Erica Askew Summer Legal Fellows Pace Law 7/30/17

Throughout our time interning at the Pace Environmental Litigation Clinic under the direction of Karl Coplan and Todd Ommen we devoted our time to several interesting projects, each challenging in different ways. We first began by familiarizing ourselves with the Clean Water Act and background information on Combined Sewer Overflow (CSO) systems, Long Term Control Plans (LTCPs) and how they relate to each other. From there we were tasked with researching information on specific LTCPs for several New York City waterways and CSO systems, as well as looking at scientific data for variables such as Dissolved Oxygen, Fecal Coliform and Enterococci bacteria, and Primary and Secondary Contact compliances for water quality standards. By compiling the most relevant data into new tables we were able to show our supervisors the information they were looking for in the clearest way possible. This background research was to contribute to Riverkeeper's knowledge on what the CSO plans are, if there is water quality compliance and if compliance would be reached or maintained with the proposed plans. This research was probably the most time consuming out of everything we worked on because it took weeks to find the data in the plans we were looking for, and all of the watershed LTCPs were very inconsistent and did not have all the same data and tables.

Another more scientific task we were given I thought was pretty interesting and enjoyable research was using Google Earth to look for possible businesses violating their waste permits close to certain waterways. We looked at the satellite and DEC's permit database map at the same time to see where businesses have permits, if they are expired, and if the business is not

in the database meaning they probably did not have a permit. After recording the building coordinates, distance to water, and permit information we needed to find the Standard Industrial Classification (SIC) Codes for the un-permitted businesses. Unfortunately this project hit a dead end because we could not find a way to get access to the database we needed.

Although the most enjoyable projects we did took the shortest amount of time, there was a lot we were able to learn from reading legal documents to actually creating, drafting and filing them ourselves. One quick task we did in the last week was reading through the petition and summons from the Astorino case against DEC and others including Riverkeeper to record all of the claims stated against Riverkeeper. Think Kevin would agree that the highlight of our work at the clinic was our large part in preparing a case Riverkeeper filed against The EPA, Catherine McCabe and Scott Pruitt. We were tasked with reading the rules for the Electronic Case Filing system and filing a federal suit to determine what documents were needed, who they needed to be sent to and where. Then we made the documents by editing the PDFs and then sending along the documents to be filed electronically and printing them to be compiled into envelopes to be mailed. We got to observe Todd as he went through the electronic filing process and then delivered the documents to be mailed out.

The last larger assignment we were given was relating back to the LTCPs for waterbodies such as Hutchinson River, Jamaica Bay and Flushing Creek. We needed to look on the DEC's 303(d) lists which are renewed every two years and lists the waterbody classification, pollutant, suspected source and find out whether it was deferred or not listed and what year this happened. We made a sheet with this information for each waterbody and for each year to compare and see what changes have been made to either the classification or which part of the 303(d) list it was

listed under. This was difficult information to find because each list was not readily available on DEC's website so it took a lot of searching the internet to find all of the lists.

Other smaller tasks we had were proofreading a mock trial court case written by Karl, and also researching for information Karl needed for an article. I was looking for and compiling excerpts from EPA laws that had specific language pertaining to the consideration of low-income and minority groups for environmental impacts. I was able to use Lexis Nexis for this type of search and it was very helpful.

This short summary concludes all of the projects and research we worked on throughout our time at the Environmental Litigation Clinic, and much was learned in terms of familiarizing with legal documents and writing, how documents are made and how the filing process works, as well as the scientific side to environmental law that is crucial to building a case in this field. Not only were our supervisors and other staff at Pace that we got to interact with so welcoming and helpful, I really enjoyed being able to live on campus among Pace law students and feeling like I was a student there myself. This experience has given me the glimpse into environmental law that I was eagerly expecting and only makes me more excited to study and learn about other areas of law as well.