

Environmental Law & Policy

**PUBP 4620
PUBP 6330**

Professor Stephen E. O'Day

Georgia Tech, Fall 2026

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Wednesdays and Fridays
11:00 a.m. - 12:15 p.m.
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Syllabus

Course Overview: Environmental law is a relatively young specialty in the practice of law. Based largely on statutes enacted by the US Congress and the States since 1970, environmental law as a subject explores the various sources of law that govern business, individuals, and governments in their conduct which affects the environment. Although the principal focus of environmental law in the past has been the laws passed by Congress that regulate how we pollute and manage the natural world, our actions are also governed by detailed environmental regulations promulgated by agencies delegated the implementation of federal legislation, by State and local laws and regulations, and by principles of common law generally applicable to our conduct which take on special meaning and significance in the environmental arena. We are also living in a time of unprecedented threat to the environment and our way of life presented by climate change and its rapidly evolving impacts. This class will examine the various ways in which the law attempts to engage these issues, either through common law, public regulation, or judicial determination. But we will not stop there. Through study and discussion of current enviro-political issues, we will explore the philosophical, ethical, and political underpinnings of environmental law, policy implications, and ways to improve how environmental law is created and implemented. We will also explore the emerging role of sustainability and ESG and their effects on how we handle environmental impacts.

Because there are so many areas of environmental law, we cannot possibly cover every topic in this class. We will focus on the principal pieces of environmental legislation, touching briefly on other relevant laws and legal principles.

Required Materials.

Texts: Students are expected to purchase the following texts, and bring them to class any day materials from these texts have been assigned:

Environmental Law and Policy, Salzman, J. and Thompson, Jr., B., Foundation Press, 6th Ed. 2025.

Environmental Law Stories, Lazarus, R. and Houck, O., Foundation Press, 2005

Environmental Ethics Today, Wenz, P., Oxford University Press, 2001

Supplemental Materials. We will from time to time supplement the texts with other readings and additional materials. These materials, when assigned, should be treated as primary readings as though they were incorporated into the assigned texts.

Suggested Reading in Advance of Class:

Silent Spring, Carson, R.

Class expectations and assessment.

Participation. Students are expected to attend every class. Students will be called at random to engage in Socratic dialogue on assigned readings. Students should be prepared to discuss the assigned cases by description of: (i) the parties; (ii) facts of the case; (iii) issues presented; (iv) rulings of the court; and (v) how the case fits in the overall topic of the class. Because an absent student (even when the absence is excused) cannot participate in class discussions, and because class participation is a significant part of the grade, absences (including excused absences) can potentially lower a student's grade. (Contact Professor O'Day to arrange for alternative credit for excused absences). Students are expected to be able to engage in substantial, thoughtful conversations about course readings, and the implications of what has been read on hypothetical situations presented in class.

Class preparation. For each class, **including the first class**, students will be expected to have read and be conversant in the assigned reading.

Final grade. The grade for this class will be based on the following:

Student presentations	35%
Final Exam	35%
Class Participation	30%

Your final grade will be assigned as a letter grade according to the following scale:

A	90-100%
B	80-89%
C	70-79%
D	60-69%
F	0-59%

Class Participation: You have the ability to earn a total of 300 points for class participation. Of that amount, attendance can earn up to 100 points. The remaining up to

200 points will be assessed by the instructor based on the amount and quality of your contributions to class discussions.

Student Presentations

There will be 5 student presentations during the Semester. In each one, the selected group of 2-4 students will teach the assigned topic to the class during the 40 minutes of the class session. See the class schedule below for the dates and topics for student presentations. The presenting group will be graded on the thoroughness, accuracy and quality of their presentations. There is no set format for the presentations—you are to use your creativity to present and/or discuss the material in whatever way you deem appropriate. The rest of the class is expected to be participative as if Professor O'Day were conducting the class session; that is, the class participation credit will be assigned in the same manner as with other classes. **Deadlines:** You can form your own groups and choose your topic by notifying Professor O'Day no later than **September 2**. If more than one group chooses the same topic, the first to notify Professor O'Day will be assigned that topic (first-come, first-served), and the other group(s) will be given the opportunity to choose a different topic(s). For those who do not form their own groups to choose a topic, Professor O'Day will assign the group(s) and assign the topic(s), and will notify you after the August 29 class date.

Policies, guiding principles, and other information.

