



ANNUAL REPORT 2004-2005

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MESSAGE FROM THE DIRECTOR

August 1, 2005

Dear Colleagues:

I am proud to introduce our 2004-2005 Annual Report, which covers the Tulane Environmental Law Clinic's 15th full academic year.

Regardless of victories or setbacks, the top day-to-day priority of the Clinic's student attorneys and staff is always to press on, to remain focused and alert to any opportunity to advance client goals. In contrast, the process of reporting on a year's activities is a rare opportunity for reflection, not only about specific outcomes but also the broader question of how we are doing. Was the work of the Clinic's 2004-2005 student attorneys and staff successful?

Success can be difficult to define in this context. With its 26 student-attorneys and four licensed lawyers, the Clinic is roughly equivalent to New Orleans' 20th largest law firm. So at any given time, things may be going swimmingly in one case while threatening collapse in another. And for obvious reasons, success is only significant to most clients when it happens in their cases.

Success can also be difficult to hang on to. For example: we began the fall semester with a Fifth Circuit victory in Louisiana Environmental Action Network ("LEAN") v. EPA, 382 F.3d 575 (5th Cir. 2004). That case headed off an EPA effort to deny the five-parish Baton Rouge area's residents the safeguards that Congress mandated in the Clean Air Act for areas that still—thirty years after the Act's enactment—violate federal health-protection standards for ozone pollution. In the meantime, however, EPA adopted a new set of regulations to avoid implementing the same safeguards. The Clinic is now challenging these new regulations on LEAN's behalf.

Even successful environmental litigation tends to work slowly. For example, the Clinic's clients won two important victories in a Clean Air Act enforcement suit about an oil refinery in Chalmette, Louisiana: St. Bernard Citizens for Environmental Quality v. Chalmette Refining, L.L.C., 348 F. Supp. 2d 765 (E.D. La. 2004) (rejecting the refinery's motion to stay) and 354 F. Supp. 2d 697 (E.D. La. 2005) (finding that refinery operations violate the law). The remedy phase of the case is still months down the road, however, and in the meantime the refinery continues to expose its neighbors to excessive emissions. Only rarely do we achieve a result like the fall semester's victory on behalf of a client coalition that included St. James Citizens for Jobs and the Environment. In that case, a company announced—days after receiving our November 23, 2004 notice of intent to sue—that it would stop spraying sewage sludge in agricultural fields near residences in St. James Parish.

The Clinic's 15+-year history of providing consistent, credible legal help to people who would otherwise have no voice in environmental decisions demonstrates that success is more than a case-by-case phenomenon. Because the Clinic's presence means that even lower-income Louisiana residents may be in a position to enforce their rights in court, government agencies and regulated companies are much more likely to pay attention to the concerns of people who bear the burdens of industrial development.

We do our level best to win or settle favorably each of our clients' cases. But whether we win or lose, having grown up pledging allegiance to values such as "justice for all," it is a privilege for the Clinic's staff and student attorneys to help broaden access to the legal system.

Very truly yours,



Adam Babich, Clinic Director

MISSION



Student attorney Clay Garside with members of St. Bernard Citizens for Environmental Quality

(1) To train effective and ethical lawyers by guiding law students through actual client representation, and

(2) To represent those who could otherwise not afford competent legal help on environmental issues. The Clinic broadens public participation in environmental decision making by giving a voice to clients who would not be heard otherwise.

BACKGROUND AND OVERVIEW

Tulane University Law School started its Environmental Law Clinic in 1989 to offer students the real-world experience of representing people who otherwise could not afford to enforce their rights under state and federal environmental laws. Having now operated for 15 full academic years, the Clinic is part of a first tier environmental law program and has become Louisiana's premier public-interest environmental legal services organization. On behalf of their clients, Clinic student and supervising attorneys litigate environmental "citizen suits" to abate industrial pollution, appeal permits for environmental pollution or destruction of wetlands, challenge agency regulations that fall short of legislative mandates, and prod agencies to perform statutory duties.

Tulane Law School funds approximately 65% of the Clinic's budget, while private foundation support provides the remaining funds necessary for the Clinic to offer the high quality legal assistance its clients need. Because the Clinic's twenty-six student attorneys—who receive credit but no compensation—do most of the Clinic's legal work, the Clinic produces tremendous results with only six paid staff members. The end result is a thriving Clinic that meets both of the Clinic's goals—to train effective and ethical lawyers by guiding law students through actual client representation and to represent individuals, community organizations, and government bodies who could not otherwise afford competent legal help. The Clinic contributes to the Louisiana legal community both by training strong, ethical litigators and by helping the Bar meet



Student attorney Helen Pope with members of the E.B. Robinson Neighborhood Improvement Coalition

its obligation, under the legal profession's rules, to ensure that access to justice is not "denied to people who are unable to afford legal services, or whose cause is controversial or the subject of popular disapproval."

Since its inception, the Clinic has provided free legal representation and community outreach to more than 180 community organizations, lower-income individuals, and local governments throughout Louisiana. By representing clients who have historically been left out of governmental processes, the Clinic has become a powerful force for environmental reform.

CASE SELECTION

To provide the best practical educational experience for its students, the Clinic generally operates at full capacity. Consistent with its client-driven mission, the Clinic evaluates potential new matters primarily on a “first-come, first-served” basis. The Clinic represents clients on cases of legal merit and educational value when:

1. The clients are not reasonably able to obtain representation from the private bar, whether on an hourly or a contingent basis; or
2. The Clinic serves as court-appointed counsel and the Clinic’s representation is in the public interest; or
3. The client is a governmental entity and the Clinic’s representation is in the public interest.

The Clinic will not take a case unless the case has evidentiary support or is likely to have evidentiary support after investigation. The case must also be warranted by existing law or by a nonfrivolous argument for a change to or an extension of existing law. Once a potential case has been screened by the Clinic staff and meets the above criteria, it then is presented to the Clinic’s Legal Advisory Board (listed below) for review. The Board reviews prospective cases and approves or disapproves of cases by a majority vote of its members. The Clinic’s clients determine each lawsuit’s goals (providing, of course, that those goals are lawful). Then, in consultation with the clients, Clinic students and staff attorneys select the legal tactics that best advance their clients’ goals.

