

Introduction to Environmental Law

Introduction to Environmental Law

(CE-4375 CRN:23158),(CE-5390 CRN:25696),(CE-4377 CRN:23543),(CE-4376 CRN:23159)

Mondays 4:30 PM to 5:50 PM on MS Teams

Wednesdays 4:30 to 5:50 PM in person

Classroom Building C304

Instructor Contact Information and Biography

Dr. Ivonne Santiago, P.E. (SHE/HER/HERS/ELLA)

Engineering Annex A218

500 W. University Ave

El Paso, TX 79968

Office: A-218

Office Hours:

E-mail: isantiago@utep.edu.

BEST WAY TO COMMUNICATE: MSTEAMS. I will respond to your MSTEAMS messages within 24 business hours.

Phone: 915-747-8478

About me





1 - I am from Puerto Rico

I grew up in Guayanilla ([http://en.wikipedia.org/wiki/Guayanilla, Puerto Rico](http://en.wikipedia.org/wiki/Guayanilla,_Puerto_Rico)), a municipality of Puerto Rico, located on the southern coast of the island, bordering the Caribbean Sea, south of Adjuntas, east of Yauco; and west of Peñuelas and about 12 miles (20 km) west of Ponce, the 2nd largest city of Puerto Rico. ([http://en.wikipedia.org/wiki/Ponce, Puerto Rico](http://en.wikipedia.org/wiki/Ponce,_Puerto_Rico)) (population <200,000).

I have a Bachelor's degree in Civil Engineering from the University of Puerto Rico at Mayaguez (UPRM), a Master's degree in Environmental Systems Engineering from Clemson University, and a Ph.D. in Civil Engineering, Specialized in Environmental Engineering, from New Mexico State University. In Puerto Rico, I was a professor in Civil Engineering at UPRM and worked in research (EPA, DOD, NSF) dealing with removal of contaminants from water using natural adsorbents, remote telemetry systems for monitoring of a small community drinking water treatment plant, physical modeling of transport of explosive related chemicals in sub-surface environments, and odor problems of combined sewer-overflows. I worked as consultant to the Comptroller of Puerto Rico as an auditor of the 10 largest water and wastewater treatment plants in Puerto Rico. I was part of the Puerto Rico Environmental Quality Board (PREQB) and Director of the Water Quality Area in the PREQB. I was a member of the Environmental Protection Agency National Advisory Committee (NAC). The NAC advises the administrator of the EPA on environmental policy issues related to the implementation of the North American Agreement on Environmental Cooperation. I was also a member of The Good Neighbor Environmental Board (GNEB) that advises the President and Congress of the United States on good neighbor practices along the U.S. border with Mexico.

I am currently an Associate Professor in the Department of Civil Engineering. I have projects dealing with Peace Engineering, remote sensing, Environmental Justice, innovation and development of low cost technologies to provide safe drinking water for underserved communities (locally, regionally, and internationally), and Diversity and Culture of Inclusion. Since I have been at UTEP. I have taught courses in Environmental Engineering, Engineering Economy, Engineering Statics, Water and Wastewater Engineering, Capstone Senior Design Courses (I and II), Thermo-fluids, and Experimental Design.

I am Chair of the El Paso Water Public Service Board (PSB) that governs El Paso Water. In 1952, City ordinance gave complete oversight of El Paso's water and wastewater systems to the Public Service Board (PSB). In 2008, at City Council's direction, the PSB gained the oversight of the City's stormwater utility. The PSB adopts an annual combined operating, capital and debt service budget for El Paso Water with associated rates and fees for services. The PSB has the responsibility to issue updates to its Rules and Regulations, which have the force of law.

There is not enough space in this syllabus to explain why I left “paradise” for El Paso, but my family ended up here in 2006. I can say I really have come to love UTEP and our students. I have found hard-working students that truly want to build a better future for themselves and their families.

