



## SPRING 2026 COURSE SYLLABUS

Course Number: 218-001

Course Title: Environmental Law

Credit Hours: 3 credit hours

Grading Mode: Letter graded

Meeting Time(s): Tuesday/Thursday, 6:05pm-7:30pm

Meeting Mode: Combined discussion/lecture

Exam Time(s): TBD

Exam Mode: On campus final exam

Prerequisite(s): None

Corequisite(s): None

Instructor(s):

G. Tracy Mehan, III

Contact Information and Office Hours:

[gmehan@gmu.edu](mailto:gmehan@gmu.edu)

Office hours are by appointment only.

Reading(s) & Supplement(s):

Environmental Law in Context: Cases and Materials, Fifth Edition by Robin Kundis Craig (West Academic 2022), required, and

Advanced Introduction to U.S. Environmental Law, by E. Donald Elliott and Daniel C. Esty (Edward Elgar Publishing, Ltd. 2021), required. If a newer edition is available in January, get that one.

Course Overview:

This is an introductory course to the subject of environmental law focusing, primarily, on six federal statutes (e.g., Clean Air Act) and the Administrative Procedure Act. It will cover air, water, land, hazardous waste and endangered species legislation as well as the National Environmental Policy Act. It will also deal with the wave of new Supreme Court cases which are altering the face of environmental law.

### Course Learning Outcomes:

- 1) Learning the basics of the major environmental statutes on the books since the 1970s.
- 2) Understanding fundamental legal concepts in environmental law including the difference between technology- and results-based (e.g., health-based) standards, information-based laws as well as cooperative federalism.
- 3) Application of administrative law concepts to environmental regulation, e.g., notice and comment, standards of review.
- 4) A sense of the ongoing tension in environmental policy, law and regulation relative to benefit-cost analysis, trade-offs, disparate impacts and property rights.

### Grading Policies:

Participation %: 0

Midterm Exam/ Paper %: 0

Final Exam/ Paper %: 100 percent

Additional Content %: 0

### Classroom Policies:

**Attendance:** Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

**Absences:** Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

### Participation & Preparation:

Students will be assigned cases for which they are to make a presentation and lead class discussion. All students are expected to do the reading assignments and participate in class discussion.

### Use of Technology & AI:

**Strict Use Policy:** The use of generative AI tools is not permitted for any coursework in this course. Unauthorized use will be treated as a violation of academic standards.

### Use of Electronic Text Books During Exams:

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor's *written* exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student's computer files during the exam (open exam). E -books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor's standards for all examinations, which are included in the examination materials.

## Course Schedule & Assignments

### Week 1:

Date: January 15

Topic: NEPA and APA

Assignment(s):

Elliott and Esty, Chapter 1, How US Environmental Law is really made, pp. 1-12

Craig, Chapter 2, Environmental Procedures and Judicial Review: NEPA and

APA, pp. 383-406. At some point, review *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) which rescinded the Chevron Doctrine.

### Week 2:

Date: January 20

Topic: NEPA and APA

Assignment(s):

Elliott and Esty, Chapter 14, NEPA and information disclosure, etc., pp. 159-164

Craig, Chapter 2, pp. 406-427, pp. 459-472 [Click or tap here to enter text.](#)

Date: January 22

Topic: NEPA and APA

Assignment(s): Craig, Chapter 2, pp. 472-516

### Week 3:

Date: January 27

Topic: Endangered and Threatened Species

Assignment(s):

Elliott and Esty, Chapter 12, Protecting endangered species, etc., pp. 137-149

Craig, Chapter 3, Endangered and Threatened Species, etc., pp. 517-542

Date: January 29

Topic: Protecting Endangered and Threatened Species

Assignment(s): Craig, Chapter 3, pp. 542-585

#### Week 4:

Date: February 3

Topic: Endangered and Threatened Species

Assignment(s): Craig, Chapter 3, pp. 585-621

Date: February 5

Topic: Endangered and Threatened Species

Assignment(s): Craig, Chapter 3, pp. 622-667

#### Week 5:

Date: February 10

Topic: The Clean Air Act

Assignment(s): [Click or tap here to enter text.](#)

Elliott and Esty, Chapter 3, The Clean Air Act, etc., pp. 31-45

Craig, Chapter 4, The Clean Air Act, etc., pp. 719-759

Date: February 12

Topic: The Clean Air Act

Assignment(s): Craig, Chapter 4, pp. 759-801. Also, review *West Virginia v. Environmental Protection Agency*, 597 U.S. 697 (2022) re “major questions doctrine.”