There is no requirement or expectation that the Board, Clinic staff, or student attorneys agree with the clients’ lawful objectives. In other words, clients select the goals of representation; then, in consultation with the clients, Clinic students and staff attorneys select the legal strategies that best advance their clients’ goals. The Clinic will not, however, knowingly accept a case that requires the Clinic to advance positions it believes to be unjust or irresponsible, or that it otherwise cannot competently advocate.

LEGAL ADVISORY BOARD

The Legal Advisory Board’s primary function is to review and approve or disapprove the Clinic’s acceptance of individual cases and to provide Clinic staff with advice on Clinic matters, e.g., issues, cases, citizen outreach, fund-raising, and publicity.

Professor Paul Barron

Professor Jane L. Johnson

Kristen H. Engel, Esq.

Michele Merkel, Esq.

Doris Falkenheiner, Esq.

Ronald Simon, Esq.

Professor Oliver A. Houck

CLIENTS

Many of the Clinic's clients have struggled for years to improve environmental protection and the quality of life for Louisiana residents. The Clinic's representation of such clients means that access to the courts becomes one of their available tools. Each client, however, remains responsible for keeping an eye on the bigger picture. In other words, the Clinic's job is to serve as a tool available to clients who struggle to protect public health, welfare, and the environment. The Clinic does not take over, or direct, the struggle. The Clinic represented the following clients, along with several individuals, during the 2004 - 2005 academic year:



LEAN Director Marylee Orr (second from right) with Baton Rouge Mayor "Kip" Holden, Wilma Subra and student attorney Bryan Brody

Alliance for Affordable Energy

Association of Community Organizations for Reform Now

Assumption Parish People's Environmental Action League

Atchafalaya Basinkeeper Organization

Austin Civil War Roundtable

Citizens for a Clean Tangipahoa (CFACT)

Concerned Citizens Coalition

Concerned Citizens of Livingston Parish

Concerned Citizens of St. Helena Parish

E.B. Robinson Neighborhood Improvement Coalition

Gulf Restoration Network

Holy Cross Neighborhood Association

Lake Maurepas Society

Lake Pontchartrain Basin Foundation

Louisiana Audubon Council

Louisiana Bucket Brigade

Louisiana Charter Boats Association

Louisiana Environmental Action Network

Oakville Community Action Group

Sierra Club-Delta Chapter

St. Bernard Citizens for Environmental Quality

St. James Citizens for Jobs and the Environment

Treme Committee for Environmental Justice

STAFF

Adam Babich, Director

Adam Babich is an associate professor at Tulane Law School. He received his J.D. from Yale Law School in 1983 and his B.A. from Dickinson College in 1977. He has served as an assistant attorney general for the Colorado Attorney General's CERCLA Litigation Section, as adjunct attorney for the Environmental Defense Fund, as partner in a Denver law firm, as editor-in-chief of the Environmental Law Institute's Environmental Law Reporter, and as a law clerk for the Colorado Supreme Court. Mr. Babich has taught as an adjunct professor at Georgetown University Law Center, American University and the University of Denver. He has directed the Clinic since May 2000.

Karla Raettig, Deputy Director

Karla Raettig spent two years at Earthjustice in Seattle before joining the Clinic staff in 2001. Before working for Earthjustice, she clerked for U.S. Magistrate Judge Janice M. Stewart in the District of Oregon. In 1997, Ms. Raettig graduated from Lewis & Clark Law School, *magna cum laude*, with an environmental certificate. She served as editor-in-chief of Lewis and Clark's environmental law journal and as a teaching assistant for the law school's legal analysis and writing program. In December 2004, Ms. Raettig received an LL.M. in Energy and Environmental Law, *with distinction*, from Tulane Law School.

John Suttles, Deputy Director (through December 2004)

John Suttles obtained his J.D., *cum laude*, from Tulane Law School in 1988. Upon admission to the Louisiana Bar, he joined the New Orleans law firm of Schafer & Schafer, where he became a full partner in 1992. His principal practice areas have included personal injury, insurance, and toxic tort litigation. He enrolled in the Tulane Law School Energy and Environment LL.M. program in 2000 and obtained his LL.M. *with distinction* in May 2002. Mr. Suttles served at the Clinic from November 2002 through December 2004, when he joined the Southern Environmental Law Center in Chapel Hill, North Carolina.

Corinne Van Dalen, Staff Attorney

Corinne Van Dalen graduated from the University of Florida Law School in 1990. Ms. Van Dalen started her legal career in New Orleans working as in-house counsel for ACORN, representing its associated organizations in litigation involving the Fair Housing Act and FCC regulations. In 1992, she went to Washington, D.C. to work as a legislative specialist for an organization that represents states' interests and develops positions and recommendations regarding the Clean Water Act, the Coastal Zone Management Act and other federal environmental laws. She also worked as a legislative specialist for a private law firm providing regulatory counseling to clients on various environmental laws. Returning to litigation, she spent five years at a large Washington, D.C.-based firm working on complex product liability cases. In 2001, Ms. Van Dalen took a position with a firm that brought her back to New Orleans. She continued to litigate, working on environmental insurance coverage disputes and complex hazardous waste claims. She joined the legal staff of the Clinic in January 2005.

Lisa L. Jordan, Staff Attorney

Staff Attorney Lisa Lavie Jordan has practiced environmental law for nine years. She graduated from Louisiana State University and earned a law degree from Loyola University-New Orleans in 1990 and an LL.M. from Tulane Law School, with a specialization in environmental law, in 1991. She litigated criminal law cases as a prosecutor for Orleans Parish from 1991 to 1995. Ms. Jordan has been involved with the Tulane Environmental Law

Clinic at every level, beginning as a student in 1990. From 1996 through mid-1998, she worked as a supervising attorney at the Clinic, handling many types of cases, but focusing on air pollution. Lisa returned to the Clinic in 1999 to serve as Acting Director. Recently, Ms. Jordan again returned as a staff attorney and clinical instructor from January through June 2005, during which time she focused on air pollution cases, as well as landfills and the Industrial Canal expansion.

Beatriz M. Pérez, Community Outreach Director

Beatriz Pérez received a B.S. in Biology and Environmental Studies from Tulane University and a master's degree in Ecology from the University of California at Santa Barbara. She has held a number of positions in environmental science, environmental resource management, and environmental education. Since returning to New Orleans in 1997, she has worked with the Xavier Center for Environmental Programs and with the U.S. Army Corps of Engineers' Regulatory Program as a Senior Project Manager. In this capacity, she implemented portions of the Clean Water Act and other key environmental regulations, representing the public interest and working with individuals, organizations and government agencies at the local, state and federal levels. Ms. Pérez joined the staff of the Clinic in February 2005.

