean Power Plan (SM)

Monday, November 6: CLASS NINETEEN (PANEL THREE)
  o Clean Water Act:
     Introduction (C 557-60; § 101 (a))
     Effluent Limitations (C 560-72): §§ 301(b)(1)(A), (b)(2)(A), (c), 304(b)(1)(A), (b)(2)(A), 306(a), (d))
     Cooling Towers (C 585-94)
     Variances (C 594-604); § 301(c), (g), (l), (n)
Wednesday, November 8: CLASS TWENTY (Panel Four)
  o Clean Water Act:
    ▪ Control of Nonpoint Sources (C 604-14)
    ▪ Water Quality Standards (C 614-45); §§ 301(b)(1)(c), 302(a), 303(a)-(d))
    ▪ Interstate Pollution (C 645-52)

Monday, November 13: CLASS TWENTY-ONE (Panel One)
  o Resource Conservation and Recovery Act (RCRA) (C 663-81); §1004(5), (27))
  o Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA):
    ▪ Introduction (C 692-712); §§ 107(a), (b), 101(20))

Wednesday, November 16: CLASS TWENTY-TWO (Panel Two)
  o CERCLA:
    ▪ PRPs (C 712-35); §§107(a), (b), 101(20)
    ▪ Land Transactions (C 735-50); §101(35), (40), 107(q), (r))

Monday, November 20: CLASS TWENTY-THREE (Panel Three)
  o CERCLA:
    ▪ Land Transaction, continued (C 750-62)
    ▪ Joint and Several Liability (C 762-92); §§ 113(f), 122(g), 113 (e))

Wednesday, November 22: CLASS TWENTY-FOUR (Panel Four)
  o CERCLA:
    ▪ Private Cost Recovery Actions (C 792-97)
    ▪ Cleanup (C 797-837)); § 121(a), (b), (d))

Monday, November 27: CLASS TWENTY-FIVE (Panel One)
  o National Environmental Policy Act (NEPA):
    ▪ Introduction (C 855-70); §§ 2, 101, 102)
    ▪ Procedure v. Substance (C 870-81)
    ▪ Timing and Scope (C 881-90)

Wednesday, November 29: CLASS TWENTY-SIX (Panel Two)
  o NEPA:
    ▪ Determining Significance (C 890-97, 902-11)
    ▪ Adequacy (C 916-22, 927-34)
    ▪ Proposals for Legislation (C 934-40)
    ▪ Limits on NEPA (C 940-50)
Monday, December 4: CLASS TWENTY-SEVEN (PANEL THREE)
  o Enforcement:
    ▪ Civil Penalties (C 1113-21)
    ▪ Voluntary Audits (C 1121-38)
    ▪ Overfiling (C 1138-47)
    ▪ Environmental Crimes (C 1147-57)

Wednesday, December 6: CLASS TWENTY-EIGHT (PANEL FOUR)
  o Enforcement:
    ▪ Citizen Suits (C 1157-70)
    ▪ Settlements (C 1170-76)
  o Access to the Courts:
    ▪ Standing (C 1176-77, 1211-22)
    ▪ Pre-Enforcement Review (C 1222-29)