Office Hours. Professor O'Day's office is off campus; he will be available to discuss questions by appointment via virtual meeting, in person meeting or telephone call. In person meetings can be scheduled either on campus or at Professor O'Day's office in Midtown.

Laptops, cell phones, recording devices and education aides. Students may use laptop computers, tablets or other devices in this class to take notes and review material. Cell phones should be turned off. Students who are not sufficiently engaged with classroom discussions, and apparently distracted by their electronic devices, will not be given class participation credit.

Honor Code

The Honor Code as set forth in the Georgia Tech General Catalog applies to all aspects of this course.

You are not to collaborate in any way with any person at any time on any assignment, quiz, exam, or exercise of any kind for any segment of this course unless the professor for that segment of the course specifically authorizes you to do so. Doing such is a violation of the GT Academic Honor Code. Submitting any work other than your own is also a violation of the Academic Honor Code. Cheating off of another person's test or quiz is unethical and unacceptable. Cheating off of anyone else's work is a direct violation of the GT Academic Honor Code, and will be dealt with accordingly.

Unauthorized use of any previous semester course materials, such as tests, quizzes, homework, projects, or any other coursework, is prohibited in this course. Using these materials will be considered a direct violation of academic policy and will be dealt with according to the GT Academic Honor Code.

Plagiarizing is defined by Webster's as "to steal and pass off (the ideas or words of another) as one's own : use (another's production) without crediting the source." Quote and attribute any words that are not your own. If caught plagiarizing, you will be dealt with according to the GT Academic Honor Code.

For any questions involving these or any other Academic Honor Code issues, please consult the professors for the course segment of concern, or <http://www.honor.gatech.edu>.

We note, also, that use of any artificial intelligence software to respond to exam questions will be considered a violation of the GT Academic Honor Code.

[Office of Disability Services](#)

The Office of Disability Services is committed to providing guidance and resources for students with disabilities during this time. If you have a question about your accommodations or other accessibility matters, the office will be operating normal business hours in a virtual format.

Appointments are available via phone or teleconference. To schedule an appointment, please contact the office at dsinfo@gatech.edu or via phone at 404-894-2563 and you will be contacted by a staff member.

Class Schedule

Please note that this schedule is subject to constant revision and addition. Please check back frequently to ensure you are appropriately prepared for class.

Class Number & Date	Class topic	Assigned Reading & Supplemental Materials
August 26	Introduction to environmental problems, risk assessment and management, and theoretical justifications for environmental control	<i>Environmental Law and Policy</i> (“ELP”), Chapter 1, Part I and Part II.A. <i>Environmental Law Stories</i> (“ELS”), Introduction <i>Environmental Ethics Today</i> (“EET”), Introduction Recommended: <i>Silent Spring</i> , Carson, R.
August 28	History of Environmental Law	ELP, Chapter 1, Part II.B ELS, Chapter 1
September 2	Forms and Methods of Environmental Law	ELP, Chapter 2 EET, p. 59-68, 73-78 Note: deadline to inform me of your chosen group and student presentation topic
September 4	Instrument Choice	ELP, Chapter 3, Part I ELS, Chapter 2
September 9	NEPA	ELP, Chapter 12 ELS, Chapter 3 <i>Seven County Infrastructure Coalition v. Eagle County, CO</i> , No. 23-975, S. Ct. May 29, 2025
September 11 FIRST STUDENT PRESENTATION	Endangered Species Act	ELP, Chapter 10, Part IV ELS, Chapter 4 EET, p. 125-126, 131-140
September 16	Sustainability	EET, p. 19-37
September 18	Sustainability II	EET, p. 39-57