Christine Harvey, Community Outreach Director (through December 2004)

Christine Harvey joined the Clinic in June 2004 as Community Outreach Director. Ms. Harvey has a Bachelor of Arts degree in history from Loyola University in New Orleans and attended graduate school at Louisiana State University, where she studied mass communication, specializing in print journalism, and served as editor-in-chief of *The Reveille*, LSU's student-run newspaper. Prior to joining the Clinic's staff, she spent four years as a newspaper reporter, first at *The Sun Herald* in Biloxi, Mississippi, and most recently at *The Times of Northwest Indiana* in Munster. In December 2004, Ms. Harvey left the Clinic to work as a reporter for the *Times-Picayune* in Slidell, Louisiana.

Angela James Jenkins, Legal Assistant

Angela James Jenkins joined the Clinic in April 2004 after working at Tulane Law School's Department of Continuing Legal Education (CLE). Prior to working with CLE, she was employed by Orleans Parish Juvenile Court. Mrs. Jenkins has also held internships at the office of U.S. Senator John Breaux and the Mayor's office. She earned a Bachelor of Science degree in Criminal Justice from Southern University at New Orleans.

STUDENT PRACTICE

Each year, the Clinic trains 26 third-year law students to practice environmental law. The Louisiana Supreme Court and the U.S. District Courts for the Eastern, Western, and Middle Districts of Louisiana have adopted "student practice" rules that authorize Clinic students to appear, argue, and present witnesses. This authorization is a privilege, carrying with it the responsibility to provide zealous, diligent representation that meets the highest standards of professional behavior. Clinic students are sworn to place "the interests of the client" above their "personal interests or clinic interests." The opportunities and responsibilities afforded by these court rules enhance the Clinic's ability to provide students with real-world litigation experience.



Student attorney Allison Cook compiles documents for a Clean Air Act citizen enforcement suit

STUDENT ATTORNEYS

Ellen Addington

Karen Bishop

Bryan Brody

Allison Cook

Cynthia Ericson

Clay Garside

Katherine Jensen

Rebecca Gerber Judd

Frank Kreis

David Kovsky

Elizabeth Leoty

Jeff Maday

Kathryn Miller

Sophia Mian

Nada Naseri

Amy Nelson

Gregory Nortman

Whiton Paine

Helen Pope

Jason Rapp

Rebekah Salguero

Meredith Sherman

Tyra Spencer

Meaghan Sullivan

Dannon Traxler

Charles Winningham

RESEARCH ASSISTANTS

Gilbert ("Bert") Dupre

Matthew Fraser

Houston Howell

Kathryn Wasik

Alexander Williamson

INTERNS

Chao-Ting Liu

LEGAL WORK AND ACCOMPLISHMENTS

CLEAN AIR INITIATIVE

On behalf of and in consultation with the Clinic's clients, the Clean Air Initiative targets toxic air pollution in Louisiana from industrial facilities, including oil refineries and chemical and petrochemical manufacturing facilities, which are overwhelmingly concentrated in low-income, minority communities throughout Louisiana. The Initiative's goals are to abate dangerous air emissions, deter industry violations of the Clean Air Act, and empower citizens to participate effectively in the permitting and enforcement processes. The Clinic worked on the following clean air matters during the 2004 - 2005 academic year:



ExxonMobil facility in Baton Rouge, Louisiana.

Comments on Behalf of Louisiana Environmental Action Network on Phase 1 Reconsideration, 8-Hour Ozone Standard Implementation Rule (Opposing proposed EPA rules that would relax ozone pollution protections required for new sources of pollution in the Baton Rouge area) (May 4, 2005)

Petition on Behalf of Louisiana Environmental Action Network, Atchafalaya Basinkeeper Organization, Gulf Restoration Network, Louisiana Audubon Council, and Dean A. Wilson (Requesting that LDEQ reopen a permit governing air pollution from the PPG Chlor-Alkali Plant in Lake Charles, Louisiana, to incorporate new limits on mercury emissions and to consider alternatives, including conversion to a mercury-free process) (April 13, 2005)

Comments on Behalf of Louisiana Environmental Action Network (Objecting to a proposal from Pioneer Americas, LLC to resolve its liability for violating the mercury limits of its air emissions permit at its Chlor-Alkali Plant in St. Gabriel, Louisiana with a thirty-five thousand dollar fine) (April 7, 2005)

Comments on Behalf of Louisiana Environmental Action Network on Phase 1 Reconsideration, 8-Hour Ozone Standard Implementation Rule (Opposing EPA's proposal to deny Baton Rouge residents the safeguards mandated by Clean Air Act § 182(c)(9) (providing

for contingency measures) and § 185 (providing economic incentives to reduce pollution because air quality in Baton Rouge continues to violate health-protection standards) (March 21, 2005)

Louisiana Environmental Action Network v. Johnson, No. 05-CV-184 (Middle District of Louisiana, March 18, 2005) (Seeking to compel EPA to rule on LEAN's petition for an EPA objection to an LDEQ air permit that allows ExxonMobil to increase emissions in the Baton Rouge area based on speculative future reductions)

In re Waste Management of Louisiana, LLC, Woodside Landfill Air Permitting Decisions, No. 529640 (19th Judicial District, February 24, 2005) (Challenging LDEQ's issuance of an exemption from the obligation to obtain Clean Air Act "prevention of significant deterioration" review for a landfill gas collection and control system and issuance of a Part 70 permit for that system and for a bioremediation area)

Notice of Louisiana Environmental Action Network to EPA re: ExxonMobil Refining and Supply Company in Baton Rouge (60-day notice of intent to bring a citizen suit to force EPA to rule on LEAN's petition that EPA veto LDEQ Clean Air Act permit decisions that would increase pollution in an area that already violates the health protection standard for ozone) (Nov. 3, 2004)

Juanita Stewart and Louisiana Environmental Action Network v. Michael O. Leavitt, No. 04-0650 (Middle District of Louisiana, September 10, 2004) (Seeking to compel EPA to terminate, modify or revoke and reissue an air permit granted by LDEQ to the Georgia-Pacific facility in Zachary, Louisiana. The current permit violates the Clean Air Act and allows Georgia-Pacific to emit excess pollution in an area that fails to meet minimum health protection standards for ozone.) In response to the lawsuit, LDEQ issued a modified permit. Our clients chose not to comment on the modified permit, and the suit was dismissed voluntarily.

