

**Water Quality – ENV 5246**  
**Professor Stefanie Skogen**  
**Course Syllabus for Spring 2025**

**Meeting Days, Time, and Location**

Mondays and Wednesdays, 3:35–4:50, Oakes 210

\*Please note we will not meet on Wednesday, March 26.

**Professor’s Contact Information**

Email: [sskogen@vermontlaw.edu](mailto:sskogen@vermontlaw.edu)

Phone: 802-831-1443

Office: Cornell Library, Campus Level, first door on the right in the Reference Section

**Office Hours**

Because I work in the library 8:30–5:00 Monday–Friday, I won’t have set office hours. You’re welcome to drop in any time, send me an email, give me a call, or schedule an appointment. I’m happy to meet in person or virtually.

**Course Description**

An in-depth analysis of the Clean Water Act (CWA), Safe Drinking Water Act, and Ocean Dumping Act, along with relevant regulations, policies, and case law. Other federal statutes are covered more selectively, along with state laws. Regulation of groundwater contamination is included as well as tort claims for damages.

**Learning Outcomes**

Your goal is to learn the following by the end of this course:

- ❖ What common law remedies are available for those experiencing water pollution issues
- ❖ What the CWA is and why it was enacted
- ❖ What the National Pollutant Discharge Elimination System is and how it is implemented
- ❖ What role federal, state, and local governments play in regulating the CWA, including inspections and enforcement actions
- ❖ What role the public play in ensuring the CWA is enforced, including citizen suits
- ❖ What role regulated entities play in ensuring their activities are properly authorized under the CWA

- ❖ The difference between water quality standards and technology-based standards and how they're applied in permitting actions
- ❖ How industrial water pollution is regulated under the pretreatment requirements
- ❖ How wetlands are regulated by federal and state governments
- ❖ How nonpoint source pollution is regulated
- ❖ What other statutes play a role in regulating water quality in the United States, including the Ocean Dumping Act and Safe Drinking Water Act

## Materials

Required materials:

- ❖ JEFFREY G. MILLER ET AL., INTRODUCTION TO ENVIRONMENTAL LAW: CASES AND MATERIALS ON WATER POLLUTION CONTROL (2d ed. 2014). This textbook is referred to as Miller in this syllabus.
- ❖ Other required materials, such as articles, will be provided through links in Canvas.

Other materials that may be helpful, which are all available online or from the Cornell Library:

- ❖ THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (21st ed. 2020).
- ❖ CODE OF FEDERAL REGULATIONS, [ecfr.gov](https://www.ecfr.gov).
- ❖ WILLIAM L. WANT, LAW OF WETLANDS REGULATION (2024).
- ❖ BRYAN A. GARNER, THE REDBOOK: A MANUAL ON LEGAL STYLE (5th ed. 2023).

## School Attendance Policy

From section II.A.1.b of the Vermont Law and Graduate School (VLGS) Academic Regulations: "Students who are absent from twenty percent (20%) of the regularly scheduled classes or who fail to complete required hours for other work shall be automatically withdrawn from the course with a grade of F-Wd. If a student is absent from a clinic or externship in violation of the clinic or externship policy, the student shall be automatically withdrawn from the clinic or externship with a grade of F-Wd. If a student is absent from any day of the residential component of any course in the Online Hybrid JD, the student shall be automatically withdrawn from the course with a grade of F-Wd. Instructors will notify the registrar's office of any student who misses more than the allowed classes."

## Disability Accommodations

VLGS encourages students with disabilities, visible or hidden, to seek appropriate accommodations. If you have a disability and would like to request an accommodation, please review VLGS's Disability Policy at <https://www.vermontlaw.edu/community/students/academic-success/accommodations>. On that webpage, there is also an online form to complete, which includes uploading your supporting documentation. If you have questions,

please contact the Vice Dean for Students, Joseph Brennan. Please note that requests made within two weeks of a midterm or final examination may not be granted in time. Please make your request as soon as possible.

## **Assignments**

The assignments for this course will consist of three writing assignments and one in-class presentation:

- ❖ Rulemaking public comment—20% of your grade. Due on **March 2**.
- ❖ Discussion posts regarding the video assigned for March 26—10% of your grade. Initial post due on **March 29**. Response post due on **April 1**.
- ❖ Paper on a CWA-related topic of your choosing—50% of your grade. Your topic is due on **February 16**. Your paper is due on **April 15**.
- ❖ In-class presentation on your paper topic—20% of your grade. Due on **April 28**.

Additional details regarding the assignments will be provided in Canvas.

