

Environmental Law at Maryland

University of Maryland School of Law

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MARYLAND TO HOST NAELS CONFERENCE



*This Newsletter is published by
the University of Maryland
Environmental Law Program.*

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**Contributors to this Newsletter
include faculty, alumni, students, and
friends of the Environmental Law
Program.**

Maryland has been selected as the site of the annual conference of the National Association of Environmental Law Societies (NAELS). The conference which will be held at the law school on March 27-30, 2003, will bring environmental law students from across the nation to Maryland's spectacular, new state-of-the-art facility in downtown Baltimore, which opened in July 2002.

Among the highlights of the conference will be a gala reception and dinner at Baltimore's National Aquarium and the first-ever NAELS film festival. All environmental law societies are being invited to make brief videos describing their activities, which will be shown during a movie night at the NAELS conference. The conference theme "Protecting Our Planetary Backyard" reflects the increasing globalization of environmental policy concerns. Speakers at the conference will include some of the most respected environmental law scholars, practitioners, and officials of government and environmental groups.

CLINIC TO AUDIT STATE OF ENVIRONMENT IN MARYLAND

by Rena Steinzor



Professor Rena Steinzor shown here with the environmental clinic students.

Like many other states, Maryland is at a crossroads politically. After eight years under the leadership of Democrat Parris Glendening, the state will elect a new governor this November, and the race between Democrat Kathleen Kennedy Townsend and Republican Robert Ehrlich is surprisingly tight.

Deepening the implications of a regime change in the governor's office is a deficit estimated to be at least \$1 billion. Clearly, Maryland's new governor and General Assembly will have to do more with less to fulfill their routine campaign promises.

The Environmental Law Clinic has served as special legislative counsel to state Senator Brian Frosh for many years, supporting his efforts to craft legislation on a wide range of topics, including the cleanup of urban brownfields; the prevention and remediation of nutrient loading in the Chesapeake Bay; expansion of community right-to-know laws; environmental enforcement; and citizen standing to sue in environmental cases. Senator Frosh chairs the Environment Subcommittee of the Senate Economic Affairs Committee and is among the most influential elected officials in the state.

Viewing the shift in leadership as a golden opportunity to take stock and determine priorities, Senator Frosh has asked the Clinic to investigate the status of efforts to address the three central environmental problems that confront the state: (1) bad air quality, as exemplified by the categorization of the Baltimore/Washington metropolis as a "severe" non-attainment area under the Clean Air Act; (2) water pollution, especially nutrient loading, threatening one of the world's greatest natural resources, the Chesapeake Bay; and (3) land use in a state that can barely keep up with its rapidly growing population, especially in the Washington suburbs.

The Clinic will begin by compiling an inventory of available data regarding the quality of Maryland's environment and identifying which programs are designed to address those problems. Student attorneys will then develop objective criteria for evaluating those programs. With the help of crucial stakeholders (regulated industries and environmental and neighborhood groups), the Clinic will assess the effectiveness of those programs. In the last phase of the project, student attorneys will write a report for the General Assembly's consideration explaining the results of the audit and making recommendations for future action.

For example, the Maryland Department of the Environment believes with considerable justification that air emissions from mid-western power plants is a primary cause of the Baltimore/Washington region's poor air quality. The Clinic will evaluate the extent of this problem; the likely success of the lawsuits filed by East Coast states to pressure mid-western states into controlling such "transboundary" pollution and the steps we can take closer to home to improve these conditions.

Similarly, several years ago, the Maryland legislature enacted a program to control non-point runoff from farming on the Delmarva Peninsula, which Maryland shares with Delaware and Virginia. The Maryland courts just overturned an effort to hold such large producers as Perdue and Tyson financially responsible for the costs of those remedial efforts. The Clinic will consider both how well the original program is working and whether the impact of the court's decision might demand more extensive legislation.

Despite his traditional focus on legislative solutions to environmental problems, Senator Frosh has instructed the Clinic to make recommendations across the broadest possible spectrum of available options. Where legislation is warranted, he has asked the Clinic to explain its substantive content, and where administrative reforms are adequate to correct poor performance, he has encouraged the Clinic to place those approaches on the table.

The Maryland legislature meets three months of the year, from mid-January through mid-April, and has limited professional staff. The Clinic's involvement, which can best be compared to the services provided to Congress by the General Accounting Office and to federal agencies by their inspector generals, is an important public service offered by the School of Law to the taxpayers who support us.

ENVIRONMENTAL LAW PROGRAM MOVES INTO NEW NATHAN PATZ LAW CENTER

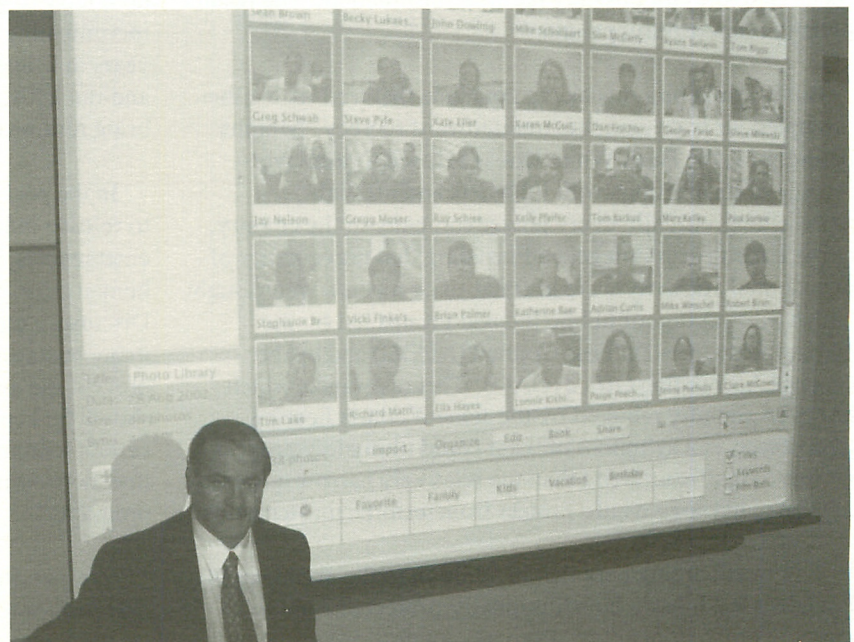


In early July, the University of Maryland's spectacular new Nathan Patz Law Center opened to the public. The \$52 million facility includes 267,000 square feet of space, a 35% increase over the old building. It features the most advanced classroom technology and more than 1,700 data ports for student use. All classrooms are now equipped with smart podiums that enable faculty with the touch of a screen to project computer displays, DVDs, videotapes, and images from document cameras. The technology permits classes to be audio- or videotaped automatically and allow classes to be broadcast to remote locations. The facility provides greatly expanded space for the environmental law clinic, with additional conference and interview rooms and three moot court rooms. It also provides a more spacious office for the Maryland Environmental Law Society (MELS).

On July 25, a group of three dozen alumni of the Environmental Law Program returned to campus to tour the new law school. After being treated to a demonstration of the new classroom technology, the alumni attended a reception in the specialty program wing of the building which houses the environmental and health care law programs and the new Legal Resource Center for Tobacco Control.

Inauguration of the new building coincides with a dramatic increase in applications to Maryland. Applications for Maryland's latest entering law school class were up more than 85 percent, the largest percentage increase experienced by any law school in the nation. The admissions committee reports that a significant portion of these applicants were attracted to Maryland by the Environmental Law Program.

The Nathan Patz Law Center will be formally dedicated on September 20 in a ceremony presided over by Supreme Court Justice Ruth Bader Ginsburg.



Professor Percival displays his new electronic seating chart.

GOVERNMENT SECRECY, GOVERNMENT FOR SALE?

by Rena Steinzor*

During my sabbatical year inside-the-Washington-Beltway, one thing became quite clear. This is an Administration willing to push the envelope of government secrecy, a mindset that has powerful appeal in the wake of September 11, 2001. The implications of these policies for environmental law are only dimly understood by the environmental bar and other environmental professionals.

The most visible, and delicate, manifestation of this conservative trend in information policy was a revisiting of the decision to post on the Internet certain aspects of Risk Management Plans (RMPs) prepared by chemical companies to manage and prevent accidents involving acutely toxic substances. In 1999, with the active involvement of the Federal Bureau of Investigation, the most sensitive aspect of these plans so-called "worst case scenarios" had been removed from the web and placed in reading rooms maintained by the Department of Justice. Nevertheless, in the face of determined resistance by environmentalists and open government advocates, information about the quantities of chemicals were stored and the possible implications of an explosion were maintained on the EPA web site.

Within days after "9/11," law enforcement officials concluded that these pieces of information would provide a "roadmap to terrorists," and EPA pulled them "off the air," so to speak. The action had the characteristics of trying to stuff the genie back in the bottle, however, because public interest groups, including an outfit called "RTK [for right-to-know] Net," continued to post the information withdrawn by the government. Frustrated, but not deterred, the White House ordered government agencies, including EPA, to continue to scour their sites for possibly harmful information. The results of that review are still pending.

But it would be a mistake to conclude that terrorism either prompted, or is driving, the trend toward secrecy. Months before 9/11, the Bush White House refused to turn over records of its meetings with lobbyists and officials representing virtually every power company in the country, citing Executive privilege, and insisting that grave issues of presidential authority were at stake. The records were sought both by a coalition of public interest groups led by the Natural Resources Defense Council (NRDC) and by the General Accounting Office (GAO). This resistance, which has been soundly rebuked by the federal courts hearing those cases, is a symptom of what could ultimately prove a far more significant trend than the relatively narrow question of what materials we must protect from terrorist masterminds.

It is worth noting here that in addition to the argument that President Bush has a constitutionally-protected right to receive confidential advice from any interest groups he or his staff select, conservatives have defended the decision to

withhold the documents on the basis that it is the ideas that are important, and not their source. For example, David Brooks, the conservative commentator paired with Mark Shields on the acclaimed PBS program, *The NewsHour with Jim Lehrer*, explained in a show several months back that anyone who wants to examine and evaluate the President's energy policy has only to read the hundreds of pages of policy analysis released by the White House. The source of these concepts is irrelevant. Or in other words, government is only obliged to be transparent about its policy proposals, not the fact that these policies were advocated by certain interest groups nor, presumably, that those interest groups have also provided large portions of the campaign funds that supported the President's election.

The attack on the Freedom of Information Act and other open government policies is also in full throttle on Capitol Hill, where Congress is debating proposals to protect "critical infrastructure information" from disclosure or *from use by any party (not just the government) in a civil action* if it is provided to the government "voluntarily." On the House side, the definitions of these crucial terms are so broad that virtually any information pertaining to physical or cyber systems and facilities would be covered, in effect making it possible for companies to conduct self-audits, discover violations, and immunize themselves from prosecution. The Senate has a far narrower proposal, and the issue is likely to be addressed in the homeland security legislation considered a "must pass" before the November elections.

The implications for environmental law are frightening. Whether or not they would have sought such protection on their own, businesses will be put at a competitive disadvantage if they do not try to game the system by rushing to turn over incriminating documents. The resulting confusion could take years to litigate through the courts, defeating an already down-and-out EPA, not to mention its state partners, in their efforts to bring routine enforcement actions.

