

APPLICATION FOR NEW COURSE

1 Submitted by College of Agriculture Date February 5, 2003

Department/Division offering course Agricultural Econmics

2. Proposed designation and Bulletin description of this course:

(a) AEC 424 (b) Principles of Environmental Law
Prefix and number Abbr. Title: Princ Environmental Law
Title*

(c) 2 (d) _____
Lecture/Discussion hours per week Lab hours per week

(e) _____ (f) 2
Studio hours per week Credits

(g) Course description:

Provides a basic knowledge of the principles of United States environmental law. Addresses the framework of the American legal system as it applies to environmental regulation. Covers the sources of environmental law and reviews major federal environmental statutes and judicial decisions addressing specific issues.

(h) Prerequisites (if any) AEC 101 (Formerly GEN 101)

(i) May be repeated to a maximum of _____ (if applicable)

4. To be cross-listed as: _____
Prefix and number Chairman's signature
cross-listing department

5. Effective date Spring 2004

6. Course to be offered (a) _____ (b) X (c) _____
Fall Spring Summer

7. Will the course be offered each year? Yes, less frequently
(Explain if not annually)

8. Why is this course needed:

Agriculture and rural America have been significantly impacted by environmental law and regulation. Hence it is imperative that students have a basic understanding of these issues and their implications.

*NOTE: If the title is longer than 24 characters (including spaces), write a sensible title (not exceeding 24 characters) for use on transcripts.

9. (a) By whom will the course be taught?

William Gorton, an adjunct faculty member and a Lexington attorney specializing in environmental law and regulation.

- (b) Are facilities for teaching the course now available? Yes

If not, what plans have been made for providing them? _____

10. What enrollment may be reasonably anticipated? 25-30 per semester

11. Will this course serve students in the Department primarily? No

Will it be of service to a significant number of students outside the Department? Yes If so, explain

Students in the college, especially those in the policy option of the Natural Resource Conservation Management Program

Will the course serve as a University Studies Program course? No

If yes, under what area? _____

12. Check the category most applicable to this course:

Traditional; offered in corresponding departments elsewhere;

X Relatively new, now being widely established;

Not yet to be found in many (or any) other universities.

13. Is this course part of a proposed new program? No If yes, which?

14. Will adding this course change the degree requirements in one or more programs?* Yes If yes, explain the change(s) below:

Will be added as an optional requirement in the NRCM program--Policy Option

15. Attach a list of the major teaching objectives of the proposed course and outline and/or reference list to be used.

*NOTE: Approval of this course will constitute approval of the program change unless other program modifications are proposed.

16 If the course is a 100-200 level course, please submit evidence (e.g., correspondence) that the Community College System has been consulted.

We have consulted with Jean Watts who teaches ENV 246 at LCC. While the topic area overlaps, ENV is primarily a survey of environmental legislation oriented to first and second year students. AEC 424 is oriented to juniors/seniors and deals more with interpretations of the laws through case examples and judicial decisions.

7. Within the Department, who should be contacted for further information about the proposed course?

Name and phone extension: Loys Mather 7-7269

Signatures of Approval:

Department Chair: [Signature] Date: 3/10/03

Dean of the College: [Signature] Date: 3/15/03

Date of Notice to the Faculty: _____

*Undergraduate Council: **UNDERGRADUATE COUNCIL** Date: 4/1/03

*University Studies: _____ Date _____

*Graduate Council _____ Date _____

*Academic Council for the Med Center _____ Date _____

*Senate Council _____ Date of Notice to Univ. Senate _____

ACTION OTHER THAN APPROVAL _____

* * * *

*If applicable, as provided by the Rules of the University Senate.

Major Teaching Objectives for AEC 424

- 1. Provide the student with a basic understanding of the principles of U.S. environmental laws and regulations.**
- 2. Introduce the framework of the American legal system as it applies to environmental regulation.**
- 3. Review the major federal environmental statutes and judicial decisions as they address current environmental issues.**

SYLLABUS FOR PROPOSED AEC 424
as taught during Spring 1998 as
AEC 300 TOPICS IN AGRI ECON: PRINCIPLES OF ENVIRONMENTAL LAW
MONDAYS 4:00 - 6:00 PM

Professor: William T. Gorton III, Esq.
Stites & Harbison
2300 Lexington Financial Center
Lexington, Kentucky 40507
606-226-2241 (office)
606-253-9144 (fax)
wgorton@stites.com

Office hours - by appointment or after class

Text: Environmental Law Handbook 14th edition 1997
Thomas Sullivan ed., Govt. Institutes
On reserve College of Agriculture Library

Environmental Law 1994 with 1997 pocket part
William H. Rogers, Jr., West Publications
On reserve College of Agriculture Library and College
of Law Library

Handouts

Course Desc.: This course is structured to provide the student with a basic understanding of the principles of United States environmental law. The course will address the framework of the American legal system as it applies to environmental regulation. It will cover the sources of environmental law and will review major federal environmental statutes and judicial decisions addressing specific issues. Students are expected to be prepared for class.

