

Environmental Regulations: Laws and Planning

CIRP 5341, Syllabus (version 1.0) *To be revised when the course is next scheduled.*

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Course description

Review and analysis of the development of federal and state environmental laws, rules and regulations beginning with the adoption of federal and state environmental laws growing out of the implementation of public policy with focus on expectations of how environmental regulation will be transformed in the era of climate change. Students will evaluate the results of new law and regulation and the accelerated growth of environmental policy development at all levels of government, especially among urban areas. We will examine the need for and public benefits attained during the past 40 years from today's robust environmental rules and regulations with an emphasis on assessing the outcomes that are achieved through the implementation of those governmental requirements. We will thoroughly explore the political influences that have historically shaped law making and rule writing and those currently in play as a new era of environmental law is being written. We will examine the need to balance environmental protection with the economic health of the country. We will try to understand what our government leaders mean when they say they will "follow the science" and that they will "follow the law" in carrying out their duties. The course includes review of selected environmental research readings, documents, media reports, and project case studies.

I will relate theory to the actual practice of developing and implementing urban environmental policy, practice and assessment and how the execution of environmental management systems practiced by local governments are connected to state and federal law, rules and regulations. We will also examine the collaboration among the government bodies, environmental interest groups, and corporate entities.

Importance of this course

The impact on the lives of the American people as a result of the formation of the United States Environmental Protection Agency in 1970, the new laws and attendant regulations that accompanied its creation, and subsequent expansion of those activities since, cannot be overstated. The way we live today has been significantly changed, the health and life span of the country's population has been greatly improved, new industries and economic opportunity have been launched and the very essence of the practice of American democracy is itself a remarkable case study of how our system of government works. We have recently entered an era where even more dramatic change is proposed by the legislative and executive branches of the federal government. Those proposals will be tested in the third branch – the judiciary – and final outcomes of all this may take decades to conclude. An understanding of how all of this has unfolded and what we may expect in the future is what we will attempt to know and understand.

Expected learning outcomes

At the conclusion of the course, you should be able to:

- Demonstrate a broad understanding of the impact of environmental law on the role of the contemporary city in solving environmental problems and the major challenges of assessing and confronting the urban environmental landscape.
- Identify and summarize the major historical, political, legal, economic and social trajectories of contemporary environmental law and regulation through adopted environmental policy.
- Identify and summarize basic positions staked out by opposing parties in a wide range of environmental policy debates affecting urban areas.
- Identify some of the major challenges confronting environmental policy makers and how these challenges, through effective regulatory compliance, have shaped the practice of environmental protection.
- Explain how basic obstacles to effective policy making are manifested in environmental law development and how policy makers and interest groups have responded to these obstacles.
- Explain why and how environmental policy debates are rife with conflict between explicit or tacit assumptions about environmental uncertainty and “progress” and about the appropriate policy making roles of science, experts, corporations, and the lay public.
- Apply this knowledge by appraising specific regulatory compliance issues.
- Finally, you should be fully knowledgeable of the status and progress of the initiatives in the legislative and executive branches of the federal government to address the human activity impacts that are reportedly contributing to global warming in our country and throughout the world. We will also attempt to identify how such law making along with the attendant rule making and regulation writing will change the course of environmental protection practices under existing and proposed law.

Requirements

Evaluation and grading will be based on¹:

Attendance and in-class participation (includes oral presentation)	25%
Mid-term exam	25%
Written assignments (5% mid term; 20% final)	25%
Final exam	25%

Grades will be determined by rank ordering the weighted scores and identifying breaks between groups of students. There is no set score attributable to a specific letter grade. Grades can be curved down as well as up.

Attendance and participation: This seminar course will revolve around my weekly presentations and in-class participation by students. Each student will be expected to attend all classes, be attentive (no sleeping, no texting, no emailing, no gaming, no web surfing, etc.), read all assigned materials, and engage in discussion.