In the post-9/11 environment, the entire question of whether to release industry assessments of plant vulnerabilities to emergencies, whether resulting from equipment malfunction, human error, or terrorist attack, is complex and difficult. Disclosure could strengthen terrorists, but without disclosure, many businesses may drag their feet in preparing adequately to prevent the attacks. But the question of whether routine data should be kept secret on the off chance that assembling it in a certain manner could also help terrorists arguably crosses the line, destroying the integrity of environmental enforcement programs.

**Professor Steinzor just returned from a sabbatical spent as the first academic fellow at the Natural Resources Defense Council, an environmental group with offices nationwide.*

2002 Ward Kershaw Environmental Law Symposium: Developing Environmental Policy in the Shadow of the War on Terrorism

by Melanie Shepherdson*



environmental organizations. Also for the first time, the law school partnered with the Environmental Law Institute to co-sponsor the event.

The theme of the symposium was woven throughout three central roundtable panel discussions: 1) directions for national energy policy; 2) role of cost benefit analysis in developing environmental policy; and 3) directions for national chemical security policy.

Directions for National Energy Policy

During the first panel discussion, speakers representing perspectives of industry and environmentalists offered insights into the weaknesses in our

Robert Kershaw, of Ward Kershaw, LLP, Professor Rena Steinzor, Professor Bob Percival, Erik Meyers, Environmental Law Institute.

During the first anniversary of September 11, we pause to remember the tragic events that indiscriminately claimed thousands of lives with the bombing of the World Trade Center and Pentagon. September 11 instilled patriotism across the country and temporarily tore down political barriers as Congress and the Bush Administration united to focus on the War on Terrorism and buttress homeland security. However, even as public policy priorities shifted, environmental issues continued to be lively debated right beneath the water line. On April 25, participants at the 2002 Ward Kershaw Environmental Law Symposium explored how the events of September 11 are influencing the development of environmental policy.

Since 1987, the University of Maryland School of Law has sponsored the annual Ward Kershaw Environmental Law Symposium. The theme of the symposium is different each year and is chosen to capture “hot” environmental issues. This spring’s symposium was no exception. In fact, in order to gain an accurate glimpse of the real environmental policy debates taking place “inside the beltway,” we dispensed with the tradition of hosting the symposium in Baltimore, moving this year’s symposium to Washington, DC. To our benefit, the D.C. venue facilitated the participation of highly regarded experts from federal agencies, Congressional offices, academia, industry, and

national energy policy highlighted in the aftermath of September 11. Gary Fuhrman, a consultant and former representative of Constellation Energy, explained that the utility industry has had concerns and increased security measures at natural gas pipelines and storage facilities, fuel terminals, and transmission systems. Mr. Fuhrman outlined three critical areas that he believes need to be evaluated in light of September 11: the destruction of facilities and services they provide, using facilities as destructive mechanisms themselves, and using facilities to deliver pathogens/biological weapons (natural gas and water systems). Sharon Buccino with the Natural Resources Defense Council pulled the camera back to offer a big picture perspective. In essence, Ms. Buccino emphasized that the substance of the energy debate has not changed – we still lack a comprehensive national energy policy and we are failing to do something meaningful about conservation and efficiency.

Unfortunately, in light of September 11, the public’s concern over energy issues – in particular the need for independence from foreign oil and energy security – became an excuse for senators promoting drilling in the Arctic Refuge. Overall, from environmentalists’ perspective, September 11 highlighted more than ever the importance of having a real sustainable energy policy.

Role of Cost Benefit Analysis in Developing Environmental Policy

The second panel of the day, with representatives from both political parties in the House of Representatives, the Administration and academia, balanced perfectly to provide us with an energetic discussion of the limitations of cost-benefit analysis and its role in developing environmental policy. Nandan Kenkeremath, majority staffer for the House Committee on Energy and Commerce and proponent of cost-benefit analysis, emphasized the usefulness of cost-benefit analysis by explaining that at the most fundamental level, decision makers just want to know the pros and cons, the costs and benefits. On the other hand, the views of Lisa Heinzerling, a professor at Georgetown University Law Center, starkly contrasted with those of Nandan Kenkeremath. Professor Heinzerling agreed that there is an awful lot of information in cost-benefit analysis that is a sensible part of decision making for Congress. However, she articulately explained, “a lot of people forget Congress gives directions to agencies which then implement them. While it may make sense for Congress to broadly consider cost-benefit analysis when deciding whether to regulate toxins in the air, we do not want the agency to second-guess.” Alexandra Teitz, a minority staffer for the U.S. House Committee on Government Reform, succinctly explained that cost-benefit analysis is not an analytical tool, but a political tool as it is used.

Nothing new under the sun or Dr. Graham as the monster anti-regulator – which is it?

Previous administrations have required cost-benefit analyses. Usually the analysis is used to select options within a regulation rather than determining not to regulate. According to Professor Heinzerling, the difference between how past administrations used cost-benefit analysis and the way that the tool is being used under the Bush Administration is what is done with cost-benefit analysis. The following statistic demonstrates how OIRA is taking a much more active role: under the Clinton Administration, three rules were returned to federal agencies, while the Bush Administration, lead by John Graham as head of OIRA, has already returned twenty rules to federal agencies. On the opposite side of the debate, Billy Pizer, an economist with the Council of Economic Advisors, defended the more active role of OIRA under Dr. Graham’s leadership, stating simply, “I see a benefit when we ask people hard questions about what they are doing.”

Directions for National Chemical Security Policy

The third and final panel of the day debated questions such as the extent that chemical facilities represent a threat to public safety and health, voluntary measures being adopted by industry post-September 11, and balancing the public’s right to know with the danger of disclosing our vulnerabilities to terrorists. Panelists representing EPA, the chemical industry, and environmentalists offered their perspectives. Bob Bostock, representing EPA, noted that EPA has been involved in efforts to decrease threats of accidents at chemical facilities for many years, but since September 11, the agency has been trying to reduce risks from criminal acts. Jamie Conrad, counsel to the American Chemistry Council summed up the industry’s take home lesson since September 11 as being the “importance of realizing our vulnerabilities.” Rick Hind of Greenpeace took a different view of the vulnerability of chemical facilities. Instead of emphasizing the need for heightened security at chemical facilities, Mr. Hind firmly stated, “no risk that is preventable is an acceptable risk,” and advocated substituting benign materials for toxic chemicals that can cause mass destruction. In his remarks, he praised Dow Chemical and Cargill for taking revolutionary steps to make plastics out of sugars.

“Security is yesterday’s issue – we need to prevent the problem in the first place” Rick Hind, Greenpeace USA.

As the public debate over chemical security wages, public access to information continues to be a contentious issue. EPA has a long tradition of supporting public access to information and believes that providing information to the public has been a useful tool to reducing environmental threats. Overall, EPA believes that there needs to be a balance struck between providing information to the public, but at the same time, not providing a roadmap for criminals. Industry is committed to talking to local communities about risks from facilities. Likewise, Greenpeace does not want a roadmap, but instead wants to know if we are in danger. Maybe there is room for compromise after all.

Clearly, debate over these issues was not over at the end of the day. Congress, policy-makers, industry, environmentalists, and the public will continue to wrestle with many of the issues raised in the symposium’s panel discussions.

** Melanie Shepherdson, ’00, was the Coordinator for the 2002 Ward Kershaw Environmental Law Symposium. She is an attorney with the Natural Resources Defense Council’s Clean Water Project in Washington, DC.*

NEW SOURCE REVIEW: TWO VIEWS

REFORM PROGRESSES IN THE BUSH ADMINISTRATION

by Melissa Hearne*

In June 2002, EPA Administrator Christine Whitman announced long awaited reforms to the New Source Review (NSR) program under the Clean Air Act. The reform effort had initially been announced under the Clinton administration in 1996. After the efforts stalled and the administration changed, President Bush announced his intention to continue reforms to the program as part of his National Energy Policy to ease the burden on the energy industry.

New Source Review

The NSR program specifies permitting and technology requirements for the construction or modification of air pollution emitting sources. The permitting and pollution control technologies required vary depending on where the source is located and whether the area is in attainment for the National Ambient Air Quality Standards (NAAQS) for the pollutants in question. The underlying purpose of the program is to require modern air pollution technology to help improve air quality in areas that do not currently meet the NAAQS, and to prevent deterioration in air quality in the areas that already meet the NAAQS.

The technology forcing nature of the NSR program has, however, been reviled by some industry officials who claim that the NSR program unfairly and significantly increases the cost of doing business and makes their operations unprofitable. Addressing concerns that the NSR program is depressing the economy and preventing business from creating or expanding operations is one of the advocated reasons for reform.

The Reform Effort

Major NSR reforms were initially announced as proposed regulations by the Clinton administration in 1996. The regulations were not finalized before President Bush took office. However, due to President Bush's National Energy Policy initiatives, his administration announced that the reform effort would continue, particularly with regard to easing the burden on refineries and power plants. In June 2002, the administration announced that it would shortly be finalizing several reforms advocated in the 1996 proposed regulations, as well as several new recommended reforms.

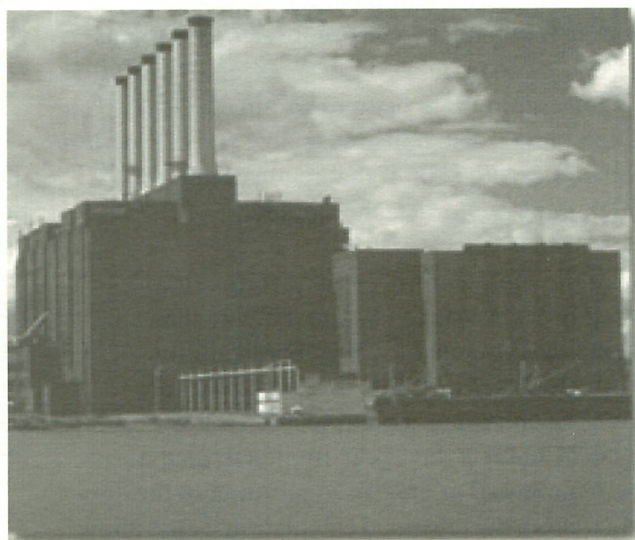
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SCHAEFFER BLASTS BUSH PROPOSALS

Eric Schaeffer, director of EPA's Office of Regulatory Enforcement, resigned in February to protest the Bush administration's efforts to weaken Clean Air Act enforcement by relaxing the Act's new source review regulations. Schaeffer, who was the featured speaker at the Maryland Environmental Law Society's spring dinner (see article p. 9), protested efforts by the US Department of Energy and the White House to pressure EPA to reconsider the NSR regulations in an effort to "streamline" them.

In his letter of resignation, Schaeffer charged that EPA is "fighting a White House that seems determined to weaken the rules we are trying to enforce. It is hard to know which is worse, the endless delay or the repeated leaks by energy industry lobbyists of draft rule changes that would undermine lawsuits already filed. At their heart, these proposals would turn narrow exemptions into larger loopholes that would allow old 'grandfathered' plants to be continually rebuilt (and emissions to increase) without modern pollution controls."

Schaeffer charged that proposals to eliminate more than 200 enforcement positions at EPA "would leave us desperately short of the resources needed to deal with the large, sophisticated corporate defendants we face." He noted that enforcement actions to enforce the existing rules have been undermined as corporate defendants have refused to sign consent decrees they previously had agreed to because the administration is seeking to relax the regulations.