Comments on Behalf of Louisiana Environmental Action Network Supporting LDEQ's Repeal of Inter-Pollutant Trading (Supporting LDEQ's repeal of inter-pollutant trading – a scheme that would have allowed reductions of nitrogen oxides to offset increases in dangerous volatile organic compounds, many of which are toxic or carcinogenic. The comments pointed out that unhealthy ozone levels in the Baton Rouge area are caused primarily by industrial emissions of volatile organic compounds, that removing volatile organic compounds from the air reduces people's exposure to toxic and carcinogenic pollutants, and that the Clean Air Act does not allow inter-pollutant trading.) (July 1, 2004)

Louisiana Environmental Action Network v. Leavitt, No. 04-CV-00370 (Middle District of Louisiana, June 4, 2004) (Seeking to compel EPA to rule on LEAN's petition asking EPA to veto LDEQ's granting of an air permit that would allow Dow Chemical to increase emissions of volatile organic compounds in Iberville Parish, which already violates federal health protection standards for ozone pollution) The Clinic settled this case with EPA on November 9, 2004 and, as agreed, EPA ruled on our petition on December 22, 2004. That ruling was a denial, although EPA did admonish LDEQ "in the future" to "ensure that the record clearly demonstrates the rationale" for decisions. LEAN chose not to appeal the ruling.

St. Bernard Citizens For Environmental Quality and Louisiana Bucket Brigade v. Chalmette Refining, LLC, No. 04-0398 (Eastern District of Louisiana, February 12, 2004) (Citizen suit seeking civil penalties and an injunction against (1) excessive oil refinery emissions due to

equipment breakdowns; (2) violations of permit limits for benzene; (3) violations of performance standards for flares; and (4) reporting violations, under the Clean Air Act and the Emergency Planning and Community Right to Know Act) In November 2004, the court denied Chalmette Refining's motion to stay the case during negotiations between the state and ExxonMobil (Chalmette Refining's operator). And in February 2005, the court granted our clients summary judgment that Chalmette Refining had violated the Clean Air Act on 34 separate occasions and was likely to continue its violations. The Clinic filed a second summary judgment motion on April 26, 2005, detailing 2,629 additional violations and seeking an injunction to prevent further purposeful violations of the permit limits governing Chalmette Refining's benzene tanks. The Court held a hearing on the second motion on June 15, 2005, and we are currently awaiting the court's ruling.

Baton Rouge Ozone Attainment: On behalf of the Louisiana Environmental Action Network, the Clinic continued its challenge, begun in November 2002, of EPA's decision to approve Louisiana's plan for attaining the Clean Air Act's ozone health protection standard for the Baton Rouge area. In September 2004, the Fifth Circuit Court of Appeals vacated and remanded the remainder of EPA's decision, finding no justification in the record for the agency's approval of an emission reduction from outside the Baton Rouge area as a "contingency measure" to mitigate the Baton Rouge area's failure to attain the ozone health protection standard by November 1999. The Clinic is currently finalizing a settlement proposal to implement the Clean Air Act's requirement for a contingency measure in the Baton Rouge area, whereby Louisiana and EPA should require the approximately 5.7 tons per day of actual emission reductions that the Act mandates.

WATER QUALITY PROTECTION INITIATIVE

The Water Quality Protection Initiative addresses water pollution problems in Louisiana by enabling citizens to pressure the responsible government agencies to protect water resources and to enforce the Clean Water Act directly against polluters. The Water Quality Protection Initiative's goals are to reform the state's water protection program, to abate harmful water discharges, and to empower citizens to participate effectively in permitting and enforcement processes. Part of this work includes serving as legal counsel on LEAN's Lower Mississippi Riverkeeper project, part of Robert F. Kennedy's national Waterkeeper Alliance. The Clinic worked on the following matters during the 2004 - 2005 academic year:



Alligator Bayou

Notice on Behalf of Louisiana Environmental Action Network and the Austin Civil War Roundtable re: Dolet Hills Lignite Company (Notice of intent to file a citizen suit under the Clean Water Act for violating discharge permit limits) (June 6, 2005)

Gulf Restoration Network, Sierra Club-Delta Chapter and Louisiana Charter Boats Association v. U.S. Department of Transportation, No. 05-60321 (5th Circuit, April 15, 2005) (Requesting that the U.S. Department of Transportation review its decision to issue a permit to Gulf Landing, LLC to operate a liquefied natural gas facility without analyzing cumulative impacts from other proposed facilities in the Gulf of Mexico. All of the proposed facilities will use "open loop" technology to warm the natural gas, which has significant impacts on vital Louisiana fisheries.)

Louisiana Environmental Action Network v. Ormet Primary Aluminum Corporation, No. 05-213-D-M3 (Middle District of Louisiana, March 28, 2005) (Seeking declaratory judgment, injunctive relief and civil penalties under the Clean Water Act for permit violations and unauthorized discharges) LEAN and Ormet entered into a settlement agreement on July 11, 2005 whereby Ormet agreed to contribute money for water quality improvement to the Lake Pontchartrain Basin Foundation and to furnish Discharge Monitoring Reports to LEAN for two years. Pursuant to this agreement, LEAN voluntarily dismissed the suit on July 13, 2005.

Notice on Behalf of Louisiana Environmental Action Network re: Ormet Primary Aluminum Corporation (Notice of violations and intent to file a citizen suit under Section 505 of the Clean Water Act for exceeding its permitted effluent limitations for pH, fecal coliform and total suspended solids discharges to the Mississippi River) (Nov. 29, 2004)

Comments on Behalf of the Sierra Club-Delta Chapter re: A Water Quality Certification for an Application by Helix Oil and Gas Company to Dredge and Fill in the Atchafalaya Basin (Requesting that the Louisiana Department of Environmental Quality prepare an Environmental Assessment analyzing the impact resulting from a proposed oil and gas dredging project before issuing a certification that the project complies with water quality standards) (Nov. 12, 2004)

Comments on Behalf of Stephanie Anthony and Louisiana Environmental Action Network re: Baton Rouge Municipal Separate Storm Sewer System (Objecting to a permit authorizing storm water discharges to waters already impaired and without sufficient measures to comply with the Clean Water Act and Louisiana law) (Nov. 1, 2004)

