Milano - The New School for Management and Urban Policy
ENVIRONMENTAL LAW AND SCIENCE FOR POLICY ANALYSTS AND SUSTAINABILITY MANAGERS
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Spring 2011 - Wednesday, 8:00-9:50

Hilary Semel, Esq., LEED AP
Email: hilsemel@gmail.com
Phone: (212) 842-8747
Office:
Office Hours:

Since the early 1970s, the interdisciplinary fields of environmental law and science have informed the environmental policies that are widely practiced today. In the past decade, these disciplines have so influenced the growing practice of sustainability management that a strong understanding of law and science is currently essential for effective analysts and managers. This course will review key provisions of environmental law and the scientific and social principles upon which such laws were based and will examine the application of these disciplines to particular issues in environmental policy and sustainability management.

The goal of the course is to familiarize students with environmental law and science and to provide experience in applying these principles. For example, students will introduced to RCRA, CERCLA and the New York State Brownfield Cleanup law and corresponding biochemical, hydrogeology and ecological standards and will examine how these laws apply to the remediation and development of a former industrial property. Other areas that may be examined are the Clean Water Act and marine chemistry and hydrology in the context of storm water management and energy law and engineering and architectural standards in the context of energy and water efficiency policy and management.

Required Readings

Z. Plater, R. Abrams, R. Graham, L. Heinzerling, D. Wirth, N. Hall, Environmental Law and Policy; Nature Law and Society, 4th Edition (2010) (Aspen Publishing).
C. Howe, M. Gerrard (eds.), The Law of Green Buildings, (2010) (Eli Press)
Other supplemental materials as will be assigned.

Method of Instruction
Class discussions, case analyses, assignments and group activities reviewing assignments, readings, guest speakers.

Course Requirements, Classroom Dynamics and Expectations
Students are expected to complete all required readings as assigned, attend class and participate actively in class discussions and exercises. Students must complete all assignments to pass the course. Assignments submitted after the due date will not earn

full credit. Successful class sessions require student preparation, participation, and consideration. Students are expected to attend class prepared to discuss reading assignments and to participate in exercises and other activities. **When extraordinary circumstances prevent attendance, this must be communicated to the instructor.** To receive class participation credit, students are expected to attend all classes unless excused, to arrive on time and remain for the entirety of classroom activity. A documented disability may influence such participation and will be accommodated.

Assignments

Compliance Assignment – Storm Water Violations
Students will review citations given to industrial food processing and distribution facility and will assess compliance issues and propose compliance strategy.

Brownfield Assignment – Brownfield Remediation
Students will review environmental history of Brownfield site and prepare Brownfield Cleanup Program Application with proposed remedial strategy.

Retrofitting Charrette – Renovation of Commercial Space
Students will review plans for renovation of production space and will conduct charrette in furtherance of obtaining LEED certification for existing buildings.

Grading Allocation

Class Participation	25%
Compliance Assignment	25%
Brownfield Assignment	25%
Retrofitting Charrette	25%

Overview of Course Calendar and Assignments

1/26
Introduction to Environmental Law:

2/2

The roles of economics and science in environmental law; how to value natural resources and public health; how science is incorporated into environmental decision-making; cost-benefit analysis.
Plater Text: 139-43 (science, risk assessment); 571-81, 597-605, skim 595-97 (cost-benefit analyses). Catch up on first class reading if previously missed.

2/9

Economics and science, Part 2; public trust doctrine and public nuisance.
Text: 130-37 (natural resources damages); 69-71 (intro to common law); 82-95, skim 109-17 (public nuisance); 857-77, skim 878-89 (public trust).

2/16

Advent of environmental "public law"; disclosure statutes; absolute prohibitions
Plater Text: 185-93, 202-13, 215-17, skim 194-201 (history and background); read 217-40, 261-62, 267-70, skim 241-61, 263-66, 271-87 (administrative law), all others, review this; 319-28, 346-48, skim 329-46 (NEPA); 425-48, skim 449-64 (ESA).
Supplemental material: Skim NEPA and ESA discussion in *Sierra Club v. Flowers,* 423 F. Supp. 2d 1273 (S.D. Fla. 2006).

2/23 Case study #1 (e-waste) Lecturer: Kate Sinding, Esq., Deputy Director of Urban East Program, NRDC

3/2
Resources management; case study #2 (species depletion)
Plater Text: 353-60, 368-74, 382-89, skim 360-68, 389-414 (zoning, CWA § 404, FLPMA, etc.).
Supplemental material: skim CWA discussion in *Sierra Club v. Flowers.*

3/9
Introduction to regulatory systems; harm- and cost-based standards.
Plater Text: 465-87, 494-98; 523-29, 556-69 (CWA); 775-84, 799-804 (government/citizen enforcement)

3/16 SPRING BREAK

3/23
Technology and technology-based pollution limits; market approaches.
Plater Text: 530-56 (technology-based water limits)
Supplemental material: skim NYCDEP, "Comprehensive Jamaica Bay Report" (2006); supplementary material re New York State Storm Water Pollution Prevention Plans and General State Pollution Discharge Elimination System permits
Assignment: Compliance assessment of industrial food processing and distribution facility in South Jamaica, Queens.

3/30
Group activity: Analysis and review of compliance assessment; Guest Speaker: Environmental Consultant

4/6
RCRA/CERCLA and New York State Brownfield Cleanup Law.
Plater Text: 679-85, 720-23, 743-44, 761-62, 768-69 (CERCLA/RCRA)
Supplemental material: Articles and regulations re New York State Brownfield Cleanup Law
Assignment: Review Phase I and II Environmental Site Assessments of Brownfield property and prepare Brownfield Cleanup Program Application

4/13
Group activity: Analysis and review of Phase I and II ESAs and Brownfield Cleanup Applications. Guest Speaker: Sean Groszkowski, Hydrogeologist, Leggette Brashears & Graham – presentation of Brownfield Remediation project

4/20
Introduction to Green Buildings Law
Howe Text: 3-11, 37-49, 71-92, 301-309, 359-369

4/27
Retrofitting of existing buildings for energy and water efficiency
Howe Text: 273-295
Assignment: Design charrette for renovation of New York City commercial space

5/4
Group activity: Analysis and review of design charrette, Guest speaker: Erica Brabon, LEED AP, Steven Winter & Associates

5/11
Emerging issues in environmental law, science and policy – Guest speaker: Adam Freed, Deputy Director of NYC Mayor's Office of Long-Term Planning and Sustainability.