Graphic from www.epa.gov

Proposed NSR Reforms

- Pollution Control and Prevention Projects
- Plantwide Applicability Limits (PALs)
- Clean Unit Installation Incentives
- Calculating Emissions Increase
- Routine Maintenance, Repair and Replacement
- Debottlenecking
- Aggregation

Recommended Reforms

All told, seven NSR program reforms are being recommended by the Bush administration. One of the reforms, initially presented in 1996, was designed to simplify the process for companies to implement environmentally beneficial projects. According to the administration, NSR discourages investment in pollution control and prevention, even when they reduce overall emissions at a site. Under the reform proposal, industry would have greater flexibility and incentives to implement projects deemed environmentally beneficial.

A second reform first proposed in 1996 is the application of plantwide applicability limits (PALs). PALs are site-wide emissions caps, as opposed to some traditional limits on an individual emissions unit. According to the administration, PALs provide companies greater flexibility to modernize their operations without increasing their air emissions.

To encourage the installation of state-of-the-art pollution controls, the administration is also advocating finalizing a 1996 proposal to give plants that install “clean units” certain operational flexibility if the plant continues to operate within specified permitted limits. The units must have an NSR permit or another regulatory limit that requires the use of best air pollution control technologies.

One of the more controversial reforms first proposed in 1996 was to change the way that emissions are estimated for NSR applicability. Currently, NSR applicability determinations are based on the emissions a plant would emit if operated 24 hours a day, year-round (termed a source’s “potential to emit”). According to the administration, the reformed calculation would allow EPA to evaluate how much a facility will actually

emit after the proposed modification. The reform would also clarify the baseline calculation used to compare the emissions from the proposed modification with the existing emissions levels to determine NSR applicability.

In addition to finalizing the reforms proposed in 1996, EPA and the administration are also proposing three additional reforms. One of the newly proposed reforms is to modify the “routine maintenance, repair and replacement” exemption under NSR. Repairs and maintenance that are “routine” are excluded from the NSR program, although the analysis to determine what is “routine” is rather complex under existing EPA guidance and regulations. The reform proposes specific industry specific guidelines for what will be considered routine maintenance, repair and replacement.

Another new reform relates to debottlenecking. Debottlenecking is when a company modifies one part of a facility in a way that increases throughput at other parts of the facility. These types of projects have been the subject of several lawsuits and the administration considers current guidance relating to NSR applicability to such projects difficult and time-consuming. The recommended proposal includes streamlining and clarifying applicability guidance for debottlenecking.

Finally, the administration is proposing a reform to address the question of aggregation. Aggregation relates to when separate multiple projects are implemented at a source in a short period of time and whether they should be considered phases of a single large project. Currently, the administration considers the analysis EPA uses to determine whether multiple projects should be aggregated or treated as separate projects unwieldy and unnecessarily complex. The proposed reform will establish criteria for easing the determination on when to aggregate projects into a single NSR applicability determination.

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FORMER OFFICIALS SPEAK AT MELS DINNER ON ENFORCING ENVIRONMENTAL LAW

by Jennifer Abbruzzese**



Eric Schaeffer and Steve Solow

On April 11, MELS hosted its semi-annual Italian Dinner and environmental discussion. After heaping plates of lasagna, green salad and garlic bread had been consumed, Professor Steven Solow introduced this year's topic, federal enforcement of environmental laws. As former Chief of the Environmental Crimes Section at the U.S. Department of Justice (DOJ), Professor Solow drew on his experiences prosecuting environmental crimes in his discussion of criminal liability for pollution, common themes among major polluters, and their typical asserted defenses. Professor Solow also discussed the working relationship and procedural interaction of the U.S. Environmental Protection Agency (EPA) and DOJ in bringing criminal enforcement actions against violators of federal environmental statutes.

The featured guest speaker for the evening was Eric V. Schaeffer, former Director of Civil Enforcement for the EPA, and current director of the Rockefeller Family Fund's Environmental Integrity Project (EIP). Mr. Schaeffer resigned from the EPA in February 2002 to protest the Bush Administration's actions to undermine enforcement actions against large power companies. As a twelve-year veteran of EPA, Mr. Schaeffer came to the Agency during the first Bush administration, rose

to the highest level attainable by a civil servant, and was awarded the Justice Department's John Marshall Award in August 2001 for his work in settling oil refinery cases. After a multi-year effort to bring tough legal actions against dozens of aging coal-fired power plants and refineries violating federal emissions standards, Mr. Schaeffer grew frustrated with the Bush Administration's efforts to undermine the lawsuits against the oil and power industries.

In addition to his discussion of EPA's actions against the nation's eight largest power companies for Clean Air Act violations, Mr. Schaeffer also addressed administration efforts to weaken EPA's regulatory interpretations and enforcement of other environmental statutes, as well as civil enforcement of federal environmental laws in general. Mr. Schaeffer asserted that some critical environmental problems, like global warming, demand new environmental legislation, but that others, like controlling emissions of sulfur dioxide and nitrogen from coal-fired power plants, can be achieved by making the laws already on the books work as intended. For instance, the Clean Air Act requires that advanced pollution controls be installed whenever power plant and refinery upgrades would cause increased emissions of criteria pollutants. According to EPA data, compliance with this Clean Air Act provision would eliminate at least 3.8 million tons of sulfur dioxide every year, and prevent more than 10,000 premature deaths and asthma attacks caused by air pollution. Because the 50-49 voting split in the Senate makes near-term enactment of new environmental legislation unlikely, Mr. Schaeffer concluded that improved enforcement of existing laws is the key to achieving reductions in air and water pollution.

In his discussion of the link between enforcement and environmental results, Mr. Schaeffer highlighted the need to replenish EPA's enforcement resources, which have recently been diluted by staff and funding cuts.*

At the Environmental Integrity Project, Mr. Schaeffer is working to safeguard environmental laws by improving the quality of federal and state enforcement and

permitting, and by protecting those programs from political interference. His current projects emphasize enforcement of Clean Air Act laws requiring older power plants and refineries to install modern pollution controls; Clean Water Act and Clean Air Act rules prohibiting the discharge of animal wastes and air emissions without a permit; and Clean Water Act rules prohibiting the discharge of raw sewage from municipal collection systems, and stormwater runoff that threatens sensitive coastal waters.

**The Senate Appropriations Committee successfully restored EPA's enforcement budget to its FY '01 level in its VA-HUD spending bill in July 2002. The House is not expected to address the issue until September 2002.*

***Jennifer Abbruzzese, 2D, worked as a summer law clerk for the Environmental Integrity Project.*



LAURA MROZEK WINS REGENTS' AWARD FOR OUTSTANDING SERVICE TO STUDENTS



In July, the University of Maryland announced that Laura Mrozek, long-time program administrator of the Environmental Law Program, had won the Board of Regents' Award for Outstanding Service to Students. The award, which is the product of a competition within the entire University of Maryland system, recognizes Laura's extraordinary efforts in assisting environmental law students in all aspects of their law school experience. The award contains a \$1,000 cash prize, which will be presented to Laura at the University's Founder's Day banquet on October 23. Among the factors cited by the Regents in making the award to Laura were her establishment of an alumni-student mentoring program, her creation of a job bank for environmental law students and her founding of the environmental law newsletter. The Regents also noted the many warm letters of praise for Laura from alumni of the Environmental Law program and Professor Percival's

statement that "she has been the person most responsible for transforming the program into one of the top environmental law programs in the nation."

A Look at Local Code Enforcement from the Inside

by Kathleen E. Byrne*

When I first started work as a code enforcement litigator, I thought “what a great job.” It provided the opportunity for litigation experience and allowed me to work to improve the quality of life in my community. I also thought, at the beginning, that everyone complied with local laws. It would be my job to educate those that did not understand the regulations and once everyone knew about the requirements, compliance would be a snap. Naive? You bet. Achieving voluntary compliance with local codes without a code enforcement process is simply not a reality. The threat of some legal consequence must be real to provide integrity to the code enforcement process and to bring about voluntary compliance. Local jurisdictions create building, housing, health, and zoning codes in an attempt to protect and promote the public health, safety and general welfare. However, many people believe that no harm comes from failure to obtain a permit for repair work, or that flaking paint or cracked window panes are simply cosmetic blemishes. The cosmetic blemishes of today lead to the abandoned shell of a house tomorrow. A public perception exists that it is “ok” not to follow all the rules, i.e. to break some laws because the harm is negligible. This perception necessitates choice of the “stick” approach to code enforcement instead of the “carrot.” A local code enforcement team seeks to improve the quality of life for their neighbors by responding to the first complaint of a potential violation and working it through to final resolution.

The Code Enforcement Team

All code enforcement actions begin with an inspector investigating a potential violation. Successful code enforcement efforts stem from the work of both the attorney and the inspector, i.e. the code enforcement team. When inspectors and attorneys fail to communicate or work together, violation notices are issued to dead people or a Court orders the rehabilitation of only one house in a row of 20 vacants. Serving dead people proves difficult and forcing the rehabilitation of one house surrounded by urban decay wastes money, and does nothing to revitalize a neighborhood. Other factors create challenges for bringing about a successful code enforcement resolution. The actual law the code enforcement team seeks to enforce could be poorly written or in desperate need of updating. Using the law as a guide, the subjective view of the code inspector forms the basis for any criminal prosecution or civil action the code enforcement attorney



ultimately brings to court. Violators and inspectors often clash and noncompliance can originate from a communication breakdown between inspectors and violators. Inspectors should be trained to spot violations, identify a responsible party for that violation and issue violation notices to that responsible party. Inspectors do not understand legal procedure or evidence. Thus, it is the attorney’s role to explain what is needed to prepare a case for trial, or under what circumstances court is not the appropriate forum. The attorney literally relies on the eyes and experience of the inspector to prove his or her case in court. When the attorney and inspector work together, understand what each brings to the “code enforcement table,” and a team approach ensues, violations are abated faster and communities benefit.

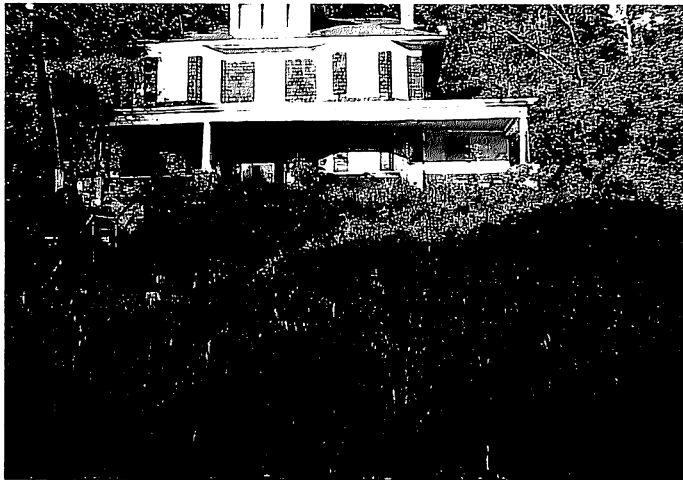
Action and Remedies

The code enforcement attorney determines whether to seek criminal and/or civil penalties. The legal tools available include municipal citations, criminal charges, civil injunctions or mediation. Some jurisdictions use the criminal charge as the primary means of enforcement while others seek injunctive relief first and foremost. Seeking a “punishment” that fits the “crime” can present a challenge. The first question asked in determining legal strategy is which remedy will bring about the desired result. For example, it is appropriate to file a civil injunction against the owner of multiple properties with

multiple violations. The injunction allows you to attack the violator in a comprehensive manner in order to force and maintain compliance. Injunctions are also effective tools when attempting to abate serious health and safety violations. For repeat offenders, criminal charges carrying stiff fines force the issue financially and ultimately lead to violation abatement. For properties with minor violations, such as an untagged or derelict vehicle, a municipal citation can be an effective deterrent. Neighbor disputes often turn into code enforcement cases. A minor code violation by one neighbor can quickly turn into an “ugly” code enforcement case due to pressure from the complaining neighbor on the code enforcement team. In these situations, the complainer seeks to have the government agency force the violator neighbor to act in a manner outside the scope of the enforcement remedy, i.e. make the violator neighbor move out of the community. Complainants with grudges will push code enforcement to seek jail time for the “refuse” violation next door, i.e. one styrofoam coffee cup sitting in the “violator’s” rear yard. In these circumstances, mediation can alleviate the tensions, help remedy the violation and appease neighbors without the need for litigation.