Required text: Environmental Law by Nancy K. Kubasek; Gary S. Silverman, Edition: 8th

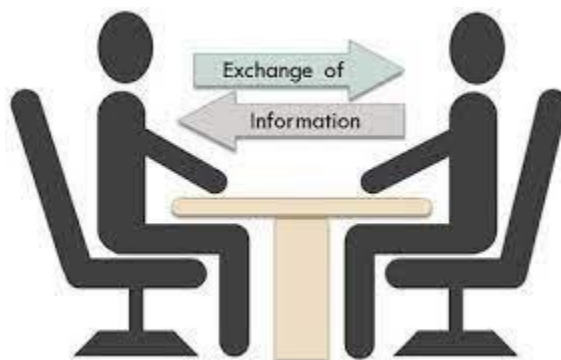
Reference texts:

- Environmental Law and Policy (Concepts and Insights) 4th Edition by James Salzman (Author), Barton Thompson Jr (Author)
- *Understanding Environmental Law*. 2nd ed. Lexis Nexis Press, 2008 Weinberg, Philip, and Kevin Reilly.
- Green Intelligence by John Wargo

Resources:

- Open Yale Courses EVST 255: Environmental Politics and Law.
<http://oyc.yale.edu/environmental-studies/evst-255> by Professor John Wargo, Tweedy/Ordway Professor of Environmental Health and Politics
- <https://law.stanford.edu/environmental-and-natural-resources-law-policy-program-enrlp/case-studies/>

Communication



Blackboard: This is a *Technology Enhanced Course (TEC)*. We will be using Blackboard as the main means for uploading homework, on-line quizzes, and Yuja quizzes and videos and discussion Boards

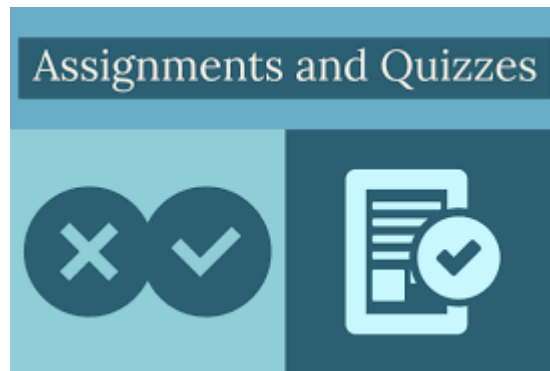
MSTeams: This will be the main form of communication between you and I. [Here](#) is the link to our team. All the material for the class and laboratories will be uploaded here, not Blackboard.

Office hours: To schedule a virtual meeting from 8:00 am-5:00 pm Monday-Friday, please use [this](#) link. I will be available in person in my office on Tuesdays from 12:30 PM to 1 pm.

Open Office hours: *Feel free to send a text via MSTeams at any time if you have questions or concerns. I generally answer right away but please allow for 24 business hours over the weekends or holidays or*

outside of official business hours. I prefer MS Teams over e-mail. If you choose to send an email, it may take longer for me to respond.

Assignments and quizzes



On-line homework. On-line homework will displayed on your Blackboard Calendar, so check it often. On-line homework includes discussion boards

Regular homeworks: As stated earlier, most homeworks will submitted on-line using Blackboard. Nevertheless, some homeworks will be submitted on paper during the scheduled semester. If a homework is submitted late on the same day before COB, no points will be taken. **No late homeworks will be accepted.**

Schedule for hybrid classes when I travel (note that it may be subject to change)



I STILL DO NOT HAVE SCHEDULED TRAVEL THAT WILL AFFECT OUR CLASS. I WILL KEEP YOU UPDATED!

Course Description

This course is designed to provide students with an overview of environmental law – from its common law roots to its current role in the modern regulatory regime. The course will begin with a brief overview

of the U.S. legal system generally in order to provide a framework for understanding the case law and statutory law presented throughout the course.

The course will then examine the roots of environmental law - from its beginnings in the common law to the dawn of the environmental movement in the 1970s. The environmental regulatory structure will then be placed in context through a discussion of the role of agencies, Congress, and the courts. Once these background principles have been established, the course will provide an introduction to case law interpreting the major federal environmental statutes that seek to control pollution and protect natural resources including the Comprehensive Environmental Response, Compensation, and Liability Act (the "Superfund Program"), Clean Air Act, Clean Water Act, Endangered Species Act, and National Environmental Policy Act. The course will also explore the civil and criminal enforcement of these laws, and the important role that citizens play in the enforcement process.