Week-to-week special assignments: From time to time students will be responsible for presenting a brief summary of an assigned case study or current event and discussing its relevance to issues and concerns in the development of knowledge this course is designed to achieve. These assignments will be made from week to week.

Class research project – All students will participate in an ongoing, joint assessment project on “campus greening” activities and opportunities at UTA. Begin here: uta.edu/sustainability. A two-three page written report and in-class oral reports and discussion will provide an opportunity for evaluation of how this assignment was accomplished. The purpose of this assignment is two fold. First, UT Arlington students, especially those in the areas of local government and science studies, should have a working knowledge of the sustainability initiatives of the university, the role of such initiatives in pursuing Tier One status, and the impact on the broader community of sustainability research and practice. Second, it offers an opportunity to consider the question of whether local environmental ordinance and regulation could emerge from the university’s sustainability initiatives. I will provide more specific instruction for this project. The written report is due on the day of the mid-term exam. Notes B-F (below).

Evaluation of statutory and regulatory documents – A five-page paper will be due and orally presented at the end of the semester on the review and evaluation of a federal or state environmental law or regulation chosen by the student. Further instruction and guidance will be given after the mid-term exam. See important notes B-F (below).

Other writing assignments – This requirement to be developed based on material appropriate to topics being addressed in the classroom.

Text

While I have not required that you purchase it for this class, I strongly recommend that you acquire a recently released best seller that is the most current and comprehensive presentation of the critical issues shaping the future of environmental protection practices in our country and throughout the world. The author, a three-time Pulitzer Prize winning journalist, recently appeared as a guest lecturer in a packed house at Texas Hall. My objective in recommending this book is to connect students with the “hottest topic” in current debate of environmental issues ultimately leading to the development of public policy, law and regulation. I will refer to the material in the book throughout the semester and may make assignments to review sections of the book for class discussion. The book is available for purchase at the UTA Bookstore, local bookstores and on line:

Thomas L. Friedman, *Hot, Flat and Crowded: Why We Need a Green Revolution – and How it Can Renew America*: Farrar, Straus and Giroux, New York, 2008 [ISBN 9780374166854]

Various additional publications and materials I will distribute to students

We will make frequent use of case studies and analytical material. During the class time, I will identify which study(s) that will be assigned for the upcoming week’s class. Students should be diligent in reading and comprehending these cases as they represent the

outcomes of the development of environmental policy and regulatory activities measured in terms of environmental benefit, cost savings (if any), and the resulting improvement in the quality of life for the people of the communities where the work has taken place. Students should be prepared to engage in discussion as part of in-class participation.

Course schedule – Modifications, and revisions will occur

- Week 1 Introduction and overview of the course, the professor, understanding the syllabus, definition and meaning of terms, and answering questions.
- Week 2 Background, history and examination of the origins of environmental protection in the United States. The US takes on burgeoning environmental problems with the creation of the Environmental Protection Agency in 1970 through the passage of the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, and Superfund (to deal with the land). Centerpiece of these new laws is Federalism – the States have primacy in enforcement and administration; setting up critical roles, responsibilities, and opportunities for cities and local government organizations.
- Week 3 The coming evolution in the practice and process of environmental protection as a result of the adoption of new law, rules, and regulations to address the impacts of global warming. We will review the current status of proposed legislation and the activities of all three branches of the Federal government engaged in this largest ever overhaul of environmental and energy policy in the United States and the resulting influence throughout the world. This class session will form the foundation for weekly updates on the progress (or, lack of progress) of this legislation throughout the semester.
- Week 4 The role of the states – critical to the participation of urban communities. Has the practice and process of environmental protection been enlarged by actions of state legislatures and their environmental protection departments? We'll examine the structure, responsibilities, and work of the Texas Commission on Environmental Quality, who runs it, how the leaders are selected, policy, politics, and results.
- Week 5 The operations of regional and county government organizations. Do these local government organizations have a role in environmental regulation? We'll examine the structure, responsibilities, and work of the Environmental Division of the North Central Texas Council of Governments – the gateway to cities' funding, participation, and leadership in developing community based environmental initiatives and the adoption of local ordinances specific to the needs of the community.