The Players

Knowing your audience, violator, witness and complainant leads to a successful resolution of violation cases. However, as with many things, you rarely know all you need to when you need to. Having established a good working relationship with your inspector, i.e. your witness, you can establish your evidence and understand the circumstances surrounding the violation complaint. Knowing the judges and defendants in a code enforcement action presents more of a challenge. There are those in the judiciary who hold the view that a code violation creates a minimal harm and are unwilling to impose the maximum penalty or in some circumstances, compliance. Education of the Court on the need for swift and firm judicial action proves difficult in jurisdictions where judges might hear code enforcement cases once a year or are sandwiched on a docket



between bail review and rent escrow cases. Each defendant presents a different set of challenges. Code violators include corporations, landlords owning multiple urban properties, uninformed homeowners, property owners suffering financial hardship, elderly people on a fixed income, watermen, and farmers. No feeling in the world is worse than realizing that the 80-year-old woman with a heart condition and on a fixed income that just walked into court is the same one against whom you filed 20 criminal housing code charges. Ten minutes before trial you discover that the reason she never responded to any calls or letters from you or your inspector was

because she was in the hospital and her grandson “takes care of everything.” Grandma is no longer one of those sleazy absentee landlords trying to make a profit from an unsuspecting tenant you assumed her to be when you filed your criminal charges. What is it they say about assumptions?

While the majority of people take appropriate actions to maintain the property they own and

follow the law when making changes to their property, it only takes the deterioration of one house to turn a once beautiful block into an abandoned wreck. Code enforcement helps stop that deterioration. A landlord owning hundreds of units once told me he did not make needed repairs to keep his properties in compliance with minimum housing code standards until a code enforcement attorney forced him to do so via litigation. Why? It obviously cut into his profit margin. No child should be exposed to lead paint to maintain someone else’s profit margin. For other “violators,” the existence of the violation stems not from a desire to make money, but lack of either the financial, physical or mental ability to abate the violation. In tough economic times, many “weekend” real estate investors find themselves financially unable to maintain properties or find paying tenants and soon abandon what was once thought to be an easy way to make money. Without the money to make repairs, many property owners attempt “do-it-yourself” projects to come into compliance, but these projects can be physically challenging and need the expertise of a contractor that the average owner just does not possess. While rare, a property owner with a mental illness or some compulsion



CODE ENFORCEMENT CONTINUED FROM PAGE 8

to gather and collect items to the extent that it creates a fire hazard or an unsanitary condition can render a property uninhabitable. These cases are difficult to solve from a code enforcement standpoint because they often involve the condition of the interior of an owner occupied house. However, when the subject property adjoins others, i.e. a row house or duplex, the fire danger and/or the existence rodent or roach infestation to those living next door to a hoarder is real.

The Neighborhood

One constant in code enforcement work seems to be the involvement of the community members who live in areas prone to various violations. Community members prove invaluable to the code enforcement effort by monitoring the progress of an abatement, identifying the responsible parties and sometimes serving as witnesses. When community members and code enforcement teams work together, creative resolutions to enforcement problems result. Being involved with community programs, such as assistance from a church group, local economic development office, or a local business leads to abatement of violations. This assistance comes in the form of money donations, volunteer hours for repairs, or the purchase of a derelict property for renovation. The code enforcement team usually spends more hours brainstorming and networking to resolve the

violations outside the context of litigation than it does preparing for trial. Good things happen when the community is active in the code enforcement process. However, community members expect immediate compliance and serious punishment of the offender, i.e., high fines or jail. These anticipated results are not the norm and the attorney must explain to the unhappy neighbors that compliance via the litigation process can be arduous and actually give the violator more time to correct the violation.

Conclusion

A number of code enforcement studies have been written and debated over the years, but "Broken Windows," the 1982 article written by James Q. Wilson and George Kelling, seems to have garnered the most attention.¹ "Broken Windows" concludes that a poorly maintained community sends out a message to all that no one cares and, in turn, invites crime. Therefore, if police officers crack down on quality of life crimes, i.e. public drunkenness or vagrancy, communities will take the initiative to clean up their neighborhoods and a reduction in crime will ensue. As with all theories, some agree and others disagree. My role as a code enforcement attorney is not to track crime statistics, but to enforce laws specifically enacted to protect the health, safety and welfare of those in the community I serve. When I tell people that I am a code enforcement attorney, two questions generally follow: "You can't be serious about criminally charging someone for a housing code violation," or "can you do something about my neighbor?" My response to the first question is always yes, but the answer to the second proves a little more difficult. Has my code enforcement experience turned out as I anticipated in the beginning? Yes and no. The litigation experience has been great. However, my notion that failure to comply stemmed from misinformation or lack of understanding of what the code required was way off base. Forcing the physical clean-up of a neighborhood does not solve all of a community's problems, but does positively impact the quality of life for the neighbors. In the real world of code enforcement, the goal of voluntary compliance cannot be achieved without the existence of an actual legal consequence for failure to comply. The pressure to comply must be constant. The practice of code enforcement develops detective, litigator, diplomatic, negotiator, and problem solver skills. Who knew?

¹James Q. Wilson & George L. Kelling, *Broken Windows*, The Atlantic Monthly, Mar. 1982 at 29.

*Kathleen E. Byrne currently serves as an Assistant County Attorney with the Anne Arundel County Office of Law. This article expresses the views and observations of the author and does not necessarily reflect the views of the Anne Arundel County Office of Law.

FACULTY ACTIVITIES

PROFESSOR ROBERT PERCIVAL



APPOINTMENT AS SPECIAL MASTER

Appointment by federal district court to serve as a special master to assess damages in a Superfund §113 contribution action. *Sherwin Williams Co. v. Artra Group, Inc.*, No. S-91-2744 (D. Md.)

PUBLICATIONS

Percival, *Environmental Law: U.S. Environmental Law*, in *The Oxford Companion to American Law* (2002).

Percival, "Presidential Management of the Administrative State: The Not-So-Unitary Executive," 51 *Duke L. J.* 993 (2001).

Percival, *Environmental Law Statutory Supplement and Internet Guide 2002* (Aspen Law & Business 2002).

Percival, *Environmental Regulation: Law, Science and Policy 2002 Supplement* (Aspen Law & Business 2001).

Percival, *Environmental Law in the Supreme Court During Its October 2000 Term*, 33 *Trends* (ABA Section of Environment Energy, and Natural Resources Newsletter) 1 (Sept./Oct. 2001).

Percival & Goger, "Escaping the Common Law's Shadow: Standing in the Light of *Laidlaw*," 9 *Duke Env't'l L. & Policy F.* 119 (2001).

Percival, "Separation of Powers, the Presidency and the Environment," 21 *J. Land, Resources & Env't'l Law* 25 (2001).

PRESENTATIONS

"The Multiple Dimensions of Environmental Justice: Equal Protection, Regulatory Fairness, and Intergeneration Equity," Conference on Environmental Policy and Law in Japan, Germany and the United States: The Struggle for Equity, Aljoya Conference Center, Seattle, Washington, July 27, 2002 (paper presentation).

"Tobacco Liability Litigation: History and Prospects," Johns Hopkins University School of Public Health, Institute for Global Tobacco Control, Baltimore, Maryland, June 27, 2002.

"Legal Strategies for Promoting Tobacco Cessation: Developing a Framework," (presentation of paper co-authored with Linda A. Bailey) and "Legal/Public Health Partnerships: Maryland's Legal Resource Center for Tobacco Litigation, Regulation, and Advocacy," (panel presentation), Conference on Legal Partnerships in Tobacco Control, California Department of Health Services, La Jolla, California, May 30, 2002.

"Protection of Transboundary Resources: Legal Issues," Meeting on Transboundary and Regional Watershed Management in the U.S. and Europe, American Academy of Arts and Sciences, Cambridge, Massachusetts, May 22, 2002.

"How Safe Is 'Safe'?: The Precautionary Principle, Property Rights and Evolving Notions of Fairness," Conference on "Ethics, Invention, and Sustainability: Environmental Health and Corporate Environmentalism," Johns Hopkins University, Baltimore, Maryland, May 4, 2002.

"How Safe Is 'Safe'?: Science, Law and the Precautionary Principle," Conference on Toxic Torts and Environmental Law, Miami Beach, Florida, March 14, 2002.

continued on page 16

FACULTY ACTIVITIES

PROFESSOR RENA STEINZOR



on behalf of the Center for Progressive Regulation, June 13, 2002.

Testimony before the Committee on Governmental Affairs, U. S. Senate, regarding Critical Infrastructure Information, on behalf of the Natural Resources Defense Council, May 8, 2002.

Testimony before the Superfund, Toxics, Risk and Waste Management Subcommittee of the Committee on Environment and Public Works, U.S. Senate, regarding the Chemical Site Security Act of 2001 - S.1602, on behalf of the Natural Resources Defense Council, Nov. 14, 2001.

PUBLICATIONS

Toward Better Bubbles and Future Lives: A Progressive Response to the Conservative Agenda for Reforming Environmental Law, ENVTL. L. REP. (forthcoming).

Bad Science, ENVTL. FORUM 28 (Jan./Feb.2002).

"You Just Don't Understand: The Right and Left in Conversation," ENVTL. L. REP.11086 (Sept. 2001).

EPA and Its Sisters at Thirty: Devolution, Revolution, or Reform?, 31 ENVTL. L. REP. 11086 (2001).

Myths of the Reinvented State, 29 CAPITAL U. L. REP. 228 (2001).

The Corruption of Civic Environmentalism, 30 ENVTL. L. REP. 10,909 (2000).

Devolution and the Public Health, 24 HARV. ENVTL. L. REV. 351 (2000).

CONGRESSIONAL TESTIMONY

Testimony before the Subcommittee on Water Resources and the Environment of the U.S. House of Representatives, regarding Water Quality Trading: An Innovative Approach to Achieving Water Quality Goals on a Watershed Basis,

Center for Progressive Regulation

Professor Steinzor is among the founding members of the Center for Progressive Regulation, a newly-created organization of academics specializing in the legal, economic, and scientific issues that surround health, safety, and environmental regulation. CPR's mission is to advance the public's understanding of the issues addressed by the country's health, safety and environmental laws. CPR is committed to preserving the fundamental value of the life and health of human beings and the natural environment. It envisions government as an arena where members of society choose and preserve their collective values, rejecting the idea that government's only function is to increase the economic efficiency of private markets. CPR seeks to provoke debate on how the government's authority and resources may best be used to preserve collective values and to hold accountable those who ignore or trivialize them.

PERCIVAL'S ACTIVITIES CONTINUED FROM PAGE 14

“Statutory and Constitutional Obstacles to Regulation of Tobacco Sales and Promotion,” Seminar on Tobacco Control: National and International Approaches,” Johns Hopkins University School of Public Health, March 6, 2002.