Comments on Behalf of Eight Environmental Groups re: EPA's Proposal to Approve Revisions to the Louisiana Pollution Discharge Elimination System Program (Congratulating LDEQ for improving its administration of the water permit program but requesting that EPA remedy the remaining areas of concern before approving the revised permitting program) (Sept. 13, 2004) The Clinic filed a petition in October 2001, on behalf of eight community and environmental groups, asking EPA to withdraw Louisiana's authority to administer the water permitting and enforcement program because of several documented deficiencies. That petition resulted in significant federal oversight of Louisiana's program, and, in May 2004 EPA announced that LDEQ had satisfactorily met the performance measure requirements and would retain its authority over the water permitting and enforcement program. EPA published its decision in the *Federal Register* and accepted public comments on it in August and September 2004. In December 2004 EPA approved Louisiana's water program and denied our clients' petition. Nonetheless, the program's improvements are a victory for Louisiana residents and a direct result of pressure on EPA and LDEQ. The Clinic and Petitioners will continue to monitor the program to ensure that the government follows through on changes to it.

Loretto O'Reilly, Hazel Sinclair and Kelly Fitzmaurice v. Louisiana Department of Environmental Quality, No. 509564 (19th Judicial District, August 4, 2004) (Challenging LDEQ's second issuance of a water quality certification for a proposed subdivision that would destroy 85 acres of forest of which 39.5 acres are wetlands in St. Tammany Parish and negatively impact the water quality of the Little Tchefuncte River and Timber Branch Creek) The Clinic had prevailed on a challenge to LDEQ's first issuance of such a certification; this lawsuit, however, was not successful and the court affirmed the agency's decision.

Lake Pontchartrain Basin Foundation v. Madisonville Properties, Inc., d/b/a T Rivers, Inc., No. 04-0541 (Eastern District of Louisiana, February 25, 2004) (Citizen enforcement suit seeking injunctive relief and civil penalties under the Clean Water Act for T Rivers' failure to comply with the requirements of its water permit) The case was settled when the Defendant agreed to file Discharge Monitoring Reports with LDEQ and provide copies to the Clinic. The Clinic will continue to monitor the facility's compliance.

Notice and Supplemental Notice of Lake Pontchartrain Basin Foundation re: Delta Glass Works, Inc. (Notices of intent to file a citizen suit under the Clean Water Act for violations of permit limits for total suspended solids and for violations of requirements to submit Discharge Monitoring Reports) (Oct. 28 and Nov. 21, 2003) As a result of the notices, the company hired a consultant to perform regularly scheduled plant maintenance, perform sampling and testing as required and assist with filing of Discharge Monitoring Reports. The Clinic will continue to monitor the facility's compliance.

Notice and Supplemental Notice of Lake Pontchartrain Basin Foundation re: Preferred Equities, Inc. (Notices of intent to file a citizen suit under the Clean Water Act for violations of requirements to maintain effluent limitations and to submit Discharge Monitoring Reports) (Oct. 14 and 30, 2003) Preferred Equities entered into a settlement agreement with LDEQ in 2005 and is currently in compliance with the Clean Water Act. The Clinic intends to monitor Preferred Equities' Discharge Monitoring Reports during 2005.

Notice and Supplemental Notice of Lake Pontchartrain Basin Foundation re: Southeastern Louisiana Water & Sewer Co., LLC (Notices of intent to file a citizen suit under the Clean Water Act for violations of requirements to maintain effluent limitations and to submit Discharge Monitoring Reports) (Oct. 14 and 30, 2003) Southeastern entered into a settlement agreement with LDEQ in 2005 and is currently in compliance with the Clean Water Act. The Clinic intends to monitor Southeastern's Discharge Monitoring Reports during 2005.

Notice of Lake Pontchartrain Basin Foundation re: Pineapple Management Services, Inc. (Notice of intent to file a citizen suit under the Clean Water Act for violations of requirements to submit Discharge Monitoring Reports) (Oct. 28, 2003) The case was settled when Pineapple Management agreed to file Discharge Monitoring Reports with LDEQ and provide copies to the Clinic. The Clinic will continue to monitor the facility's compliance.

Notice of Lake Pontchartrain Basin Foundation re: TI, Inc., d/b/a Titan Industries, Inc. (Notice of intent to file a citizen suit under the Clean Water Act for violations of requirements to maintain effluent limitations and to submit Discharge Monitoring Reports) (Oct. 28, 2003) The case was settled when Titan Industries agreed to file Discharge Monitoring Reports with LDEQ and provide copies to the Clinic. The Clinic will continue to monitor the facility's compliance.

Louisiana Environmental Action Network v. Daybrook Fisheries, No. 03-1627 (Eastern District of Louisiana, June 6, 2003) (Seeking declaratory and injunctive relief, civil penalties and other appropriate relief from Daybrook Fisheries' documented and unresolved violations of the Clean Water Act, including excess discharges of substances that contain or affect total suspended solids and biological oxygen demand) Judge Jay Zainey dismissed the suit in October 2004 after concluding that the facility had come into compliance and that the case was therefore moot. The court, however, stated "thank goodness for the plaintiffs [*i.e.*, LEAN], because I don't think it's really coincidental, I don't know this, is that the lawsuit was filed in June, and then the law is complied with a few months later. So I think that you guys did a wonderful job" LEAN decided not to appeal.

Louisiana Environmental Action Network v. T.T. Coatings, Inc., No. 03-1628 (Eastern District of Louisiana, June 6, 2003) (Seeking declaratory and injunctive relief, civil penalties and other appropriate relief from T.T. Coatings' documented and unresolved violations of the Clean Water Act, including excess discharges of total purgeable halocarbons) The case was settled in February 2005, after the Defendant demonstrated that it had come into

compliance, agreed to a schedule of stipulated penalties for future violations of sampling protocols, and made a small donation to a non-litigating environmental organization.

Louisiana Environmental Action Network v. CII Carbon, LLC, No. 03-1626 (Eastern District of Louisiana, June 6, 2003) (Clean Water Act citizen enforcement suit seeking declaratory and injunctive relief and civil penalties for the calcined coke facility's excessive discharges of pollution into the Mississippi River) After the Clinic filed suit, the Louisiana Department of Environmental Quality commenced an enforcement action and levied civil penalties. In August 2004, the Clinic reached a settlement whereby CII Carbon will contribute an additional sum to assist environmental groups' efforts to preserve and restore coastal Louisiana.