September 23 SECOND STUDENT PRESENTATION	Clean Water Act - Federal jurisdiction - Statutory requirements	ELP, Chapter 7 EET, p. 146-151, 155-159 <i>City and County of San Francisco v. EPA</i> , U.S. Supreme Court No. 23-753, March 4, 2025
September 25	Clean Water Act - Enforcement - Jurisdictional questions	ELS, Chapter 9 <i>County of Maui, Hawaii v. Hawaii Wildlife Fund</i> , U.S. Supreme CT. No. 18-260 (April 23, 2020)
September 30	Clean Water Act - Wetlands	ELP, Chapter 10, Part III <i>Sackett v. EPA</i> , No. 21-454 (May 25, 2023) <i>Glynn Environmental Coalition v. Sea Island Acquisition</i> , No. 24-10710, 11th Cir. 7/29/25 Student group arguments of <i>Sackett</i>, groups representing <i>Sackett</i>, the EPA, Justice Alito, Justice Kagan, and Justice Kavanaugh
October 2	Citizen Suits and Standing	ELP, Chapter 4, Part IV ELS, Chapter 7
October 7 THIRD STUDENT PRESENTATION	Clean Air Act	ELP, Chapter 5, Part I and subpart A, B and E
October 9	Clean Air Act - NSPS - PSD	<i>Environmental Defense v. Duke Energy Corp.</i> , 549 U.S 561 (2007) <i>Sierra Club v. Ruckelshaus</i> , 344 F. Supp. 253 (D.D.C. 1972), aff'd per curiam without opinion, 2 Env'tl. L. Rep. 20656, off'd by an equally divided Court, 412 U.S. 541 (1973) <i>Ohio v. EPA</i> , No. 23A349, U.S. Supreme Court, June 27, 2024
October 14	Clean Air Act - Mobile sources - Emission trading - <i>Loper Bright v. Raimondo</i>	ELP, Chapter 5, Part IC and IG ELS, Chapter 6 <i>Loper Bright Enterprises v. Raimondo</i> , No. 22-451, U.S. Supreme Court, June 28, 2024

October 16	Clean Air Act - Market tools - Montreal Protocol	ELP, Chapter 6, Part I
October 21 FOURTH STUDENT PRESENTATION	Global Climate Change - Science - Policy	ELP, Chapter 6, Part IIA - IIE IPCC 2021 Report Summary for All, https://www.ipcc.ch/report/ar6/wg1/downloads/outreach/IPCC_AR6_WGI_SummaryForAll.pdf <i>Held v. Montana</i> , DA 23-0575, Supreme Court of Montana, 12/18/24
October 23	Global Climate Change - International and U.S. Response - <i>Massachusetts v. EPA</i> - <i>American Electric Power v. Connecticut</i> - <i>West Virginia v. EPA</i>	ELP, Chapter 6, Part IIF - IIG <i>Massachusetts v. EPA</i> , 549 U.S. 497 (2007) <i>American Electric Power v. Connecticut</i> , 564 U.S. 410, 131 S.Ct. 2527 (2011) <i>West Virginia v. EPA</i> , U.S. Supreme Court #20-1530, June 30, 2022 Student group arguments of <i>Massachusetts v. EPA</i>
October 28	Religion and Nature	EET, Chapter 10
October 30 FIFTH STUDENT PRESENTATION	Resource Conservation and Recovery Act (RCRA) - hazardous waste	ELP, Chapter 9, Part I, including subparts A and B
November 4	RCRA - solid waste - <i>Meghrig v. KFC Western, Inc</i>	ELP, Chapter 9, Part IC and ID - <i>Meghrig v. KFC Western, Inc.</i> , 116 S. Ct. 1251 (1996)
November 6	Superfund (CERCLA)	ELP, Chapter 9, Part II
November 11	Superfund (CERCLA) - Scope of liability	<i>Burlington Northern & Santa Fe Railway Co. v. U.S.</i> , 129 S. Ct. 1870 (2009) Student group arguments of <i>Burlington Northern</i>
November 13	Superfund (CERCLA) - Cost recovery	<i>Cooper Industries v. Aviall Services</i> , 543 U.S. 157 (2004) <i>U.S. v. Atlantic Research Corp.</i> , 551 U.S. 128, June 11, 2007
November 18	Superfund (CERCLA) -Effect on state law	<i>Atlantic Richfield v. Christian</i> , U.S. Supreme Ct. #17-1498, April 20, 2020
November 20	Constitutional Issues and Environmental Law	ELP Chapter 3, Part III

December 2	Constitutional Issues - <i>Lucas</i> - Dormant Commerce Clause	ELS, Chapter 8 <i>United Haulers v. Oneida-Herkimer Solid Waste Management Authority</i> , 550 U.S. 330, April 30, 2007
December 4	Public Trust Doctrine Standing	ELP, Chapter 10, Part II <i>Held v. Montana</i> , DA 23-0575, 2024 MT 312, Montana Supreme Ct. 12/18/24 <i>Summers v. Earth Island Institute</i> , 555 U.S. 488, 129 S. Ct. 1142 (2009)
TBD	Final Exam	