“The Impact of *Lorillard* on State and Local Regulation of Tobacco Sales and Advertising,” American Bar Association-CLE National Teleconference, October 23, 2001.

“Environmental Risk Regulation: How Safe Is ‘Safe’?,” Federal Administrative Law Judges Conference, Rehoboth Beach, Delaware, Sept. 10, 2001.

“The Cost-Benefit State,” American Bar Association, Section of Administrative Law and Regulatory Practice, 2001 Annual Meeting, Chicago, Illinois, August 3, 2001.

“Environmental Federalism,” Environmental Law Institute, Summer School Series, Washington, D.C., June 21, 2001.

Lectures on “Approaches to Regulation,” “Pollution Control Law,” and “International Environmental Law” at the Workshop on Environmental Law, University of Tehran, Tehran, Iran, May 5-8, 2001.

“At the Crossroads: Science, Regulation and the Law, Biotech Law & Litigation Summit, Palo Alto, California, April 30, 2001; Tysons Corner, Virginia, April 23, 2001.

“Transboundary Pollution and the Rise and Fall of the Federal Common Law of Nuisance,” American Society for Environmental History, Durham, North Carolina, March 29, 2001.

“Presidential Management of the Administrative State: the Not-so-Unitary Executive,” Conference on “Politics and Policy: Presidential Administrations and Administrative Law,” Duke University Law School, March 5, 2001.

NEWSOURCE REVIEW CONTINUED FROM PAGE 8

Recent Activity

Despite the June 2002 announcement, EPA has not yet finalized the reform proposals, nor has it published the proposed regulations for the newly advocated reforms in the Federal Register. Shortly after the Bush administration announced its intention to finalize NSR reform before the end of the year, the Office of Management and Budget (OMB) announced that it would not be conducting a cost benefit analysis for the NSR reform proposals. The OMB announcement drew immediate criticism from the environmental community. Several environmental groups have announced their intention to sue the administration if a cost benefit analysis is not performed and published. At the end of July, a bipartisan group of 33 House members sent a letter to EPA Administrator Whitman to oppose the proposed reforms, given their concerns that the reforms could result in more emissions for new or existing pollution sources than is currently allowed under the NSR rules.

Given the expected level of interest from industry and environmental groups, the proposed NSR reforms are likely to continue to be the subject of intense debate. One major wrinkle for the Bush administration may be the public’s growing weariness with what is viewed as corporate misconduct and government dealing. Those opposed to NSR reform may have a powerful ally if they are able to harness the public’s growing distrust of corporate America to attempt to further stall the NSR reform efforts. It will be interesting to see how the interest groups align once the Federal Register notices and comment periods are published. Given the long history of the NSR reform efforts and the support of the current administration, however, the environmental groups’ efforts to halt the proposed reform efforts will be difficult at best.

**Melissa Hearne, 00' is an associate in the environmental practice group with Piper Rudnick LLP in Baltimore.*

FACULTY UPDATE



Warren Hamel, former Assistant U.S. Attorney and Environmental Crimes Chief, joins Venable, Baetjer and Howard, LLP, Commercial Litigation practice in their Baltimore office. Professor Hamel teaches the environmental law seminar, Criminal Enforcement of Environmental Law. Congratulations are in order to Professor Hamel for being named the Charles Taylor Fellow. The award is given annually for outstanding teaching by an adjunct professor.



Marianne Mason has joined our faculty as an adjunct professor teaching the environmental law seminar, Natural Resources Law. Professor Mason is an Assistant Attorney General with the Department of Natural Resources. She also serves as Assistant Editor for Natural Resources & Environment, a publication of the ABA's Section of Energy, Environment and Resources (SEER).



Michael Strande, Kathleen Dachille and Michael Cuneo

The staff of the University's Legal Resource Center for Tobacco Regulation, Litigation, and Advocacy, Kathleen Dachille, Director, Michael Strande, Managing Attorney, and Michael Cuneo, Administrative Assistant. Mike Strande is an alumni of our Environmental Law Program. The Center is dedicated to providing legal support to communities, employers, local governments, and others wishing to reduce the sale of tobacco products to minors and the dangerous health effects of exposure to second hand smoke.

ENVIRONMENTAL STUDENTS HAVE BUSY SUMMER

1st Year Law Students

Katherine Baer - worked for American Rivers in Washington, DC funded by a grant from Maryland Public Interest Law Project.

Ryan Bautz - legal intern with Chesapeake Bay Foundation in Annapolis, MD.

Ryane Bellarin - legal intern with the Department of Natural Resources, Attorney General's Office in Annapolis, MD.

Christie Biggs - summer intern for The Honorable Robert Simson, an appellate level judge in the Commonwealth Court of Pennsylvania.

Jaclyn Ford - research assistant for Professor Rena Steinzor and law clerk for the Honorable John Glynn with the Circuit Court in Baltimore City.

Jonathan Dowling - legal intern for the Nuclear Regulatory Agency in Washington, DC.

Karen Farrell - studied Comparative Land Use at the University of Aberdeen, Aberdeen, Scotland.

Daniel Fruchter - research assistant for Professor Robert Percival.

Mary Kelley - research assistant for Professor Rena Steinzor and law clerk with the Office of Administrative Hearings in Hunt Valley, MD.

Becky Lukaesko - research assistant for Professor Steve Solow.

Gregg Moser - law clerk with Montgomery County State's Attorney's Office.

Evlynn Overton - law clerk with Beveridge & Diamond in Baltimore, MD.

Kelly Pfeifer - legal intern with the National Wildlife Federation in Washington, DC.

Paige Poechmann - legal intern with the Department of Housing and Community Development in Baltimore.

Alison Prost - law clerk with U.S. EPA in Washington, DC. Recipient of National Network for Environmental Management Studies (NNEMS) Fellowship.



Alison Prost, 1D, was the winner of a fellowship from the EPA's National Network for Environmental Management Studies (NNEMS). The NNEMS Program provides students with financial support to develop their research and analytical skills in environmental law and policy.

Michael Schollaert - legal intern with the U.S. Attorney's Office, Environmental Crimes Division in Baltimore, MD.

Gregory Schwab - studied Comparative Land Use at the University of Aberdeen, Aberdeen, Scotland.

Paul Sorisio - research assistant to Professor Rena Steinzor and law clerk with the Office of Administrative Law Hearings in Hunt Valley, MD.

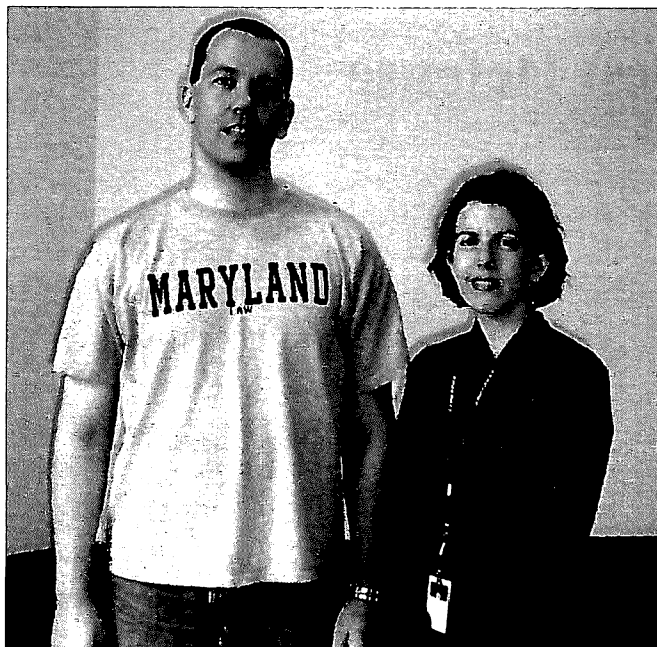
2nd Year Law Students

Jennifer Abbruzzese - worked as a law clerk for the Environmental Integrity Project in Washington, DC, focusing on enforcement of clean air laws through legislation and litigation.

Jeffrey Barmach - summer associate with Schlachman, Belsky & Weiner, P.A., in Baltimore, MD.

Karyn Bergmann - U.S. EPA Summer Honors Program, Office of General Counsel, Water Law Department.

WITH FIRMS, GOVERNMENT, & PUBLIC INTEREST JOBS



Chris Gozdor, 2D and Karyn Bergmann, 2D, were participants in the EPA Summer Honors Program. The summer Honors Program is the primary vehicle that OGC uses to recruit law students for attorney positions.

Chuck Blocksidge - summer associate with Dyer Ellis & Joseph in Washington, DC.

Andrew Bokan - research assistant for Professor Robert Percival and legal intern with the World Health Organization at the UN's International Conference on Illicit Tobacco Trade.

Sean Brown - law clerk with Policy and Regulatory Services, U.S. EPA, Pesticides Division.

Amy Garvin - legal intern with the U.S. EPA, Region 1 in Boston, MA.

Chris Gozdor - EPA Summer Honors Program, Office of General Counsel, Pesticides and Toxic Substances.

William Hollis - summer intern with the Attorney General's Office at Maryland Environmental Services in Annapolis, MD.

Sandra Holt - legal intern with the Sierra Club.

Shana Jones - law clerk for Constellation Power Source, a national merchant energy company, and member of the Constellation Energy Group.

Kristen Klick - summer associate with Arnold & Porter in Washington, DC.

Tracy Kulikowski - summer associate with Linowes and Blocher LLP, in Silver Spring, MD.

Jomar Maldonado - law clerk with EPA, Office of Policy, Economics and Innovations in Washington, DC.

Christina McGarvey - summer associate with Vinson & Elkins in Washington, DC.

Alan Sachs - summer associate with Beveridge & Diamond in Washington, DC.

Lauren Silverman - awarded a Maryland Public Interest Law Project grant to work for Meyer & Glitzenstein in Washington, DC.

Matt Steinhilber - law clerk with Ballard Spahr Andrews & Ingersoll, LLP in Baltimore, MD.

Marcia Tannian - research assistant for Professor Robert Percival.

Andi Thomas - law clerk with Meyer & Glitzenstein in Washington, DC.

Gemma Vestal - legal intern with the World Health Organization at the UN's International Conference on Illicit Tobacco Trade.

Evening Students

John Kallen - Project Manager, Arc Environmental, Inc., in Baltimore, MD.

Richard Mattick - environmental scientist with U.S. EPA, Office of Solid Waste and Emergency Response.

Steve Pyle - environmental consultant with Batelle.

An Extern's Perspective

The Natural Resources Defense Council: The Earth's Best Defense

by Jennifer Abbruzzese*

When I began my second year of law school, I realized that these three years are not just an opportunity to learn about the law through coursework, but through real world experience as well. I knew I wanted to practice environmental law, but I didn't know exactly how to translate my interest into a future career. Did I want to work at a firm, for the government, or at a non-profit? Since I had spent the summer after my first year taking courses in Scotland, I had no summer associate experience to guide me. I realized that an externship was a great opportunity to "try-on" different career approaches, and being "on the job" seemed like a respite from the law school grind.

During the fall semester, I interned on Capitol Hill as part of the Law School's Legislative Practice Workshop. I so enjoyed the combination of being a student three days a week and being in the thick of things down in D.C. two days a week that I wanted to repeat that routine in the spring. This time, however, I wanted to focus purely on environmental law. I spoke with Laura Mrozek and perused the environmental law program's externship file. Although I thought many of the organizations listed offered excellent opportunities, I knew as soon as Laura mentioned the Natural Resources Defense Council (NRDC) that was where I wanted to be.