ENDANGERED WETLANDS INITIATIVE

Wetland loss in coastal Louisiana has reached catastrophic proportions, with current losses of 25-35 square miles per year. The disappearance of Louisiana's wetlands threatens the productivity of its coastal ecosystems, the economic viability of its industries, and the safety of its residents. The Endangered Wetlands Initiative uses client-directed administrative comments, litigation, and outreach to enhance citizen efforts to protect and restore wetlands from harmful projects and to empower citizens to effectively participate in wetlands regulation and enforcement. On behalf of its clients, the Clinic worked on the following matters within its Endangered Wetlands Initiative during the 2004 – 2005 academic year:



Timber Branch in St. Tammany Parish, Louisiana

Comments on Behalf of the Sierra Club-Delta Chapter re: An Application by Helis Oil and Gas Company to Dredge and Fill in the Atchafalaya Basin (Requesting that the U.S. Army Corps of Engineers prepare an Environmental Impact Statement analyzing the cumulative impacts resulting from oil and gas development in the Basin) (Nov. 12, 2004)

Comments on Behalf of the Sierra Club-Delta Chapter re: Port of South Louisiana I-10 Connector Environmental Assessment (Requesting that the Louisiana Department of Transportation and Development prepare an Environmental Impact Statement evaluating the environmental effects of a proposed highway connecting U.S. Highway 61 to Interstate 10 near LaPlace, Louisiana, including analyses of cumulative impacts and less damaging alternatives) (Nov. 1, 2004)

Loretto O'Reilly, Hazel Sinclair and Kelly Fitzmaurice v. U.S. Army Corps of Engineers, No. 04-940 (Eastern District of Louisiana, April 2, 2004) (Challenging the Corps' approval of a proposed subdivision that would destroy 85 acres of forest, of which 39.5 acres are wetlands, in St. Tammany Parish, without preparing an Environmental Impact Statement) On August 10, 2004, the court ruled that the Corps failed to prepare an adequate assessment of the potential damage to the environment before it issued a permit to the developers. The ruling effectively stops the project from moving forward until the Corps prepares an Environmental Impact Statement, as required by the National Environmental Policy Act. The

court created precedent that should enhance protections for Louisiana wetlands when it stated that the Corps' Environmental Assessment "contain[ed] no support for the Corps' conclusion that the mitigation measures would remove or reduce the identified adverse impacts of the project" and failed "to give an in depth analysis to the cumulative effects of the project." The Corps and the Intervenor-Defendant landowners have appealed the decision to the Fifth Circuit Court of Appeals. During December and January 2004, the parties engaged in intensive settlement discussions, but those discussions were unsuccessful and the case was briefed in March and April 2005. We are currently awaiting scheduling of oral arguments.

Oakville Community Action Group v. Plaquemines Parish Council, No. 50-697 (25th Judicial District, December 15, 2003) (Challenging a decision by the Plaquemines Parish Council to approve Industrial Pipe, Inc.'s coastal use permit application. The permit will allow Industrial Pipe to destroy over 8 acres of unique bottomland hardwood wetlands and expand its current landfill, which is located immediately adjacent to the Oakville Community.) A hearing on Defendant's exceptions was held on February 14, 2005; the judge ruled for the Defendant and transferred the case for administrative review.

COMMUNITY PRESERVATION INITIATIVE

The Community Preservation Initiative, on behalf of environmental and community groups, helps Louisiana residents defend their communities and environment against damage from poorly planned development. At issue are land use decisions, environmental justice, historic preservation, hazardous waste disposal, and sprawl that threaten the historic value, cultural fabric, and environmental integrity of communities. The Clinic's current Community Preservation docket includes cases that (1) strive to empower citizens to gain greater control over decision-making in their community and (2) seek to preserve the unique character of Louisiana communities. On behalf of citizens and community organizations, the Clinic represented communities in the following matters during the 2004 - 2005 academic year:



A view of the Woodside Landfill in Livingston Parish operated by Waste Management of Louisiana, LLC

Comments on Behalf of Treme Committee for Environmental Justice to the City of New Orleans re: Proposed "Phase I Investigation" for Toxic Contamination in Treme, New Orleans (Pointing out that the proposal's focus on one property is too narrow to meet community concerns, that it relies on databases that are unlikely to contain information about this area, and that it fails to provide for review of title records, Sanborn fire insurance maps, fire department records, property tax files, local street directories, aerial photographs, and other historical records) (June 30, 2005)

Alliance for Affordable Energy and Susan Vuillemot v. Louisiana Public Service Commission, No. 533644 (19th Judicial District, June 23, 2005) (Petition challenging the Louisiana Public Service Commission's approval of a Formula Rate Plan without giving the public adequate notice as required by the Louisiana Constitution)

In re Tree Enterprise, Inc. (Intervention in an administrative adjudication on behalf of the Louisiana Environmental Action Network and two individuals to support a state decision to

deny a solid waste permit which LDEQ determined would cause “an excessive and unnecessary nuisance”) (May 17, 2005)

Oakville Community Action Group, Glynn Mayfield and Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality, No. 2005-CA-1365 (1st Circuit Court of Appeal, May 4, 2005) (Appealing the District Court’s decision to uphold LDEQ's issuance of solid waste processing and disposal permits to Industrial Pipe, Inc.)

Oakville Community Action Group and Louisiana Environmental Action Network v. Industrial Pipe, Inc., No. 05-30462 (5th Circuit Court of Appeals, April 28, 2005) (Appealing the district court’s decision to dismiss a citizen enforcement suit against Industrial Pipe for failing to comply with federal and state solid waste regulations. The Plaintiffs-Appellants claim that Industrial Pipe’s waste processing facility is a Municipal Solid Waste Landfill subject to Resource Conservation and Recovery Act regulations; that Industrial Pipe has violated RCRA regulations; and that Industrial Pipe violated state solid waste regulations by not complying with financial assurance requirements for closure and post-closure care of the landfill and by not carrying adequate liability coverage for its operations.)