Grading: Grades will be based on a 100 point scale.

Mid Term exam	30 points
Final exam	30 points
Class Notebook	30 points
Class participation	10 points
Current event bonus	3 points

90-100	= A
80-89	= B
70-79	= C
60-69	= D
below 60	= F

Notebook: During the first class we will review the best way to adequately prepare for a course in legal studies. Due to the

nature of the materials, it does not suffice to simply read the "legalese" and expect to retain all of the information. In preparing for class, students are encouraged to "outline" or "brief" the readings to aid in focussing on the materials and to provide a future resource. By the end of the course the student will have a complete notebook which includes notes from the readings and class lectures. In lieu of a research paper or presentation, the notebook will be graded and is worth 30 points. It is due with the final exam on 5/6/98.

Participation: Students are highly encouraged to take an active role in class. Discussion and debate regarding public policy as related to protection of the environment will benefit the entire class, therefore 10% of the student's grade will be based on whether the student "added" anything to class.

Bonus Points: Students can get up to three additional points by initiating uniquely interesting input to class discussions as relates to current events that are relevant to the class.

TOPICAL OUTLINE

<u>DATE</u>	<u>TOPIC</u>	<u>READINGS</u>
	Introductions Class Discussion: Hypothetical Development of Coal Fired Power Plant - finding environ- mental law issues	
	Martin Luther King Day No class	
1/26	Sources of environmental law Common law: What is it? . Nuisance . Trespass	Sullivan pp. 1-16 Rogers pp. 112-122 Cases . <u>Long v. Louisville R.R.</u> . <u>Fletcher v. Tenneco, I</u>
	Common law (continued) . Negligence	Review readings Cases <u>Stone Coal v. Varney</u> <u>Nissan Motor Corp. v. Md.</u> <u>Shipping</u>

	Legal Research at Law School Structure of the Environmental Legal System - Judicial System	Sullivan pp. 21-36
2/16	Statutory Environmental Law Intro. to Prevailing Models Cooperative Federalism	Geltman handout pp. 2-8 Sullivan pp. 16-22 Rogers pp. 53-62 Case . <u>Southern Ohio Coal Co. v. U.S. Office of Surface Mining and U.S. Environ- mental Protection Agency</u>
2/23	"Catch-up" Class/Pre Mid-term review Question/Answer Session Midterm Exam - Open Notebook Constitutional Perspectives with attention to the Commerce Clause	U.S. Constitution Sullivan pp. 19-20 Rogers pp. 62-67 Case <u>Philadelphia v. New Jersey</u>
3/16	Spring Break	
3/23	Clean Water Act	Sullivan pp. 109-160 (Skip § 9.0 pp. 140-145) Case <u>Committee to Save Mokelumne River v. E. Bay Mun. Util. Dist.</u>
3/30	Wetlands Regulation	Sullivan § 9.0 pp. 140-145 Rogers pp. 318-336 Case <u>Leslie Salt v. U.S.</u>
	Clean Air Act	Sullivan pp. 72-108 <u>Gorton</u> - Clean Air Act Amend- ments of 1990 - Implications for Small Business
	Hazardous Waste Regulation Resource Conservation and Recovery Act ("RCRA")	Sullivan pp. 328-359 Rogers pp. 588-595 Case <u>U.S. v. Aceto Agr. Chemicals Corp.</u>

Comprehensive Environmental
Response, Compensation and
Liability Act ("CERCLA")
"Superfund"

Sullivan pp. 430-480
Rogers pp. 767-790
Case

. Aceto (contd.)

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Environmental Audits

Handouts

Gorton - Legal Considerations
Concerning Environmental Audits
Excerpts from E. Geltman: Busi-
ness Aspects of Environmental
Law

Final Exam - Open Notebook
Notebooks due with exam