#### Week 6:

Date: February 17

Topic: The Clean Air Act

Assignment(s): Craig, Chapter 4, pp. 801-854

Date: February 19

Topic: The Clean Air Act

Assignment(s): Craig, Chapter 4, 863-905

#### Week 7:

Date: February 24

Topic: The Clean Air Act

Assignment(s): Craig, Chapter 4, pp. 905-906, pp. 920-927, pp. 933-946

Date: February 26

Topic: The Clean Water Act

Assignment(s): [Click or tap here to enter text.](#)

Elliott and Esty, Chapter 5, Clean Water Act, etc., pp. 65-75

Craig, Chapter 5, The Clean Water Act and Federalism, pp. 999-1037

#### Week 8:

Date: March 3

Topic: The Clean Water Act, etc.

Assignment(s): Craig, Chapter 5, pp. 1037-1069, pp. 1087-1088, pp. 1105-1116

Also, review *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023) or *Sackett II*.

Date: March 5

Topic: The Clean Water Act, etc.

Assignment(s): Craig, Chapter 5, pp. 1129-1146, pp. 1151-1155, pp. 1240-1245, pp. 1255-1280

**NO CLASSES DURING SPRING BREAK, I.E., NONE ON MARCH 10 & 12**

#### Week 9:

Date: March 17, St. Patrick's Day

Topic: Hazardous Waste, RCRA and CERCLA

Assignment(s): [Click or tap here to enter text.](#)

Elliott and Esty, Chapter 7, Hazardous Waste, etc., pp. 87-101

Craig, Chapter 1, Hazardous Waste, RCRA and CERCLA, pp. 113-154

Date: March 19

Topic: Hazardous Waste, RCRA and CERCLA

Assignment(s): Craig, Chapter 1, pp. 154-185

Week 10:

Date: March 24

Topic: Hazardous Waste, RCRA and CERCLA

Assignment(s): Craig, Chapter 1, pp. 185-204, pp. 218-232

Date: March 26

Topic: Hazardous Waste, RCRA and CERCLA

Assignment(s): Craig, Chapter 1, pp. 233-280

Week 11:

Date: March 31

Topic: Hazardous Waste, RCRA and CERCLA

Assignment(s): Craig, Chapter 1, pp. 281-306, pp. 320-326

Date: April 2

Topic: Hazardous Waste, RCRA and CERCLA

Assignment(s): Craig, Chapter 1, pp. 361-381 and the case of PFAS

Week 12:

Date: April 7

Topic: Beyond traditional governance and Clean Water Act exam question, the Des Moines case.

Assignment(s): Elliott and Esty, Chapter 15, Beyond traditional governance, etc., pp. 186-190. Plus a handout to be reviewed for a Clean Water Act exam question on the Des Moines case.

Date: April 9

Topic: Recurrent themes in US environmental law plus Des Moines case

Assignment(s): Elliott and Esty, Chapter 2, Recurrent themes, etc., pp. 13-30 plus continue discussion of the Des Moines case.

Week 13:

Date: April 14

Topic: Citizen Suits

Assignment(s): Craig, Chapter 6, Citizen Suits, etc., pp. 1307-1327 and catch-up.

Date: April 16

Topic: Watershed protection

Assignment(s): No assignment. A video will be shown followed by discussion

Week 14:

Date: April 21 (Last class)

Topic(s): Catch-up, review for final exam and semester experience. Plus

Lincoln on the law.



## Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing [titleix@gmu.edu](mailto:titleix@gmu.edu).

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)