Petition on Behalf of Louisiana Environmental Action Network, Jeanette Tate and the Austin Civil War Roundtable (Requesting that the Louisiana Department of Natural Resources declare the Mansfield Battlefield unsuitable for strip mining because current mining practices threaten the historical significance of the Civil War Battlefield) (Feb. 18, 2005)

Comments on Behalf of Assumption Parish People's Environmental Action League, Louisiana Environmental Action Network and Mr. Justin Luĝenbhul re: Belle Company Landfill (Requesting that LDEQ deny Belle Company's request for a permit to construct a 340-acre residential and industrial landfill because of numerous statutory violations) (Jan. 10, 2005)

Notice of St. James Citizens for Jobs and the Environment, Louisiana Environmental Action Network and Ms. Gloria Braxton re: FTM and Associates, Inc. (Notice of intent to file a citizen suit under Louisiana Environmental Quality Act § 2026 for disposal of sewage sludge from Kenner on agricultural fields in St. James Parish) (Nov. 23, 2004) LDEQ announced in early December 2004 that FTM and Associates, Inc. would stop spreading sewage sludge in the St. James community by December 31, 2004. LDEQ's announcement came one week after LDEQ and FTM received the Clinic’s notice of intent to file a citizen suit on behalf of its clients. The Clinic’s notice clarified that FTM could "be fined up to ten thousand dollars for each day" that it continued to spread human waste in the St. James community.

Concerned Citizens Coalition v. Federal Highway Administration, No. 04-30991 (5th District Court of Appeals, October 11, 2004) (Appealing the District Court's grant of summary judgment for the Federal Highway Administration in a case seeking to stop construction of an elevated highway through the historic heart of Lafayette because the agency violated the National Environmental Policy Act, the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act) A Fifth District Court of Appeals panel rejected the appeal in June 2005 and the Clinic expects to file for reconsideration by the entire court.

O’Neil Couvillion, Harold Wayne Breaud, Louisiana Environmental Action Network and Concerned Citizens of Livingston Parish v. Louisiana Department of Environmental Quality, No. 504269 (19th Judicial District, February 20, 2004) (Petition challenging LDEQ’s issuance of a solid waste permit application that will increase the waste disposal capacity and laterally

expand Woodside Landfill) On November 18, 2004, the court ruled against the Petitioners in this case.

Oakville Community Action Group, Glynn Mayfield and Louisiana Environmental Action Network v. Louisiana Department of Environmental Quality, No. 517017 (19th Judicial District, February 9, 2004) (Petition challenging LDEQ's issuance of solid waste processing and disposal permits to a landfill owner and operator on the grounds that: (1) LDEQ did not properly perform the required environmental assessment; (2) the site is not properly zoned for use as a landfill or waste processing facility; (3) LDEQ's interpretation of its solid waste regulations to allow processing of industrial and household waste as close as 50 feet from the Oakville community is arbitrary and capricious; and, (4) LDEQ's decision is not supported by the record) The petition was denied and our clients chose to appeal that decision to the First Circuit Court of Appeal.

George Washington, Concerned Citizens of St. Helena Parish and Louisiana Environmental Action Network v. St. Helena Parish Police Jury, No. 18370 (21st Judicial District, November 7, 2003) (Seeking to have a 50-year contract with MMR St. Helena, LLC for a landfill set aside as outside the powers of the police jury and for violations of the Open Meetings Law) On June 7, 2005, the court declared the contract between MMR and the Parish to be null and void, vindicating citizens' rights to participate in decision making by their local representatives.

Faith Farlough and E.B. Robinson Neighborhood Improvement Coalition v. Roussel Welding & Metal Works, Inc., No. 47868 (40th Judicial District, October 22, 2003) (Seeking declaratory and injunctive relief against the operation of a welding shop in a residentially zoned neighborhood that is both a nuisance at law and a nuisance in fact) The Defendant filed exceptions to the lawsuit, arguing that citizens cannot enforce zoning violations and that the community organization lacked standing. After a November 2004 hearing, the court ruled that citizens have a right to enforce zoning violations in Louisiana courts and that the community organization had standing. On February 2, 2005, however, the court conducted a bench trial and ruled against the Plaintiffs on the facts of this case.

Holy Cross Neighborhood Association, Louisiana Environmental Action Network and Gulf Restoration Network v. U.S. Army Corps of Engineers, No. 03-0370 (Eastern District of Louisiana, February 6, 2003) (Seeking abatement under the Resource Conservation and Recovery Act of the Corps' plans to dredge contaminated sediments in the Inner Harbor Navigational Canal and seeking a supplemental environmental impact statement under the National Environmental Policy Act to analyze the effects of dredging and disposal of dredged sediments) In November 2004, the court ordered the Corps to forgo dredging until July 2005 to allow time for environmental testing. In the meantime, the court stayed the lawsuit. The Clinic has prepared a motion to lift the stay based on flaws in the Corps' testing plan.

SPEAKING ENGAGEMENTS, OUTREACH AND PUBLICATIONS

- Published “The Apolitical Law School Clinic,” 11 Clinical L. Rev. 447 (2005) and “A Reply To Wizner and Solomon’s ‘Law As Politics,’” 11 Clinical L. Rev. 481 (2005).
- Attended the annual meeting of the Sierra Club-Delta Chapter in Lafayette, Louisiana.
- Coordinated and participated in eight Wetlands Strategy Group meetings with a network of clients working on wetlands protection and coastal restoration issues. The group has focused on seeking consistency between coastal restoration efforts and permitting of projects which affect coastal resources. The Outreach Director plans the meetings, creates the agenda and follows up on action items at the direction of the group.
- Met with citizens of St. James Parish on July 27, 2004, to discuss their concerns regarding skin problems and distributed copies of the “Citizen’s Guide to Environmental Protection in Louisiana.”
- Prepared and distributed an August 11, 2004 press release announcing a federal judge’s order halting a developer’s plan to destroy valuable wetlands for a new residential subdivision. The victory, which the Clinic won on behalf of three residents of St. Tammany Parish, received media coverage in *The Times-Picayune*, the *Covington News-Banner* and *New Orleans CityBusiness*.
- Met with staff of the Louisiana Department of Environmental Quality (LDEQ), including Deputy Secretary Karen Gautreaux, to discuss the state’s Open Records Law and how the LDEQ can improve public access to its records.



**Student Attorney Whiton Paine with clients
Barry Kohl and Pam Dashiell**

- Attended a conference in Seattle, Washington to learn techniques useful in lobbying regulatory agencies.
- Attended a meeting on with St. James Parish residents and representatives of LDEQ, EPA and the Louisiana Department of Health and Hospitals to discuss health problems facing members of the community, and possible causes and solutions.
- Coordinated a conference between representatives of the Louisiana Bucket Brigade, St. Bernard Citizens for Environmental Quality, Clinic

staff and Chalmette Refining, LLC (an ExxonMobil company), to discuss the concerns of residents living along the refinery's fence line. The Clinic has filed a lawsuit against the company on behalf of its clients.