NRDC is a national, non-profit public interest organization that has worked to "protect the global environment and preserve the Earth's natural resources" since 1970. NRDC scientists and attorneys work on court cases, administrative actions and policy studies that focus on air, water, public lands, endangered species, nuclear power and waste, toxics, public health, federal legislation and international environmental issues. NRDC has offices in Washington, D.C., New York, San Francisco, and Los Angeles, and its legal interns work on projects like analyses of proposed regulations, environmental impact studies, legislative analysis, legal research and writing, and drafting testimony, comments and briefs. NRDC is one of the nation's largest environmental organizations with over 500,000 members, and is a staunch defender of environmentally friendly laws and policies.



Logo used with permission of NRDC

During the fall, Laura Mrozek put me in touch with a Maryland law student who was interning for NRDC's Clean Water Project. The student then gave me the name of its Director, Nancy Stoner. I was very interested in water issues and was already registered for the spring environmental law seminar on the Clean Water Act, so I emailed my resume and writing sample to Ms. Stoner and scheduled an interview. During the interview, she asked if I had any experience with water issues, and I mentioned that I had done some preliminary research during my Congressional internship on basement backups caused by sewer overflows. When she asked what my boss' position was on the issue, I was sure I had blown it, since he was not known for being environmentally friendly. Nevertheless, I soon started working at NRDC two days a week and was introduced to its hectic pace!

Ms. Stoner put me to work straight away, as I was the Clean Water Project's only legal intern that semester. (NRDC has a well-developed, highly competitive summer legal internship program, but during the school term legal internships are set up on an individual basis, which makes it a great opportunity!) She knew from our interview that I was familiar with a rule proposed by EPA during the Clinton Administration, and withdrawn under the Bush Administration, regarding sanitary sewer overflows. When I began working at NRDC, the EPA had recently issued a draft guidance document concerning municipal wastewater treatment during wet weather conditions. The draft guidance described three scenarios where sanitary sewer overflows would be permitted, in conflict with the Clean Water Act's prohibition of all discharges



Inadequately treated sewage in waterways close beaches and shellfish beds (photo: NRDC)

from publicly owned treatment works (POTWs) prior to secondary treatment. Ms. Stoner asked me to draft a letter to EPA Administrator Christie Todd Whitman, detailing the legal arguments why the draft guidance was in violation of the Clean Water Act and the Administrative Procedure Act. This initial letter developed into a semester-long exploration of wastewater engineering textbooks, sanitary sewer overflows, the efficacy of wastewater treatment methods, public health, environmental and economic effects of sewage in waterways, pathogenic microorganisms, disinfection technologies and their carcinogenic byproducts, administrative law, the Clean Water Act, and the regulatory process. Along the way, I also drafted Earth Day media materials, developed a presentation detailing wetlands policy under the Bush Administration including the status of isolated wetlands under the Clean Water Act, interviewed national experts in the field of pathogenic microorganisms, attended Congressional hearings and prepared talking points for a committee markup, attended EPA meetings with industry representatives and environmental public interest groups, attended a mini-caucus on water regulation of Concentrated Animal Feeding Operations (CAFOs) and researched CAFO statutes for litigation, and attended a Clean Water Act appellate argument before the D.C. Circuit.

It sounds like a lot for two days a week, and it was! As the only legal intern I worked independently, and Ms. Stoner provided prompt feedback and was always available to answer questions and point me in the right direction. In addition, my externship conveniently integrated what Adam Kushner, an adjunct professor and senior counsel at the U.S. Department of Justice

Environmental Enforcement Section, covered in the Clean Water Act seminar (an outstanding class well worth taking). I would highly recommend an environmental legal externship at the Natural Resources Defense Council or elsewhere. It was a highly energizing experience that not only taught me the importance of incorporating an understanding of science and engineering into the practice of environmental law, but also reminded me that active citizens really can participate in, and do shape the drafting, implementation and enforcement of our nation's environmental laws and policies.

** Jennifer Abbruzzese is a third year law student. This summer she worked as a law clerk for the Environmental Integrity Project in Washington, D.C.*

NAELS CONFERENCE CONT'D FROM PAGE 1

The conference is the product of years of work by students in the Maryland Environmental Law Society (MELS), including Erin Hutchison Smith ('02) and Chris Corzine ('02). The current MELS executive board of Kelly Pfeifer ('04), Ray Schlee ('04), and Karyn Bergmann ('03) have designated Katherine Baer ('04) to serve as coordinator for the various student committees that are organizing all aspects of the NAELS Conference.

Maryland's Environmental Law Society has been a long-time participant in NAELS. Maryland students and Professor Robert Percival, Director of Maryland's Environmental Law Program, participated in the meeting at the University of Michigan that led to the creation of NAELS in 1988 and in the first NAELS Conference at the University of Colorado in 1989. For more information about NAELS, visit the organization's website at www.naels.org.

All environmental law students are invited to attend the NAELS Conference at Maryland in March 2003. Information concerning the conference will be available at www.law.umaryland.edu/environment/naels/.

ENVIRONMENTAL ALUMNI UPDATE

1974

S. Jacob Scherr is Director, International Program, Natural Resources Defense Council (NRDC) in Washington, DC.

1976

Jane Barrett is a partner with Dyer Ellis & Joseph in Washington, DC, specializing in white collar crimes, including environmental crimes.

1978

Jonathan Libber is an attorney with the U. S. EPA, Office of Enforcement and Compliance Assurance in Washington, DC.

1985

Sean Coleman is an Assistant Attorney General with the Office of the Attorney General. Sean is also principal counsel to Maryland Environmental Services in Annapolis, MD.

1987

Antoinette Sebastian is with the U.S. Department of Housing and Urban Development, Office of Community Viability in Washington, DC.

1989



Pamela Wexler's, '89, 15 month old son, Seth.

Scott Garrison is an attorney with the U.S. EPA, Office of General Counsel, Pesticides and Toxic Substances Law Office in Washington, DC.

Julie Smith is a professor teaching environmental law at the University of North Texas.

Pamela Wexler is an associate with The Cadmus Group, Inc., an energy and environmental consulting firm in Rosslyn, VA.

Kerry C. Williams is a partner at Chamberlain, Hrdlicka, White, Williams & Martin in Houston, Texas. Kerry's practice is primarily in international oil and gas construction law. He is also a faculty member at Texas A&M, teaching construction law in the Department of Architecture.

1990

Maggie (Margaret) Carson is Chief, Administrative Services, Employment and Training Administration, U.S. Department of Labor. Margaret is very active in the areas of environmentally preferable procurement and energy management.

Elizabeth Donley is a Land Acquisition Specialist with The Conservancy of Southwest Florida. Liz recently married and lives in Bokeelia, FL

Joe Espo is a partner with the law firm of Brown, Goldstein & Levy in Baltimore, MD.

Steven Rollin resides in Minneapolis, MN, along with his wife and son.

Marina Lolley Sabett is a partner with Venable, Baetjer and Howard in Baltimore.

1991

Stephanie P. Brown is Branch Chief, U.S. EPA, Office of Enforcement & Compliance Assurance, Office of Site Remediation Enforcement in Washington, DC.

Lou D'Angelo is a financial planner and lives in Allison Park, PA.

David Fischer is Managing Counsel for the Chlorine Chemistry Council, a business council of the American Chemistry Council.

Erin Fitzsimmons is a professor at Salisbury University in the Political Science Dept. This fall she is a candidate for the House of Delegates, District 38B. Since 1998, Erin has been on the City Council in Ocean City.

Lisa Gladden is Assistant Public Defender, Member, House of Delegates.

Cynthia Golomb is a sole practitioner in Columbia, MD.

Ann Hobbs is Of Counsel with Venable, Baetjer, Howard & Civiletti, LLP in Washington, DC.

John Hopkins is with the corporate legal department of Camp Dresser & McKee, Inc., in Cambridge, MA. CDM is a global consulting, engineering, construction and operations firm.

John Kalas is Vice President at JP Morgan Chase in New York. John is married to Peggy Rodgers Kalas, '91.

Peggy Rodgers Kalas received her L.L.M. in international environmental law at New York University and works as a consultant on international environmental law issues in New York.

Kyriakos Marudas is Assistant City Solicitor for the City of Baltimore.

1992

Linda Bailey is Director of the Center of Tobacco Cessation, a jointly funded project of the American Cancer Society and Robert Wood Johnson Foundation (based in Washington, DC). This fall, Linda is co-teaching a seminar with Professor Percival on Tobacco Control and the Law.

Margaret Curtin Begley is Senior Counsel with Pioneer Group, Inc., in Boston, MA.

Leslie Dickinson is an attorney with the Maryland Disability Law Center.

Christopher Hamaty is Director of Intellectual Property for Network Associates, in Dallas, TX.

Carol Iancu is an Assistant Attorney General at the Massachusetts Attorney General's Office, Environmental Protection Division, handling mostly environmental enforcement cases and some defense cases.

Kenda Layne is an attorney at the U.S. EPA, Criminal Enforcement Division in Washington, DC.

Thomas Lavelle is a partner with Site Remediation & Renewel Services, LLC, a Baltimore Environmental Services firm specializing in Brownfields assessments and bioremediation. At time of printing, Tom and Connie are expecting a baby girl, Charlotte Lee, to join her brother, Sean Thomas, age 17 months.

Frank Levi is an attorney with the Attorney General's Office of the Maryland Department of the Environment. Mike handles hazardous waste issues, state superfund, brownfields, and federal facilities. He is also a Major in the Air Force Reserves, working at the Pentagon's Air Force Office of Environmental Law and Litigation.

Emily Vaias is a partner at Linowes & Blocher, LLP.

1993

Ali Alavi is Director & Counsel - Environment, Health & Safety, Zinc Corporation of America and Horsehead Resource Development & Co., Inc., in Pittsburgh, PA.

Wib Chesser is Of Counsel at Piper Rudnick LLP in Washington, DC, practicing in the intellectual property group, primarily doing patent prosecution work.

Lisa Satterfield Daly is Assistant Legislative Counsel to the United States House of Representatives. Lisa assists Congress by drafting federal legislation related to American Indians, territories, natural resources, agriculture and analyzing policy related to such legislation.

Catherine Faint is a trademark attorney for the U.S. Patent and Trademark Office in Washington, DC.

Lorraine Ebert Fraser is an Administrative Law Judge for the Maryland Office of Administrative Hearings located in Hunt Valley, MD. Lorraine lives with her husband Keith in Annapolis, MD.

Glenn Isaac is a Fair Practices/Equal Employment Opportunity Officer with Bowie State University.

Pamela Metz Kasemeyer is a partner with Schwartz & Metz, P.A., in Baltimore, MD. The firm represents multiple interests before the Maryland General Assembly and State regulatory agencies.

Karin Krchnak is the Population and Environmental Program Manager with National Wildlife Federation in Washington, DC. Karin is also a wildlife rehabilitator.

Jackie McNamara enjoys being an at-home Mom with her two children. Jackie is a volunteer on the pre-school board of directors and finds her legal and writing training extremely valuable.

Maureen O'Doherty is a sole practitioner in Torrington, CT.

Colleen Ottoson is an attorney with P.A.T.H. (Program for Appropriate Technology in Health) in Seattle, WA.