- Week 6 Local policy making linked to state, federal jurisdictions; a step-by-step review of the process of implementing environmental policy through the adoption of law, rules and regulations and how that process continues to evolve and change. I will present a case study in how local government initiatives provided roadmap to successful development of a Federally mandated clean air plan in response to the requirements of the federal Clean Air Act.
- Oral reports of campus greening project will be made.*
- Week 7 How environmental groups impact environmental protection law, policy, practice, assessment and implementation – from the extreme to the collaborative. We will look at the operations and roles of several national and Texas based environmental organizations and their special interests
- Oral reports of campus greening project will be made.*
- Week 8 Mid term examination. Written report on campus greening project is due.
- Week 9 Spring vacation – no class.
- Week 10 We begin the review of the major environmental laws with the sweeping National Environmental Policy Act, aka “The *magna carta* of environmental law”.
- Week 11 The Clean Air Act, The Clean Water Act, The Resource Conservation and Recovery Act (Solid Waste Disposal), The Comprehensive Environmental Response, Compensation, and Liability Act (Superfund and Brownfields), The Coastal Zone Management Act (Texas has big role), Texas responsibility for federal laws, local government environmental ordinances and practice.
- Week 12 The Clean Air Act, The Clean Water Act, The Resource Conservation and Recovery Act (Solid Waste Disposal), The Comprehensive Environmental Response, Compensation, and Liability Act (Superfund and Brownfields), The Coastal Zone Management Act (Texas has big role), Texas responsibility for federal laws, local government environmental ordinances and practice.
- Week 13 The Clean Air Act, The Clean Water Act, The Resource Conservation and Recovery Act (Solid Waste Disposal), The Comprehensive Environmental Response, Compensation, and

Liability Act (Superfund and Brownfields), The Coastal Zone Management Act (Texas has big role), Texas responsibility for federal laws, local government environmental ordinances and practice.

Week 14	Oral presentation of evaluations of selected environmental law and regulation by one-half of the class.
Week 15	Oral presentation of evaluations of selected environmental law and regulation by one-half of the class
Week 16	Reserved for possible class cancellation during the semester
Week 17	Final examination, written reports due

Important Notes

- A. *Preparation for class* – Students will be expected to read each week’s material *thoroughly* and to *think through its relationship to material from previous weeks*.
- B. *Writing quality* – Written assignments and presentations for this class must be of professional quality. This means you *must carefully edit and proofread* all written work for typing, stylistic, spelling, and grammatical errors, and for clarity of thought. Consult *The Chicago Manual of Style* (Z253 .U69 2003) and Strunk & White’s *The Elements of Style* (Reference & 5th floor, PE 1408 .S772 1979) as needed. Your bibliographical references must conform to *The Chicago Manual of Style* or some other bibliographic style (such as those of American Psychological Association or Modern Languages Association; talk to your advisor or to a reference librarian). You are strongly encouraged to take advantage of the services provided by UTA’s English Writing Center (<http://www.uta.edu/owl/> or 272-2601).
- C. *Academic Honesty* – It is the philosophy of The University of Texas at Arlington that academic dishonesty is a completely unacceptable mode of conduct and will not be tolerated in any form. All persons involved in academic dishonesty will be disciplined in accordance with University regulations and procedures.

"Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts." (Regents’ Rules and Regulations, Series 50101, Section 2.2)

- D. *Plagiarism* – Plagiarism in research is unethical and is prohibited by UTA (see http://www2.uta.edu/discipline/text_aca_integrity.htm under the heading Scholastic Dishonesty). Novice researchers sometimes plagiarize because they do not know how and when to cite the work of another researcher. Basic examples of plagiarism include:

- word-for-word copying of sentences or paragraphs without quoting and citing the source;

- closely paraphrasing sentences or paragraphs without clearly citing the source; and
- using another person's ideas, work, data, or research without appropriate acknowledgment or citation of the source.

