

ENVIRONMENTAL LAW SECTION

Edward A. Boling, Chair

It has been another very active year for the Environmental Law Section, with many educational events and opportunities for section members' participation. The section's first event was its co-sponsorship, with the VCU Center for Environmental Studies, of an outstanding, CLE-accredited seminar on "Recognizing and Managing Environmental Liability." Members of the section's board of governors—Stewart Leeth, Mary-Ellen Kendall, and R. Leonard Vance—participated in the development of the seminar and made presentations.

The next major event was the publication of a dedicated issue of the *Virginia Lawyer* magazine, which came out in April. The board coordinated the solicitation and review of the draft articles and each of the articles selected for publication were authored, in whole or in part, by board members. These articles reflected the diversity and vitality of environmental law:

- **Protecting Privilege, Recognizing the Risks of Criminal Liability, and Reaping the Benefits of EPA's Audit Policy**, by Dan Jordanger and Christopher Graham
- **Americans with Disabilities Act Challenges to Environmental Regulatory Programs**, by Robert J. Kinney
- **Superfund Liability Relief for Small Businesses Blocked in the 106th Congress**, by John H. Stoodly
- **Environmental Law in Virginia State & Local Health Department Aspects**, by R. Leonard Vance and Kristine Gonzalez
- **The Impact of Heating Oil Tanks on Residential Real Estate Transactions**, by Mary-Ellen Alexander Kendall

Articles that could not be incorporated into the magazine may see publication in a future edition of the section's newsletter, *Environmental Law News*. The section produced a winter and spring edition of the newsletter, with a summer issue in process as of the date of this report. The *News* is prepared and edited by law students on staff at Washington & Lee Law School's *Environmental Law Digest*. It provides section members with articles, updates and summaries of regulatory, legislative and judicial developments in Virginia environmental law. The spring edition of the *News* was posted on the section's Web site. In the Chair's Corner, we asked section members for their e-mail addresses as an alternative means of communicating with section members and obtaining their thoughts on how the board could use the internet to better serve the members.

The section solicited members' views on possible themes for the biennial Science and Law Seminar that was held in April. Past seminars have provided a general survey of scientific information used in environmental law. This year, the section sought ways to tailor this presentation to the most current issues in litigation and regulation. R. Leonard Vance, a particularly active member of the board, coordinated and moderated the presentations by James Ciske, M.D., a medical toxicologist, and Telahun Adhera, Ph.D., a biostatistician and epidemiologist. The seminar provided members with four hours of CLE credit.

The section also worked with the ABA Section on Environment, Energy and Resources and several other state bar's environmental law sections in the development of a program on key environmental issues in the U.S. EPA Region 3. Board members Marina Liacouras Phillips and Chris Pomeroy served on the planning committee for this event, and Ms. Phillips participated on a panel discussion of enforcement of the Clean Water Act.

Finally, for our annual meeting presentation, we co-sponsored a seminar on environmental liability with the Local Government Section. The program, "Pitfalls and Roadblocks: Environmental Challenges Facing Virginia's Local Governments in Protecting and Serving their Citizens," included a presentation by board member Chris Pomeroy regarding the management of biosolids. The program provided 1.5 hours of CLE credit.

The board intends to use the section Web site and e-mailed notices of upcoming section events as an important supplement to distribution by mail. In the 2001-2002 year, the board will investigate the use of this medium for updates to the *Virginia Environmental Caselaw Compendium*, which in 2000 was mailed to all section members free of charge, and to provide information on environmental projects in need of pro bono legal services. The dedicated issue of the *Virginia Lawyer* helped further the section's efforts to provide information to attorneys interested in providing pro bono environmental legal services. In the 2001-2002 year, the board will seek to expand and systematize this effort, in accordance with the bylaws that it adopted establishing a pro bono committee. The board will also look for new ways to increase the membership of the section, which has remained relatively stable at approximately 434 attorneys.

The board is indebted to Dolly Shaffner, our VSB representative, for her tireless support of section activities and meetings. Her service to the section has been extraordinary.