Mary Raivel is on the environmental litigation team at the Navy Office of General Counsel in Washington, DC.

Marisa Cuputo Terrenzi is a business/transactional attorney with Cooley Godward, LLP.

Ruth Waxter is an associate with Ruble & Weaver.

Scott Waxter is an associate with Weinberg & Weinberg.

1994

Lori Bruun is an Administrative Appeals Officer, INS, Baltimore District Office.

Lauren Calia is Assistant Attorney General for Consumer Protection Division.

Kathryn Delahanty teaches full-time at Towson University in the College of Business and Economics.

Jeanne Grasso is partner with Dyer Ellis & Joseph in Washington, DC, specializing in maritime and environmental law, including white collar defense, internal investigations, and compliance audits.

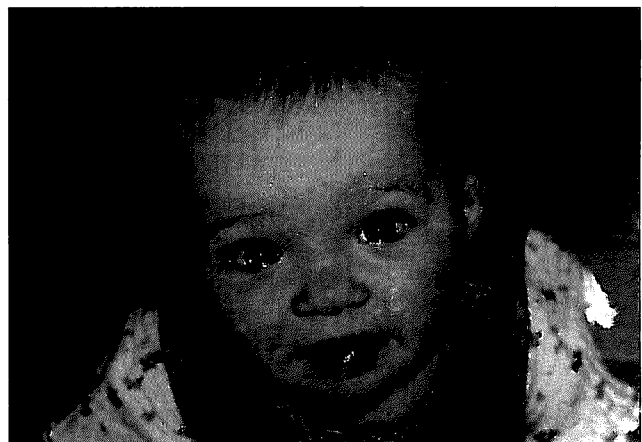
Steven Groseclose is Senior Corporate Counsel for Advanced Micro Devices in Austin, TX, where he addresses environmental, health and safety issues worldwide. He is married to Jael Polnac, '94, and they have two sons.

Jennifer Miller Masuret formerly with McDermott O'Neill & Associates in Cambridge, MA, is now a stay at-home Mom with Lucy, age 3 and Luke, age 1.

Dave McRae is an associate with Griffin, Farmer & Murphy, LLP., in Washington, DC. Dave and his wife Sharon have twin daughters, Marcie and Tess, and are expecting a boy this fall.

Shannon Miller is a sole practitioner, practicing mostly probate and guardianships, some criminal defense and adoptions.

Douglas Moorhead is assistant regional counsel with Pennsylvania Office of General Counsel and assigned to the Pennsylvania Department of



KC Murphy's, '94, 11 month old daughter, Emma Grace.

Environmental Protection in Meadville, PA. Douglas and his wife reside in Blackash, PA, and have a son, Dane.

KC Murphy is the Assistant Attorney General, Environmental Crimes Unit, Maryland Department of the Environment. KC and her husband reside in Sparks, MD and have a baby girl, Emma Grace.

Amy Santin works part-time as a research assistant, Carolina Population Center, University of North Carolina.

Rob Wing is an attorney with the U.S. EPA, Pesticides and Toxic Substances Law Office of the General Counsel, Washington, DC.

1995

Dolly Alevizatos is Assistant General Counsel for Nike, Inc., in Beaverton, OR. This summer she added to an already impressive climbing resume by reaching the summit of Mt. McKinley (20,320'), the highest point in North America. She previously has climbed the highest peaks in South America (Aconcagua 22,840') and Africa (Kilimanjaro 19,335'), giving her three of the seven summits.

Lauren Buehler is Senior Associate with Fognani Guibord Homsy & Roberts in Denver, CO.

Jake Caldwell is Program Manager for Trade & Environment at the National Wildlife Federation in

Washington, DC. In the spring, Jake will teach a seminar on Environmental Trade and the Environment at the law school.

Michael Caplan is Assistant General Counsel at EGEN International, Inc.

Tamara Catchpole is Assistant Attorney General for the Maryland State Department of Aging.

Stephen Dolan is an attorney with Norton Rose in Brussels, Belgium.

Catherine Giovannani is an associate at Steptoe & Johnson, LLP. Catherine represents Southern California Edison Company in its efforts to get the federal government to ensure just and reasonable rates for electricity in the West.

John Kelly is an associate with Holland and Knight in Washington, DC, practicing commercial and real estate transactions, but says his environmental background is invaluable.

Michael Levy is as associate with Kenyon & Kenyon in New York.

David Lutz is self-employed with a practice in criminal, personal injury and immigration law.

Fred Schoenbrodt is an associate with Stewart, Plant & Blumenthal in Baltimore, MD.



Dolly Alevizatos, '95, on the summit of Mt. McKinley, the highest peak in North America.



Linda Jenner Shevlin's, '95, son, Luke, 20 months and daughter, Jane, 3 months.

Linda Jenner Shevlin resides in Pennsylvania with her husband and two children. Linda is expecting baby #3 in November.

Jean-Cyril Walker is an associate with Keller & Heckman, LLP practicing environmental law representing industry and associations at the federal and state level.

John Woolums is Director of Governmental Relations, Maryland Association of Boards of Education.

1996

Jocelyn Adkins is an attorney with the U.S. EPA, Office of General Counsel, International Environmental Law Office.

Jennifer Bragg is Associate Chief Counsel for Enforcement with the Food and Drug Administration in Washington, DC.

Michael Carlson is an associate with Anderson, Coe and King in Baltimore, MD.

Fei Fei Chao is Of Counsel with Venable, Baetjer, Howard & Civiletti in Washington, DC, practicing patent law. Fei Fei represents clients from Taiwan, Hong Kong, China, Japan, Canada and the U.S. on IP related matters.

Richard J. Facciolo is an associate with Richards, Layton & Finger in Wilmington, DE.

Elizabeth Gaudio is a staff attorney with the U.S. Department of Veterans Affairs.

Robert Hogan is an Enforcement Attorney in the NOAA, Office of the Assistant General Counsel for Enforcement and Litigation. His responsibility includes enforcement of our nation's natural resources laws in the marine environment.

Susan Speer lives in Pittsburgh with her husband and has taken time off to raise her two children, Daniel and Rebecca.

Chris Van de Verg is General Counsel for Core Communications, Inc., in Annapolis, MD.

Susan Winchurch is a Real Estate Counsel for Giant Food. Susan handles all aspects of anchor tenants leasing and development matters.

1997

Carrie Bland is an Assistant State's Attorney for Baltimore City's State's Attorney Office in the Felony Narcotics Division.

Pat Deem is an environmental associate with Verner, Liipfert, Bernhard, McPherson & Hand in Washington, DC.

Mike Gieryic is an Enforcement Attorney with the U.S. EPA, Region 7, Kansas City, KS. He is married and has 3 children.

Jennifer Lundgren Lewis is in-house Counsel at Spectera, Inc., a national health care company headquartered in Baltimore, MD.

Robin Schoeps Lewis is working part-time for Pesticide Action Network – UK, on international pesticide law and policy in London.

Jared Littmann is Associate County Attorney for Montgomery County, Maryland.

Jane O'Leary is Assistant Director, Social Concerns, Catholic Charities.

Brian Perlberg is a legislative attorney for Howard County Maryland, County Council's Office. He serves as an appointed member of the Maryland Green Buildings and Energy Efficiency Council.

Rachel Schowalter Jean-Baptiste is Associate Editor/Senior Staff Attorney for the Environmental Law Institute. Rachel and her husband, Carl Jean-Baptiste, '97, live in Baltimore where she telecommutes.

Howard Stevens is an associate with Wright, Constable & Skeen in Baltimore, MD.

Eric Veit is a litigation associate with Ober, Kaler, Grimes & Shriver. After prosecuting and defending criminal cases in the Marine Corps for 3 years after graduation, Eric left active duty and returned to Maryland.

Imoni Washington is an attorney for the National Association of Public Interest Law in Washington, DC.

Cheryle Wilson is an attorney for Wireless Enterprises (consulting to AT&T and Verizon on land use and zoning issues) in Columbia, MD.

1998

Todd Hooker is an associate at Lowenstein Sandler in Roseland, New Jersey. Todd works on a broad range of matters, including those involving the intersection between Superfund and toxic tort liability. Todd is an adjunct Professor at Rutgers University School of Law where he teaches a seminar on Toxic Torts.

Loan Phan Nguyen is an attorney with the U.S. EPA in Washington, DC.

Joseph Pelletier is a trial attorney with Fair Housing Enforcement Division, Office of General Counsel, U.S. Department of Housing and Urban Development (HUD).

Jerrold Poslusny, Jr. is an associate with Cozen O'Connor in Cherry Hill, NJ. Jerry and his wife are expecting their first baby in October.

David Thomas is an associate with Preston Gates Ellis & Rouvelas Meeds, LLP in Washington, DC. David lobbies for and advises clients on a range of federal legislative and regulatory matters before Congress and various agencies. David and his wife are expecting their first baby in late September.

Mary Ledwell Weidenbach is an associate with Riemer & Braunstein in Boston, MA.

1999

Stuart Barr is an attorney with Lerch Early & Brewer in Bethesda, MD.

Nicole Bowles is an associate with Tydings & Rosenberg in Baltimore, MD. Nicole works primarily on Maryland land use law matters (zoning and special exceptions, variance hearings, conservation easement and case law research.)



Apple Chapman, '99 and Paul Versace's, '99, son, Nathan Rios, born July 21, 2002.

Katy Byrne is an Assistant County Attorney with Anne Arundel County Office of Law in Annapolis, MD. (See her article on page 11).

Apple Chapman is a Staff Attorney at the U.S. EPA, Office of General Counsel in Washington, DC.

Philip Diamond is an associate with Gallagher, Evelius and Jones in Baltimore, MD.

Kimberly Dodd is an associate with Sidley Austin Brown & Wood in Washington, DC, practicing in the environmental, civil litigation and government contracts areas.

Chuck Dodge is an associate with Hudson Cook, LLP in Linthicum, MD.

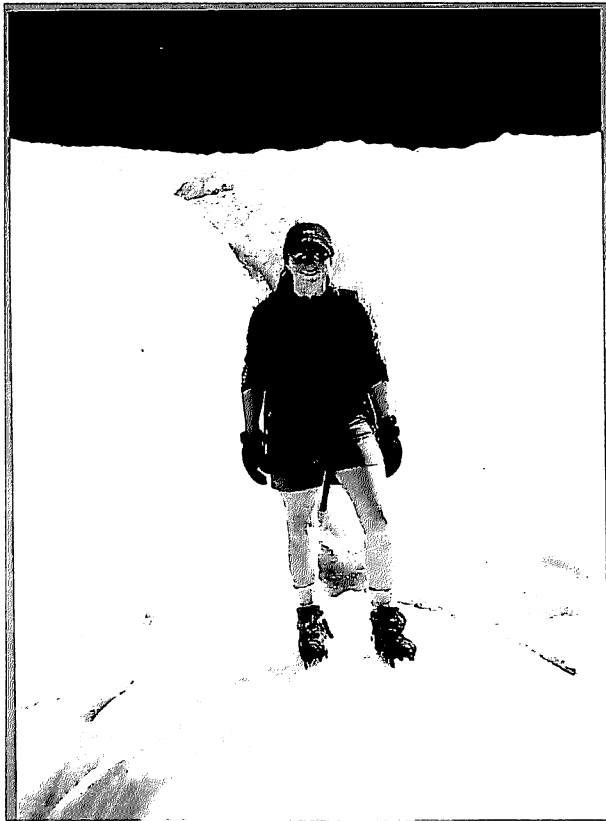
Michael Forlini is Assistant Attorney General with the Maryland Department of the Environment.