The course will culminate with student debates on current issues in environmental law. Students will prepare for these debates by completing a writing assignment on their debate topic. Questions of environmental risk and equity will be addressed. Law will be examined through case histories including: environmental effects of national security, pesticides, air pollution, consumer products, plastics, parks and protected area management, land use, urban growth and sprawl, public/private transit, drinking water standards, and hazardous site restoration.

Class Preparation

The course is organized in a seminar format, with lectures supplemented by discussion of assigned readings and in-class problem exercises. The readings will be a primary topic of discussion during class, so students should come prepared to discuss the assigned readings. To ensure reading is completed in advance of class, students will be required to complete case briefs in advance of class. More details about these briefs will be provided. This course will require an average of 6-9 hours of out-of-class reading, research and/or writing each week. As you read, take your time, and read twice if necessary. Focus your attention on the cases and introductory material. Students will occasionally be assigned Problem Exercises in class. Student groups will discuss the Exercises and will be responsible for reporting their findings and conclusions to the rest of class. The assigned readings will help students to be prepared for these exercises.

Class preparation includes discussion boards on current environmental news. There will be a rotation of students that will bring up an environmental-related news and others will join the discussion.

Course Learning Outcomes

- Examine the roots of environmental law - from its beginnings in the common law to the present, including ethical and cultural and principles that provide the foundation for our current legal system.
- Explore the civil and criminal enforcement of the environmental laws and the important role that citizens play in the enforcement process.

- Identify the roles that various agencies play in formulating environmental policy and implementing laws and regulations.

Grades



Grade distribution:

- Homework, quizzes, yuja videos, and short essays : 20%
- Class participation and debates, discussion boards: 20%
- Project and Presentation: 60%

Grading Scheme:

The instructor reserves the right to revise this grading plan. However, students will be informed of any changes. Your final grade will be calculated based on the formula provided:

A >89.45

B >79.45 but <89.45

C >69.45 but <79.45

D >59.45 but <69.45

F <59.45

Note that 89.44 is B, 79.44 is C, 69.44 is D, 59.44 is F. This is where your bonus points come to your rescue!

Class Policies



Purpose: These policies serve to help make the learning experience optimally effective and enjoyable for everyone.

Professional conduct: *Be kinder than necessary!* During this course, I expect you to deal with your peers and with me in a professional manner. Be courteous and honest and always communicate with each other in a way that shows respect and sensitivity to cultural, religious, sexual, and other individual differences. I expect you to come to class on time and stay focused on the lecture and learning activities.

Cell Phones ringtones are OFF in Class: First, professionals turn off their cell phone ringtones in a meeting with other professionals in order to give full attention to the discussion. Second, a ringing phone disrupts because the sound of a phone attracts attention. I know for a fact that it disrupts me. Your meeting time in class is valuable, chat and text with your friends outside of your team meeting.

However, always bring your laptops or smartphones to class and download I-Clicker app. We will use it during class and when you need to search for information in the internet.

When using your phone or laptop: Do not allow it to control your life and disrupt your learning process! Do not surf the internet on topics not related to your class activities, or answer your email, instant message, facebook, video viewing, music playing, game playing, etc. These activities show a lack of respect for your classmates and myself, and also shows a disinterest in the course which is un-professional and un-acceptable. A few suggestions that will help the use of laptops in class:

- a. Charge your laptop batteries fully before coming to class.
- b. Set your laptop volume control to mute or off before coming to class.
- c. Keep your laptop closed during presentations and other specific in-class activities.
- d. If I see you playing games or surfing the net on subjects not related to the class, I have the right to ask you to leave the classroom.

Can we all agree on these terms?

- We will engage with and criticize ideas but not people.
- We will listen with curiosity, not hostility.
- We will not interrupt.
- We will not be afraid to ask questions.
- We will be aware of how much space we are individually taking up in class and step up and stand back as needed.
- We will use I statements and not attempt to speak on behalf of groups.
- We will not expect individuals to act as spokespeople for groups.
- We will name when the guidelines aren't followed, address it and move forward.