- Met with Washington Parish residents on to discuss their concerns about a reservoir project proposed for Angie, Louisiana. The project will adversely impact the Pushepatapa Creek, a scenic waterway and home to endangered plants, as well as displace more than 100 homes, churches and cemeteries, including tribal burial grounds.
- Attended the 18th Annual LEAN People's Conference, held on October 2, 2004 in Baton Rouge, and participated in a panel discussion about the Clinic's efforts on behalf of LEAN and the Austin Civil War Roundtable to halt strip-mining at the Mansfield Battlefield, the site of a historic Civil War battle.
- Spoke at the annual convention of the Southern Environmental Enforcement Network held in New Orleans in October 2004. The organization comprises 14 state and local governmental environmental enforcement agencies.
- Participated in an Environmental Justice roundtable at Golden Gate University in San Francisco, California on October 7 and 8, 2004.
- Attended the annual meeting of the American Bar Association Section on Environmental, Energy and Resources Law in San Antonio, Texas, on October 7 through 9, 2004. Staff attorney Karla Raettig attended several panels, as well as a training seminar and orientation for her position as Vice-Chair for Membership of the Special Committee on Smart Growth and Urban Policy.
- Attended the Lake Pontchartrain Basin Foundation's annual "State of the Lake" address, which focused on the organization's desire to more aggressively pursue the issue of wetlands loss.
- Participated in a meeting organized by the McKnight Foundation, held in Minneapolis, Minnesota on October 19 and 20, 2004, to discuss strategies to improve water quality on the Mississippi River.
- Participated in a roundtable discussion at the Louisiana Department of Environmental Quality on the availability of public records and related Internet security issues.
- Participated in a training session at LDEQ on the acquisition of public records.



Clinic Director Adam Babich at a press conference on the case against Chalmette Refining, LLC

- On November 15, 2004, met with the editorial board of the *Baton Rouge Advocate* to discuss the Clinic's efforts in the Mansfield Battlefield case.
- Testified before EPA's Title V Task Force via telephone conference concerning a review of the Title V program.
- Prepared and distributed a November 19, 2004 press release regarding a victory for the Clinic's clients when a federal judge ordered the U.S. Army Corps of Engineers to forgo dredging of the Industrial Canal for a lock replacement project to allow time for environmental testing of sediments to be dredged.
- Met with Baton Rouge Mayor-elect Melvin "Kip" Holden and LEAN Director Marylee Orr to discuss the problem of storm water discharges in Baton Rouge, Louisiana.
- Helped organize and attended an environmental seminar sponsored by the Louisiana State Bar Association (LSBA) in New Orleans on December 3, 2004. Staff attorney Karla Raettig is a member of the LSBA Environmental Section Council.
- Attended meeting of St. Bernard Citizens for Environmental Quality and the Louisiana Bucket Brigade to discuss recent court ruling and to introduce new Community Outreach Coordinator. Listened to citizens' concerns about particulates coming from ExxonMobil's Chalmette refinery.
- Attended a meeting of the Tulane Environmental Education Committee to meet Environmental Studies Program faculty, introduce the Community Outreach Program and other activities of the Clinic to them, and participate in Environmental Studies planning and activities.
- Met with two South Korean environmental professionals, hosted by the Council for International Visitors of Greater New Orleans, to discuss environmental justice in Louisiana, the Clinic's work and environmental challenges in their country.
- Participated in a panel discussion on environmental justice as part of the Young Leadership Council's *One Book, One New Orleans* program.
- Met with faculty and graduate students from Antioch New England Graduate School in New Hampshire to discuss environmental justice in Louisiana. Several members of the group are involved in the school's Environmental Advocacy and Organizing Clinic.
- Met with faculty and students from the University of Wisconsin-Madison to discuss environmental justice in Louisiana and the work of the Clinic. The group was visiting "Cancer Alley" as part of a field course on environmental justice.
- Participated in and presented at the 2005 Tulane Environmental Law and Policy Conference. Staff Attorney Karla Raettig did a presentation on legal strategies at a special symposium on liquefied natural gas facilities in coastal Louisiana and the Gulf of Mexico.

- Attended a public meeting on the Resource Conservation and Recovery Act (RCRA) permit for the proposed Shintech, LLC polyvinyl chloride facility in Plaquemine, Louisiana.
- Attended dinner with national Sierra Club President to discuss environmental issues in Louisiana, particularly concerns about liquefied natural gas facilities.
- Prepared a press release on the Clinic's clients' appeal of a U.S. Department of Transportation decision to permit the Gulf Landing facility without considering the cumulative impacts of it and other liquefied natural gas facilities in the Gulf of Mexico. The use of "open loop" systems at such facilities can have potentially severe impacts on critical Louisiana fisheries.



Student Attorney Kate Miller with members of Concerned Citizens of St. Helena Parish, who won their case.

- Clinic staff and student attorneys met with the Louisiana Environmental Action Network to discuss the status of pending cases and case strategies.
- Participated in River Network's sixth-annual "River Rally" in Keystone, Colorado. Staff Attorney Karla Raettig attended a number of sessions and workshops that presented effective legal strategies for ensuring proper Clean Water Act implementation and enforcement.
- Participated in the 2005 Joint Assembly. The conference, held in New Orleans, included members of a number of scientific societies with interests in aquatic biology, geophysics, and atmospheric, oceanic and hydrologic sciences.
- Prepared a press release regarding a Notice of Violation to Dolet Hills Lignite Mine advising of the mine's Clean Water Act violations and the Clinic's clients' intent to bring a citizen suit if the violations are not resolved and future violations prevented.

- Met with a Brazilian environmental professional, hosted by the Council for International Visitors of Greater New Orleans, to discuss the environmental legal system of the U.S. as compared to Brazil's.
- Attended a meeting of the Treme Committee for Environmental Justice, a citizens' group advocating that the City of New Orleans perform the appropriate assessments of possible contamination in this historic neighborhood.
- Led a seminar session for environmental professionals from the Dominican Republic hosted by the Tulane Institute for Environmental Law and Policy.
- Clinic Director Adam Babich was interviewed for a July 15, 2005 episode of PBS's *NOW* program on the safety of chemical plants and oil refineries.

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