

Other News and Activities:

Each semester, the Clinic sponsors a series of interdisciplinary workshops with scientists and Ph.D. students from Rutgers University. The latest, on the connection between land use and water quality, involved scientists explaining the principles of basic hydrology to law students and lawyers explaining applicable laws and regulations to graduate science students, including a discussion of the Clinic's successful defense of riparian stormwater buffers in *In re Stormwater Management Rules*, 384 N.J. Super. 451 (N.J. App. Div. 2006). The Clinic's collaborative efforts in this area are already bearing fruit, as an interdisciplinary team of lawyers, scientists, economists and planners has prepared a report for the New Jersey Meadowlands Commission on the feasibility of creating a utility for handling stormwater management. This innovative policy tool would be the first stormwater utility adopted in the state.

The interdisciplinary workshop also included a two hour interactive program entitled "Advocacy of the Rational: Radiac Research Corporation." The program simulates a successful three year advocacy effort to close a hazardous waste transfer station in Williamsburg, Brooklyn, NY that was adjacent to a radioactive hazardous waste transfer station, 50 feet from the nearest home, and half a block from an elementary school. Science students were explicitly shown that rational argument is not always sufficient to be persuasive. All students were challenged to participate in the program by making suggestions and generating ideas on how to best advocate for the client, a local citizens group. Two science students role-played as radiological and fire consultants. The simulated advocacy effort was based on a pro bono project of Arnold & Porter LLP in New York City.

In October 2006, **Associate Clinical Professor of Law and Acting Clinic Director Carter H. Strickland, Jr.**, presented a paper entitled "Justinian's Legacy: Should the Public Trust Doctrine Be Used More Often to Protect Freshwater and Other Natural Resources?" at the 25th Annual Submerged Lands Conference in Red Bank, New Jersey. The paper attempts to draw lessons about sustainable ecosystems management for freshwater and wildlife resources from the Clinic's successful beach access litigation in *Raleigh Avenue Beach Association v. Atlantic Beach Club, Inc.*, 185 N.J. 879 (2005), groundwater cleanup standard litigation in *In re Adoption of N.J.A.C. 7:26E-1.13*, 186 N.J. 81 (2006), and the passage of water-based, regional land use regimes in New Jersey.

On October 16, 2006, **Clinic Staff Attorney and Adjunct Assistant Clinical Professor of Law Richard Webster** presented "Federal Environmental Enforcement: Is Less More?" at the Fourth Colloquium of the IUCN Academy of International Law at Pace Law School, White Plains, N.Y. The audience included numerous EPA officials, including Michael M. Stahl, Director, Office of Compliance, Environmental Protection Agency. The article analyzes the current failures in the enforcement of environmental laws in the United States, where enforcement of federal standards is partially delegated to the states. It shows that there are many problems that could be resolved by moving to a performance-based management system and full public disclosure of accurate and timely information on enforcement and compliance. With such an approach the federal government could use its scarce resources to supervise more and enforce less, leading to greater political incentives for states to achieve a reasonable level of compliance.

Richard Webster also presented the safety case against the relicensing application for Oyster Creek Nuclear Power Plant on behalf of Clinic clients at the NRC Advisory Committee on Reactor Safeguards (ACRS) on October 3, 2006. The next day, the ACRS endorsed the clients' position and found that the reactor operator had failed to establish that Oyster Creek currently meets even the minimum safety requirements. Thus, in an unprecedented decision, the ACRS scheduled another meeting in December 2006 or early January 2007 to allow the reactor operator to respond.

The Clinic's newest **Staff Attorney and Adjunct Assistant Clinical Law Professor, Kathleen Jackson Shrekgast** testified on October 23, 2006 before a panel of Assemblymembers of the New Jersey State Legislature at its Regulatory Oversight Committee Hearing. The hearing, chaired by Assemblyman William D. Payne of Newark, examined Environmental Justice issues. Ms. Shrekgast's testimony highlighted shortcomings of current environmental legislation and offered suggestions on ways to improve New Jersey's environmental statutes and regulations, and provide its most vulnerable citizens protection

from environmental health and safety risks. Ms. Shrekgast's testimony draws on the Clinic's experience with environmental justice cases in Newark (Newark Incinerator), Elmwood Park (Marcal Paper Mills Title V Permit), and Camden (Title V Permits for Camden Incinerator, Camden Co-Generation Facility, and Camden Gypsum Plant).