Netiquette (online etiquette)

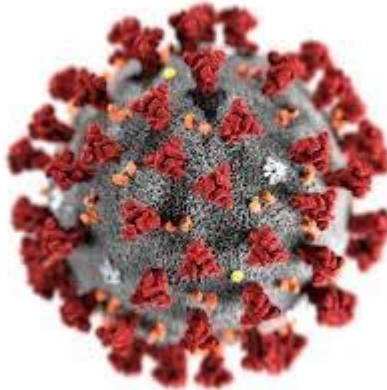


Since I hope we will be communicating inside and outside the classroom I want to remind you about some basic Netiquette

- **Language:** Given the absence of face-to-face clues, written text can easily be misinterpreted. Avoid the use of strong or offensive language, all capital letters, and the excessive use of exclamation points. If you feel particularly strongly about a point, it may be best to write it first as a draft and then to review it, before posting it, in order to remove any strong language.

- **Respect:** Whether we meet face to face or online, is still a classroom, and comments that would be inappropriate in a regular classroom would also be inappropriate on-line as well. Treat your professor and your fellow students with respect.
- **Be Forgiving and be kind to each other:** If someone states something that you find offensive, mention this directly to the professor. What you find offensive may quite possibly have been unintended and can best be cleared up by the professor.
- **Think First, Write Later:** Think carefully about the content of your message before writing it. When reacting to someone else's message, address the ideas, not the person. Post only what you or anyone would comfortably state in a face-to-face situation.
- **Edit Your Work:** The grammar, spelling, and punctuation of a message are part of the grading criteria – you should not expect your professor and peers to decode misspelled words or poorly constructed sentences. It is a good practice to compose and check your comments in a word-processor and proofread before posting them.
- **Test for Clarity:** Messages may often appear perfectly clear to you as you compose them, but turn out to be perfectly unclear to your reader. One way to test for clarity is to read your message aloud to see if it flows smoothly. If you can read it to another person before posting it, even better.
- Netiquette (online etiquette)

Statement Regarding COVID-19 Precautions



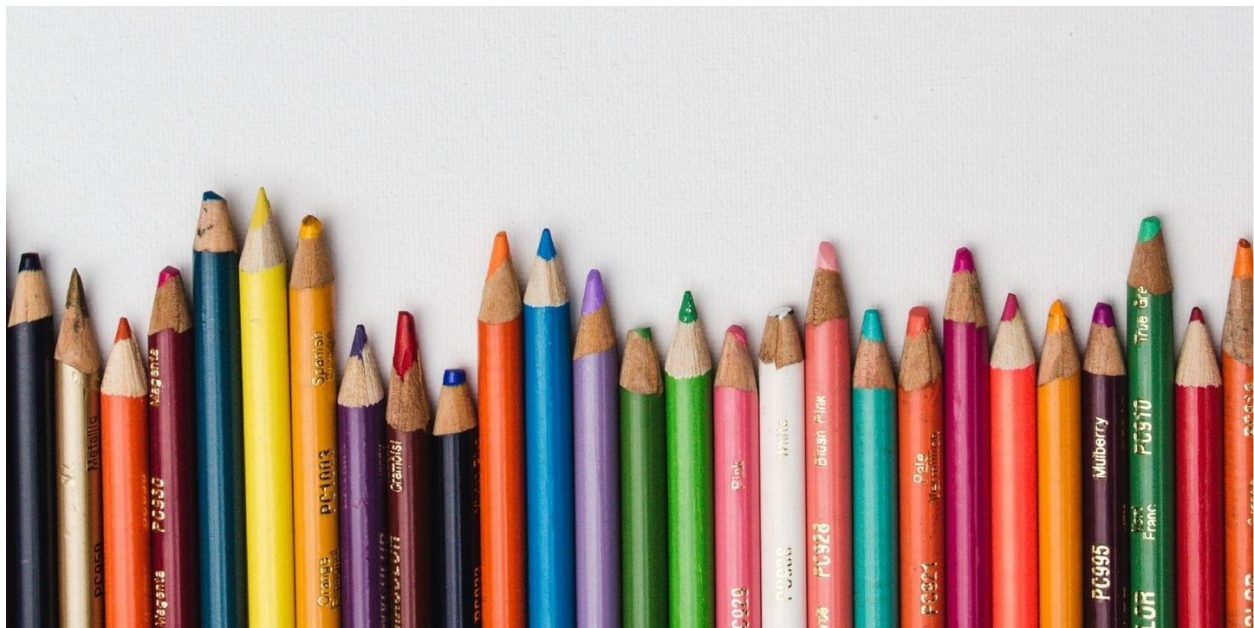
It is important that you participate in UTEP's COVID testing program and monitor your e-mail for regular testing notices. Knowing your status is vital to taking care of yourself and protecting the health of others around you.