## **Participation Expectations**

The following are expected of you as a student in this course:

- ❖ Attending class regularly
- ❖ Being prepared for class by keeping up with the reading assignments
- ❖ Actively participating in class discussions while being respectful of others, even when you don't agree with them
- ❖ Submitting all assignments on time

## **Course Schedule**

**January 13:** Read chapter 1 in Miller before class.

We'll spend some time learning about everyone's interest in water quality, going over this syllabus, and introducing the CWA.

**January 15:** Read chapter 2 in Miller before class.

We'll discuss how water pollution has been adjudicated through common law tort claims.

**January 22:** Read chapter 3, sections A-D in Miller before class.

We'll start discussing how the CWA is enacted by federal and state agencies.

**January 27:** Read chapter 3, sections E-F in Miller before class.

We'll finish our discussion regarding CWA enactment, looking at both administrative and judicial actions.

**January 29:** Read chapter 4, sections A-C in Miller before class.

We'll start discussing the various terms that determine whether the CWA applies to a particular activity.

**February 3:** Read chapter 4, sections D-F in Miller before class.

We'll finish discussing the terms that determine CWA applicability.

**February 5:** Read chapter 5, sections A-E in Miller before class.

We'll start discussing water quality standards, including how states establish them.

**February 10:** Read chapter 5, sections F-J in Miller before class.

We'll finish our discussion about water quality standards, including how they're incorporated into permits.

**February 12:** Read chapter 6, sections A-E in Miller before class.

We'll start discussing the backbone of the CWA regulatory scheme: technology-based standards.

**February 16:** Paper topic is due in Canvas.

**February 17:** Read chapter 6, sections F-H in Miller before class.

We'll finish up our discussion of technology-based standards. If you've read this far in the syllabus before our first class, please send me an email letting me know if you've taken the Administrative Law or Environmental Law course and whether you're in the law or graduate school.

**February 19:** Read chapter 7, sections A-C in Miller before class.

We'll start discussing the complex world of wastewater discharge permits. Your public comment assignment is on page 250 in Miller, so you can start working on it following this class. See Canvas for more details.

**February 24:** Read chapter 7, sections D-F in Miller before class.

We'll finish our discussion of wastewater discharge permitting, including state permit programs.

**February 26:** Read chapter 8, section A in Miller and watch the video assigned in Canvas before class.

We'll start discussing the relationship between publicly owned treatment works and industrial dischargers through the pretreatment requirements.

**March 2:** Public comment is due in Canvas.

**March 3 and 5:** No class—Spring Break

**March 10:** Read chapter 8, section B in Miller before class.

We'll finish our discussion of the federal pretreatment requirements.

**March 12:** Read chapter 9, sections A-D in Miller before class.

We'll start exploring EPA's inspection powers under the CWA.

**March 17:** Read chapter 9, section E-G in Miller before class.

We'll finish looking at EPA's inspection powers, including how sampling for pollutants comes into play.

**March 19:** Read chapter 10, sections A-C in Miller before class.

We'll start exploring EPA's civil and criminal enforcement powers under the CWA.

**March 24:** Read chapter 10, sections D.1-3 and E-H in Miller before class.

We'll finish discussing EPA's CWA enforcement powers, including EPA's discretion to take, or not take, action against violators.

**March 26: No class.** Watch the video posted in Canvas and follow the instructions to submit two discussion posts.

**March 29:** Initial post regarding the video is due.

**March 31:** Read chapter 11, sections A-D in Miller before class.

We'll start discussing how citizens can enforce the CWA through its citizen suit provisions, including how plaintiffs gain standing to bring this type of suit.

**April 1:** Response to a fellow student's post regarding the video is due.

**April 2:** Read chapter 11, sections E-I in Miller before class.

We'll finish our discussion of citizen suit enforcement, including what remedies can be awarded in this type of suit.

**April 7:** Read chapter 12, sections A-B in Miller and the current version of 40 CFR § 120.2.

We'll start discussing the complicated world of wetlands regulation under the CWA.

**April 9:** Read the rest of chapter 12 in Miller and the essay assigned in Canvas before class.

We'll finish our discussion about wetlands protection, including how the law has changed after the Supreme Court's 2023 *Sackett* decision.

**April 14:** Read chapter 13 in Miller before class.

We'll discuss how nonpoint source pollution is, or isn't, regulated under federal water quality statutes.

**April 15:** Paper is due in Canvas.

**April 16:** Read chapter 14, sections A–C in Miller before class.

We'll start discussing the regulation of oil spills, including the oil spill reporting requirements.

**April 21:** Read chapter 14, sections D–G in Miller before class.

We'll finish our discussion about oil spill regulation, including spill prevention and remediation.

**April 23:** Read chapter 15 in Miller before class.

We'll discuss other federal statutes that intersect with the CWA.

**April 28:** In-class presentation regarding your paper topic is due. Please see Canvas for more information.

All students will give their presentations about their paper topics. We'll also review what we covered during the semester.