Many websites and books provide more information about – and examples of – plagiarism. See, for example:

Plagiarism Examples (University of Kentucky Department)
<http://www.chem.uky.edu/courses/common/plagiarism.html#Examples>

Acknowledging sources (University of Texas at Arlington Libraries)
<http://library.uta.edu/tutorials/Plagiarism/>

Avoiding Plagiarism (UC-Davis)
<http://sja.ucdavis.edu/files/plagiarism.pdf>

Unacceptable Paraphrases (Indiana University Writing Tutorial Services)
<http://www.indiana.edu/~wts/pamphlets.shtml>

- E. *Citing web resources* – The world wide web is a valuable resource for academic research, but the quality of materials it provides ranges from stellar to abysmal. You will be held accountable for the quality of any web material you use in your papers or class presentations. Use only materials that are appropriate for academic research at the graduate level; and use these materials in ways that are appropriate for the specific context. Guidelines for evaluating the quality of web documents can be found here:

Five criteria for evaluating Web pages
<http://www.library.cornell.edu/olinuris/ref/webcrit.html>

Evaluating quality on the net
<http://www.hopetillman.com/findqual.html>

Evaluating internet research sources
<http://www.virtualsalt.com/evalu8it.htm>

And, of course, remember that materials obtained on the web are also subject to rules regarding plagiarism. For guidelines on citation style, see *Chicago Manual of Style* (or other stylebook) or <http://www.apastyle.org/elecref.html>.

- F. *Formatting papers* – Required formatting: *Page numbers*: top or bottom. *Margins*: top and bottom 1"; side 1.25". *Font*: Verdana 10 point or an equivalent 10 point font, you may also use Times New Roman 12 point – use caps and lower case, always avoid the use of all caps except in titles or headings. *Line spacing*: 1.5 lines (i.e., not double-spaced). *Paragraph spacing*: no extra spacing before or after. *Alignment*: left only. Hint: the format you are looking at is correct

In the interest of reducing use of natural resources, I encourage you to print on both sides of the paper and use paper containing recycled fiber. No cover page, plastic cover, or other decoration, please.

- G. *MavSpace* – In addition to the distribution via email of notices and materials, such as the case studies, we will also use this facility to access information I will post for you. Watch your email for information about when/how to access this site.
- H. *Americans with Disabilities Act* –The University of Texas at Arlington is on record as being committed to both the spirit and letter of federal equal opportunity legislation; reference Public Law 92-112 - The Rehabilitation Act of 1973 as amended. With the passage of federal legislation entitled *Americans with Disabilities Act (ADA)*, pursuant to section 504 of the Rehabilitation Act, there is renewed focus on providing this population with the same opportunities enjoyed by all citizens. As a faculty member, I am required by law to provide “reasonable accommodations” to students with disabilities, so as not to discriminate on the basis of that disability. Student responsibility primarily rests with informing faculty of their need for accommodation and in providing authorized documentation through designated administrative channels. Information regarding specific diagnostic criteria and policies for obtaining academic accommodations can be found at www.uta.edu/disability. Also, you may visit the Office for Students with Disabilities in room 102 of University Hall or call them at (817) 272-3364.
- I. *Student Support Services* – The University of Texas at Arlington supports a variety of student success programs to help you connect with the University and achieve academic success. These programs include learning assistance, developmental education, advising and mentoring, admission and transition, and federally funded programs. Students requiring assistance academically, personally, or socially should contact the Office of Student Success Programs at 817-272-6107 for more information and appropriate referrals.
- J. *E-mail policy* – The University of Texas at Arlington has adopted the University e-mail address as an official means of communication with students. Through the use of e-mail, UT Arlington is able to provide students with relevant and timely information. In particular, important information concerning registration, financial aid, payment of bills, and graduation may be sent to students through email. *This course will rely extensively on e-mail communication via the email address you provided on the information sheet you completed during the first class. Students are responsible for checking their email regularly.*

ⁱ I may modify these percentages based on experience with class dynamics