You must STAY AT HOME and REPORT if you (1) have been diagnosed with COVID19, (2) are experiencing COVID-19 symptoms, or (3) have had recent contact with a person who has received a positive coronavirus test. Reports should be made at screening.utep.edu. If you know anyone who should report any of these three criteria, encourage them to report. If the individual cannot report, you

can report on their behalf by sending an email to COVIDaction@utep.edu. For each day that you attend campus—for any reason—you must complete the questions on the UTEP screening website (screening.utep.edu) prior to arriving on campus. The website will verify if you are permitted to come to campus. Under no circumstances should anyone come to class when feeling ill or exhibiting any of the known COVID-19 symptoms. If you are feeling unwell, please let me know as soon as possible, and alternative instruction will be provided. Students are advised to minimize the number of encounters with others to avoid infection.

Students who are considered high risk according to CDC guidelines and have an ongoing medical condition and/or those who live with individuals who are considered high risk who also have an ongoing medical condition may contact Center for Accommodations and Support Services(CASS) to discuss temporary accommodations for on-campus courses and activities. Apply at cassportal.utep.edu and fill out a three-question application. You will be scheduled to meet with disability coordinator to discuss your unique situation.

Diversity and Culture of Inclusion in the Classroom



- I believe that diversity enriches the educational experience of students and faculty alike.
- I commit to ensuring that every student has a chance to reach their full professional potential, do great work, and be a fully enfranchised member of our community.
- I seek to serve as a model for proactively engaging with deference, with respect, dignity, openness, and acceptance, recognizing that diversity reflects the society in which we live and can be its greatest strength.
- I commit to supporting students from diverse backgrounds and experiences, including but not limited to race, gender, socio-economic status, age, sexual orientation and identity, religion, nationality, culture, ideas (including political perspectives), and methods.

- I commit to incorporating diverse perspectives and sources of knowledge and experience in the class

Discrimination and Sexual Misconduct



The University of Texas at El Paso (“University” or “UTEP”) is committed to maintaining a learning and working environment that is free from discrimination based on sex , in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; the Campus Sexual Violence Elimination Act (SaVE Act); the Violence Against Women Act (VAWA); and the Clery Act. Sexual Misconduct, Retaliation, and other conduct prohibited under the Sexual Misconduct Policy (Handbook of Operating Procedures Section VI, Chapter 3), will not be tolerated and will be subject to disciplinary action.

Sexual Misconduct includes sexual harassment, sexual assault, stalking, domestic violence, and dating violence. The University policy is **applicable to administrators, faculty, staff, students**, and third parties within the University’s control, including visitors and applicants for admission or employment. It applies to conduct that occurs on University owned or controlled premises, in an education program or activity including University sponsored or supported events, buildings owned or controlled by student organizations officially recognized by the University, or off campus when the conduct potentially affects a person’s education or employment with the University or potentially poses a risk of harm to members of the University community. It also applies regardless of the gender, gender identity, or sexual orientation of the parties.

Responsible Employees are required to report known incidents and information of Sexual Misconduct promptly to the Title IX Coordinator or Deputy Title IX Coordinators, either directly or through the [Title IX Incident Reporting Form](#) or email at TitleIX@utep.edu. Others in the University community are strongly encouraged to report Sexual Misconduct, Retaliation, and any other conduct prohibited as soon as they become aware of such conduct. To obtain contact information for the Title IX Coordinator and Deputy Title IX Coordinators, or for more information about Title IX including Title IX trainings and on/off campus resources, please visit www.utep.edu/titleix.

Under state law, if a Responsible Employee knowingly fails to report all information concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination. Any person, who in bad faith, knowingly files a false complaint under this Policy or provides materially false information is subject to disciplinary action up to and including dismissal or separation from the University.

