SYLLABUS

Brownfields & Beyond

Spring Semester, 2009

COURSE MATERIALS

- *Environmental Aspects of Real Estate and Commercial Transactions from Brownfields to Green Buildings*, James B. Witkin, Editor

- *Selected Handouts (Distributed via TWEN site)*

Class 1. **January 13:**

Class Introduction, Organization and Background/Common-Law Roots of Environmental Law

Witkin, pp. 41-64; Handout 1 (Cover Page & pp. 1-8, 28-37)

Class 2. **January 15:**

Fundamental Elements of CERCLA; A Refresher

Witkin, pp. 3-25, 27-35; Handout 2

Class 3. **January 20:**

Key Transactions/Brownfields Provisions of CERCLA and a Brief Look at RCRA

Handouts 3-A, 3-B, 3-C and 3-D (Cover Page & pp. 9-23 of Handout 1)

Guest Teacher: Gail Wurtzler, DGS

Class 4. **January 22:**

Clean Water Act and Other Emerging Alternatives to CERCLA – Voluntary Cleanups Available at a Mining Site Near You!

Handouts 4-A, 4-B (Skim for reference only and for future classes), 4-C, and 4-D; (Hypothetical -- be prepared to apply readings to same)

Guest Teacher: Steve Marlin, Davis Graham & Stubbs LLP

Class 5. **January 27:**

Basics of Due Diligence in Transactions – Audits and Other Tools for Assessing Environmental Liability

Witkin, Chapters 7 (pp. 215-225 only) and 9; Handout 5
Class 6. **January 29:**

**Mock Drill:** Advising the Client and Consultant on Phase I results

Handout 6

**Guest Co-Teacher:** Steve Evanoff, Vice President, Safety & Environment, AIM Company

Class 7. **February 3:**

Introduction to Brownfields: An Overview of Key Concepts

Witkin, Chapter 11

Handouts 7-A, 7-B (skim, use as a future reference as necessary)

Class 8. **February 5:**

Pepsi Center Case Study: **Mock Drill:** Application to CDPHE for VCUP Approval (Group 1)

Handout 8 (Application, Associated Letters)

Class 9. **February 10:**

Pepsi Center Case Study (cont’d): Opposition by Local Groups (Group 2) - DeBriefing on True Story

Handout 8 (Same)

Class 10. **February 12:**

Brownfield Redevelopment in the Denver Area: Case Studies

Witkin, Chapter 31

**Guest Speaker:** Laura Riese, Davis Graham & Stubbs LLP

Class 11. **February 17:**

Introduction to Environmental Issues in Transactions

Witkin, Chapter 10

Handout 11 (skim, be familiar with concepts only)
Class 12. **February 19:**

**Model Transaction:** Oil and Gas: Session 1 – Scoping the Due Diligence Process

Handout 12

**Guest Participant:** Pat Flynn, In-house EHS Manager, Resolute Natural Resources Company

Class 13. **February 24:**

**Model Transaction continued:** Negotiating the Deal

Handout 13 (Group 3)

Class 14. **February 26:**

Media and the Environmental Process

Handout 14 (Group 4)

**Guest Instructors:** Todd Hartman, Rocky Mountain News; Ben Davis, Davis Media

Class 15. **March 3:**

Gates Rubber Redevelopment – A Case Study (Group 5)

[Materials to be developed]

Class 16. **March 5:**

No Further Action Letters and Agency Input on Transactions

Handout 16

Witkin, Chapter 3

Class 17. **March 10:**

The Case of the Option Agreement and the Alleged “NFA Letter” – Mock Appellate Oral Argument

Handout 17 (Group 6)
Class 18.  **March 12:**  
DeBriefing on March 10 Exercise, Mock Drill - Advising Clients on a Hazardous Waste Spill (Group 7)  
Witkin, Chapter 5  
Handout 18 (hypothetical)

Class 19. **March 17, 19** – No Class, Spring Break

Class 20. **March 24:**  
Brownfields in Colorado: Past, Present and Future – How Lawyers Fit In  
Guest Speaker: Jessie Silverstein, Colorado Brownfields Foundation  
Handout 20

Class 21. **March 26:**  
Stapleton Redevelopment – Brownfields in Motion (but Asbestos in Soils): Case Study 2  
Handout 21  
Guest Speaker: Denee DiLuigi, Davis Graham & Stubbs LLP

Class 22. **March 31:**  
Current and Past Environmental Insurance – Options and Uses  
Witkin, Chapter 18  
Handout 22

Class 23. **April 2:**  
Finding Old Insurance to Cleanup New Problems – Hypothetical - Handout 23  
Guest Speaker: Damian Arguello, Davis Graham & Stubbs LLP

Class 24. **April 7:**  
[to be determined]  
Guest Speaker: Norman Higley
Class 25.  **April 9:**

Case Study: A Local Dry Cleaners – Helping Your Client Survive the Nightmare

Channel 9 News Clip

Witkin, Chapter 23 (Indoor Air Quality)

Guest Speaker: Dean Miller, Davis Graham & Stubbs LLP

Class 26.  **April 14:**

Energy Usage and the Movement Towards Renewables/Smart Growth

Handout 26 (Excerpt from Book by Professor’s Dad)

Witkin, Chapter 32

Class 27.  **April 16:**

Green Buildings: Field Trip to EPA Region VIII Headquarters

Handout 27

Class 28.  **April 21:**

Climate Change and Emerging Legal Issues

(Handouts to be provided)

Class 29.  **April 23:**

Catchup and Review