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## COURSE DESCRIPTION

Environmental laws and regulations have developed over the past several decades through alternating periods of reform and efforts at deregulation. Untangling the results of these competing efforts poses serious challenges for regulators and stakeholders. This course addresses areas of environmental law and regulation with the primary goal of explaining current compliance and enforcement standards. Students will be introduced to the relevant aspects of administrative law (law governing the making, implementation, and enforcement of public policy) and environmental law directly through statutes, rulings, and agency findings. Students will also be familiarized with distinct approaches to managing risk employed in different areas of environmental law. *This course focuses on outputs of the policy process. It complements 'POLI 304: Environmental Politics,' which provides an overview of the policy process and policy inputs that influence the formulation of policies.*

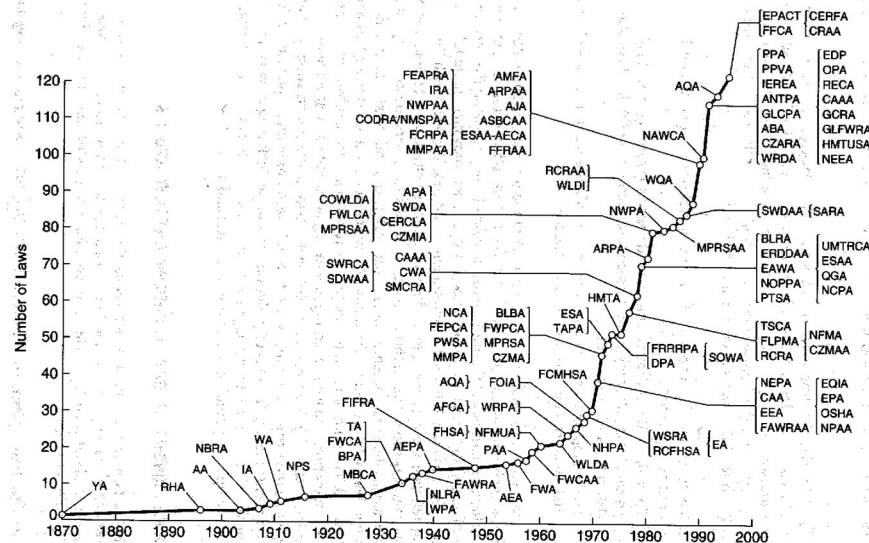


Figure 3.1-1: Cumulative growth in the federal environmental laws and amendments. (Allen & Shonnard, 2002)

## COURSE OBJECTIVES

Students will ...

- identify and describe key differences in judicial, Congressional, and executive agencies' interpretations of regulatory authority.
- identify and describe procedural and doctrinal developments in U.S. environmental law by studying legal cases and other materials.
- explain how implementation of environmental regulations are affected by changes in statutory language, executive administration, and judicial review.
- explain how shared and competing roles between federal and state governments impact passage, implementation, and enforcement of environmental regulations.

## GRADING

Grade	Assignment	Description
25%	<i>Participation &amp; Discussion</i>	Students are expected to contribute to class discussion in multiple ways: arriving with the assigned readings completed in advance, answering oral questions, formulating questions, listening attentively to others, and taking notes. <i>See Participation Grading Rubric for details.</i>
3 x 25%	<i>Exams</i>	Students will complete three take-home examinations.

## REQUIRED MATERIALS

**Text Rental.** Percival, Robert, et al. 2018. *Environmental Regulation: Law, Science, and Policy, 8<sup>th</sup> Edition*. Kluwer Publishing. (ENVREG)

**Learning Management System (CANVAS).** Course materials are distributed through the University's learning management system. *Students are responsible for having access to materials during travel.*

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## COMMUNICATION AND TECHNOLOGY

All course-related information will be communicated via classroom announcement, university email account, or the learning management system (Canvas). Please check emails frequently along with Canvas to ensure you are getting all relevant information.

Your attention is important to the success of this discussion-based course. *Please restrict smartphone usage to before and after class.* Smartphone use will impact significantly your 'Participation & Discussion' grade.

## POLICIES

**Academic Misconduct:** All UWSP policies student rights and responsibilities relevant to this course are defined in [Chapter 14](#) of *UWSP Community Bill of Rights and Responsibilities*. Violations may result in a failing grade for the course or disciplinary sanctions by the University.

**Equal Access:** If you have a challenge requiring classroom accommodation, please contact UWSP [Disability Services Office](#) with your documentation as early as possible in the semester. They will notify me confidentially of the accommodations.