Scholastic Integrity



Cheating, Plagiarism, Scholastic Dishonesty, and Student Discipline: Cheating is unethical and not acceptable. Plagiarism is using information or original wording in a paper without giving credit to the source of that information or wording: it is also not acceptable. Do not submit work under your name that you did not do yourself, ever. You may not submit work for this class that you did for another class. If you cheated or plagiarized, you will be subject to disciplinary action as stated in the UTEP undergraduate catalog policy.

“Scholastic dishonesty (which includes the attempt of any student to present the work of another as his or her own, or any work which s(he) has not honestly performed, or attempting to pass any examination by improper means) is a serious offense and will subject the student to disciplinary action. The aiding and abetting of a student in any dishonesty is held to be an equally serious offense. All alleged acts of scholastic dishonesty should be reported to the Dean of Students for disposition. It is the Dean of Students’ responsibility to investigate each allegation, dismiss the allegation, or proceed with disciplinary action in a manner which provides the accused student his or her rights of due process.”

Refer to <http://www.utep.edu/dos/acadintg.htm> for further information.

You must cite, reference, or quote information obtained from other sources so you give credit where credit is due. If you do not know how to do that, ask. In addition, when an assignment specifies that you must perform a task individually, asking for your classmates’ help is scholastic dishonesty. Do NOT copy any material, regardless of where you obtained it, into your own work. Do NOT submit work under your name if you did not complete it entirely yourself; be honest and tell me you did it together. The consequences will be less severe when you are up front about it than when you try to hide it.

UTEP now has a site license for Turnitin.com, a plagiarism detection tool that you can also use to check your own work for this or other classes to prevent getting in trouble. I will report any instances of

plagiarism and dishonesty to the Dean of Students Office whose office decides what grade you will obtain, including the possibility of an “F” or “zero” in the class or homework, respectively.

If you want to test your understanding of plagiarism, take the self-assessment at <http://education.indiana.edu/~frick/plagiarism> or visit <http://www.turnitin.com>

Students with Any Type of Disability



UTEP seeks to provide reasonable accommodations for all qualified individuals with disabilities, including learning disabilities. This university will adhere to all applicable federal, state, and local laws, regulations and guidelines with respect to providing reasonable accommodations as required affording equal educational opportunity. It is the student's responsibility to register with Center for Accommodation and Support Services (CASS) in the East Union Bldg., Room 106 within the first two weeks of classes, and inform the faculty member to arrange for appropriate accommodations.

Center for Accommodation and Support Services (CASS) can also be reached in the following ways:

Web: <http://sa.utep.edu/cass/>

Monday thru Friday 8:00a.m.-5:00p.m.

Union Building East Room 106

Phone:(915) 747-5148

cass@utep.edu

Time Management for Busy Students



An Interactive
Workshop



The tentative schedule contains practice problems. Expect to spend three hours on preparation and learning assignments for every semester credit hour. Since this class is a 3-semester credit hour class, expect to spend about 9-10 hours out of class on assignments in addition to 3 hours of in-class time for a total of about 12 hours per week to obtain an "A" in this class. One of your tasks is to develop a Time Management Plan for yourself. This means that you will:

1) Create a weekly calendar containing you class times, your work times, your family activities, your breakfast, lunch and dinner activities, your physical activities and exercise (no excuses, you are a Kinesiology major!), time to go shopping, etc.

2) Create a semester calendar for including the months of August, September, October, November, and Decemeber, in which you enter your weekly activities and the quizzes and exams for each of your courses. Create your plan and stick to it!!

Course Topics Covered

1. Introduction to Environmental Law and Policy
2. Perspectives of Environmental Law and Policy
 - a. Environmental Rights
 - b. Sustainable development
 - c. Utiliztrism and Cost-benefit analysis
 - d. Environmental Justice
3. The practice of environmental protection
4. Enforcement
5. Pollution
 - a. Clean Air Act
 - b. Global air pollution
 - c. Water pollution
 - d. Toxic substances
 - e. Waste managemetrn
6. Natural Resources
 - a. Wetlands, Endangered species
7. Energy
8. Environmental Impact statements
9. US/Mexico International law and environmental treaties