Tom Fort is an Attorney-Advisor with the Navy Office of the General Counsel.

Peter Johnson is an associate with Dyer Ellis & Joseph in Washington, DC.

Mila Leonard is an associate with Cook Schuhmann & Groseclose in Fairbanks, AL. Mila's first court appearance was an oral argument before the Alaska Supreme Court.

Yvette Pena is Legislative Assistant to U.S. Senator Christopher Dodd (D-CT).



Lori Schectel, '99 on Root Glacier, near McCarthy, Alaska.

Bill Piermattei is an associate with Anderson, Coe & King in Baltimore, MD.

Teju Rau is a legal writer/editor with the Bureau of National Affairs (BNA) in Washington, DC. Teju resides in Silver Spring with her husband and dog.

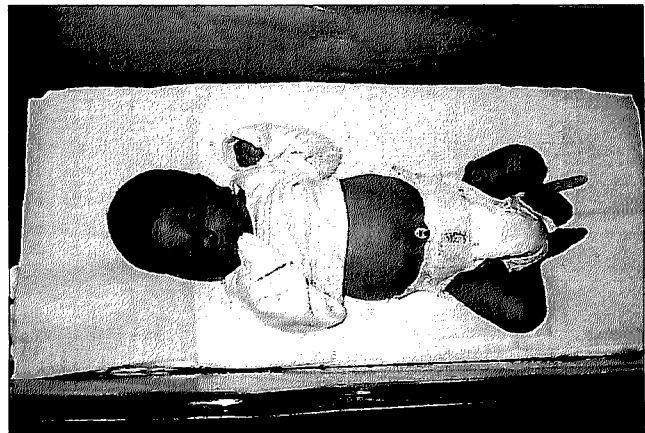
Alison Rosso is Legislative Assistant with Congressman John LaFalce in Washington, DC.

Lori Schectel is an associate with the Environmental Practice Group at Bracewell & Patterson, LLP in Washington, DC.

John Shoaff is an attorney with the U.S. EPA, Office of Prevention, Pesticides and Toxic Substances advising on standards and trade issues.

Jennifer Brune Speargas is an associate with Saul Ewing, LLP, practicing commercial litigation. Jennifer and her husband, Paul, recently celebrated their first anniversary.

Paul Versace is an Staff Attorney with U.S. EPA, Finance and Operations Law Office.



Justin Uwe, born on May 22, 2002, son of John Cannan, '00.

Charlie Wagner is an attorney with Dyer, Ellis and Joseph in Washington, DC.

Michael Woodruff is an associate with Shanley & Fisher in Morristown, NJ.

2000

Brian Anderson is an associate at Venable, Baetjer & Howard in Baltimore, MD. Brian is working on a pro bono asylum case via the Lawyers' Committee for Human Rights.

Tracy Spriggs Barr is an attorney for Campbell Miller Zimmerman.

Jennifer Marie Bushman is with the Peace Corps in Bolivia, volunteering for the Microenterprise Development Program.

John Cannan is an associate with The Law Offices of John C. Murphy in Baltimore, where he focuses on historic preservation, condemnation, land use, and community rights cases. He and his wife recently had their first child, Justin Uwe. In his spare time, John managed to write two books on the Civil War which will be published this fall.

Valerie Csizmadia is Deputy Attorney General with the State of Delaware, Department of Justice.

Paul DeSantis is clerking for the Honorable Judge Raymond G. Thieme III on the Court of Special Appeals.

Kevin Flynn is an associate with Van Ness Feldman in Washington, DC. His firm specializes in energy, environmental and natural resource law.

Joanna Goger is a trial attorney at the Department of Justice, Environment and National Resources Division, Washington, DC.

Melissa Hearne is an environmental associate with Piper Marbury Rudnick & Wolfe, LLP. Melissa focuses on PSD permitting and emissions reduction credits under the Clean Air Act, wetlands, and NEPA.

Lee Ann Lezzer is an attorney in the litigation department of Funk & Bolton in Baltimore, MD.

Jennifer Marshall is a law clerk for Judge James Lombardi, 7th Circuit, Prince Georges County.

Mark Matulef is an attorney with U. S. Housing and Urban Development. In the spring, Mark will be teaching the seminar, Lead Poisoning Control.

Sonja Mishalanie is an associate with Whiteford, Taylor & Preston, LLP practicing general litigation in their Virginia office.

Quang Nguyen is an attorney Advisor with the Department of Transportation in Washington, DC.

Claudia Rozenberg is a Researcher for Center for Strategic Research, AFL-CIO.

Kerstin Schuster is an attorney with the Social Security Administration in Baltimore, MD.

Lisa Shipley lives in California and works in broadcasting for Direct TV.

Melanie Shepherdson is Project Attorney, Clean Water Project, with Natural Resources Defense Council (NRDC) in Washington, DC. Melanie served as Coordinator of our recent Ward Kershaw Environmental Law Symposium on "Developing Environmental Policy in the Shadow of the War on Terrorism."

Cynthia Tippet is an associate with Zuckerman Spaeder, LLP in Baltimore, MD. Cynthia's work includes white collar criminal defense and complex civil litigation.

Evan Wolff is Environmental Science Counsel to ISCIENCES in Rockville, MD. ISCIENCES is a technical environmental science group based in Michigan.

2001

James Benjamin, Jr., is Assistant City Solicitor with the City Solicitor's Office in Baltimore City in the Environmental and Land Use Division.

Emily A. Berger is an associate with Fish & Richardson in Boston, MA.

John Celeste is an associate with Miles and Stockbridge in Baltimore, MD.



Gregory Hope's, 01, baby boy Noah born on March 8, 2002, pictured with his sister, Nia.

Sara Ruth Cohen is a policy analyst with the Department of Legislative Services in Annapolis, MD.

Michele Dunlop is as associate with Arnold & Porter in Washington, DC.

Terry Harris opened a solo general and environmental practice in Baltimore. He is also President of the Cleanup Coalition, a small Baltimore-based non-profit, working with communities on issues involving brownfield redevelopment, emergency response, and air, waste and water permitting.

Jeffrey Herrema is an attorney at the U.S. EPA, Office of General Counsel in Washington, DC.

Leslie Hill is an associate with Arnold & Porter in Washington, DC.

Gregory Hope is Branch Chief of the Water Quality Control Branch for the District of Columbia. Gregory and his wife have 2 children, Noah and Nia.

Melinda Kramer is a law clerk with the Securites & Exchange Commission in Washington, DC.

Eric Letvin is Department Head, Natural Hazards Engineering, Greenhorne & O'Mara, Inc. in Greenbelt, MD.

Chad Littleton is a program analyst at the U.S. EPA in Washington, DC.

Gail Ordendorff is a trial attorney with the Department of Justice, Environment and Natural Resource Division in Washington, DC.

Michael Strande is an attorney for the Law School's new Tobacco Control Legal Resource Center, a program created by the state with funds from the Tobacco Master Settlement Agreement.

Michelle Vanyo is an associate with Wharton, Levin, Ehrmantraut, Klein, Nash in Annapolis, MD. Michelle married Lt. Wade Callender (U.S. Navy) on October 5, 2002 in Annapolis, MD.

Wade Wilson is an associate in the litigation section with Morgan, Lewis & Bockius in Washington, DC.

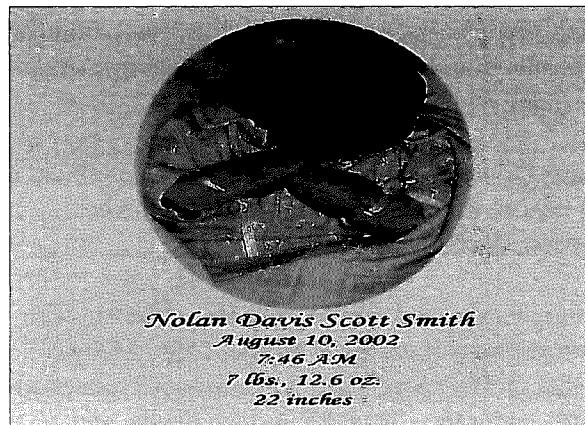
2002

Andrew Brought is a law clerk for Judge J. Frederick Sharer with the Maryland Court of Special Appeals. Drew recently became engaged to be married.

Rob Cage is an Economist with the Bureau of Labor Statistics in Washington, DC.

Ariel Close is a judicial law clerk for Judge John Miller, Baltimore City Circuit Court.

Margaret Clune is an environmental associate with Piper Rudnick LLP at the Baltimore office.



It's a baby boy for Erin Hutchison Smith, 02.

Quentin Kent is a Legal Specialist assigned to the office of General Law in the Coast Guard's legal division.

Jeanny Kim is a law clerk with the Baltimore City Health Department Lead Paint Enforcement Division.

Brooks Morton is with ADI Technology, Inc./ PerotSystems Government Services. Brooks works in the area of environmental policy for the Naval Sea System Command.

Greg Schaner is Director, Government Affairs, with Association of Metropolitan Sewerage Agencies (AMSA) in Washington, DC.

Daniel Smith has been accepted into the Attorney General's Honors Program. Dan will be working in the Environment and Natural Resources Division of the Department of Justice.

Erin Hutchison Smith is a law clerk for Judge Warren J. Krug of the Calvert County Circuit Court in Prince Frederick, MD.

Mark Sullivan is an associate with Pennie & Edmonds, LLP, practicing chemical and environmental patent prosecution.

2002 GRADUATES RECEIVE ENVIRONMENTAL CONCENTRATION

Fourteen members of the class of 2002 received the Certificate of Concentration in Environmental Law .



From left to right: Drew Brought, Professor Bob Percival, Ariel Close, Margaret Clune, Shawn Steel, Dan Smith, Greg Schaner, Mark Sullivan, Chris Corzine, Rob Cage, Yani Laskaris, Gabe McCoard and Erin Hutchison Smith. Not shown, Quentin Kent and Brooks Morton.

Seated: Laura Mrozek, Coordinator, Environmental Law Program, Carole Marshall, Administration Aide, Environmental Law Program.

ALUMNI, FACULTY, STUDENTS OF THE ENVIRONMENTAL LAW PROGRAM 11TH ANNUAL ENVIRONMENTAL LAW WINETASTING

DATE: Friday, November 15, 2002

TIME: 6:30 P.M.

**PLACE: Krongard Board Room
University of Maryland School of Law
500 W. Baltimore Street
Baltimore, MD 21201**

R.S.V.P. to Laura Mrozek at lmrozek@law.umaryland.edu or 410-706-8157

THE 2003 NAELS CONFERENCE
NATIONAL ASSOCIATION OF ENVIRONMENTAL LAW SOCIETIES



HOSTED BY
THE MARYLAND ENVIRONMENTAL LAW SOCIETY (MELS)
UNIVERSITY OF MARYLAND SCHOOL OF LAW

TOPIC
Protecting Our Planetary Backyard

DATES
Thursday, March 27 - Sunday, March 30, 2003

PLACE
The University of Maryland School of Law
Baltimore, Maryland

FEATURING
NAELS' First Film Festival
(All Schools Are Invited to Submit Films of Their ELS's Activities)
GALA Reception at Baltimore's National Aquarium

Website: www.law.umaryland.edu/environment/naels/

Or contact Laura Mrozek, Coordinator
Environmental Law Program
at lmrozek@law.umaryland.edu
or 410-706-8157