## SCHEDULE

*\*All assignments are subject to revision either during class or via email.*

Week	Topic	Assignment*
1	Introduction	
<b>Unit 1: Statutory and Administrative Framework</b>		
2	Institutional Framework	<b>ENVREG:</b> p. 174-196 <b>CANVAS:</b> Lazarus, R. "The Challenges for U.S. Lawmaking Institutions and Processes of Environmental Protection Law." p. 29-42.
3	Rulemaking	<b>ENVREG:</b> 234-277
4	Approaches to Regulation	<b>ENVREG:</b> 142-173
5	NEPA	<b>ENVREG:</b> p. 911-941 <b>CANVAS:</b> Wisconsin's <a href="#">WEPA, section 1.11</a> and <a href="#">NR 150</a>
6	Environmental Impact Statements	<b>ENVREG:</b> p. 941-976 <b>CANVAS:</b> EIS example
<b>Unit 2: Water</b>		
7	CWA: Statute	<b>ENVREG:</b> p. 673-696
8	CWA: Permits	<b>ENVREG:</b> p. 696-727
9	CWA: Permits	<b>ENVREG:</b> p. 746-793
10	Wisconsin: <i>Beulah</i> & ACT21	<b>CANVAS:</b> Kent, Paul. <i>Wisconsin Water Law in the 21<sup>st</sup> Century: Understanding Water Rights and Regulations.</i> p.212-226; 235-258  Schimel, Brad. "Issue of high-capacity wells must be decided by elected lawmakers." p. 1-3
11	Safe Drinking Water Act	<b>ENVREG:</b> p. 284-294 <b>Case Study:</b> Lead exposure in Flint, Michigan
<b>Unit 3a: Air</b>		
12	Clean Air Act	<b>ENVREG:</b> p. 524-569 <b>CANVAS:</b> Leiter, Amanda. " <a href="#">Symposium: The greenhouse gas cases and the importance of deference.</a> " <i>SCOTUSblog</i> , Feb. 3, 2014.
13	CAA: NAAQS	<b>ENVREG:</b> p. 571-610
<b>Unit 3b: Waste</b>		
14	Hazardous Waste: RCRA	<b>ENVREG:</b> p. 350-375; 386-395
15	Hazardous Waste: CERCLA	<b>ENVREG:</b> p. 409-419; 449-484
16	<i>Final Exam Period</i>	

### PARTICIPATION GRADING RUBRIC

	<b>Strong</b>	<b>Needs Development</b>	<b>Unsatisfactory</b>
<b>Listening</b>	<input type="checkbox"/> Actively and respectfully listens to peers and instructor	<input type="checkbox"/> Sometimes displays lack of interest in comments of others	<input type="checkbox"/> Projects lack of interest or disrespect for others
<b>Preparation</b>	<input type="checkbox"/> Arrives fully prepared with all assignments completed.	<input type="checkbox"/> Sometimes arrives unprepared or with only superficial preparation	<input type="checkbox"/> Exhibits little evidence of having read or thought about assigned material
<b>Quality</b>	<input type="checkbox"/> Comments are relevant and reflect understanding of: assigned text(s); previous remarks of other students; and insights about assigned material	<input type="checkbox"/> Comments sometimes irrelevant, betray lack of preparation, or indicate lack of attention to previous remarks of other students	<input type="checkbox"/> Comments reflect little understanding of either the assignment or previous remarks in seminar
<b>Impact</b>	<input type="checkbox"/> Comments frequently help move seminar conversation forward	<input type="checkbox"/> Comments sometimes advance the conversation, but sometimes do little to move it forward	<input type="checkbox"/> Comments do not advance the conversation or are actively harmful to it
<b>Frequency</b>	<input type="checkbox"/> Actively participates at appropriate times	<input type="checkbox"/> Sometimes participates but at other times is “tuned out”	<input type="checkbox"/> Seldom participates and is generally not engaged
<b>Grade</b>	<b>Description</b>		
<b><i>A</i></b>	<i>Strong</i> in all categories.		
<b><i>B</i></b>	<i>Strong</i> in most categories but <i>Needs Development</i> in others.		
<b><i>C</i></b>	<i>Needs Development</i> or <i>Unsatisfactory</i> performance in most categories.		
<b><i>D</i></b>	<i>Unsatisfactory</i> in multiple categories.		
<b><i>F</i></b>	<i>Unsatisfactory</i> in nearly all categories.		

\*Adapted from John Immerwahr, Villanova University, 2008.