

Innovative Environmental Clinic Celebrates 10 Years

FOUNDED IN 2000, the Interdisciplinary Environmental Clinic (IEC) has made a name for itself nationally with its unique approach of combining interdisciplinary teams of students and faculty to address complex environmental issues for nonprofit and community organizations. Students in the IEC are drawn from Washington University academic areas of law, environmental studies, engineering, social work, medicine, and business.

In addition to co-directors Maxine Lipeles and Robert Kuehn, the clinic draws upon the expertise of other IEC faculty—Beth Martin, engineering and science director; Elizabeth Hubertz, clinic attorney; Peter Goode, environmental engineer; and Katherine Pawasarat, engineering and science fellow. Last year, alumnus Aaron Oakley, JD '10, also worked with the clinic on a variety of issues. The IEC's efforts have won the clinic several recognitions over the years, including most recently a community service award from the Missouri Coalition for the Environment.

When Kuehn arrived at the clinic in 2009, Lipeles says he transplanted an innovation he had initiated at Tulane University. Drawing from the success of the Tulane Environmental Law Clinic's community outreach coordinator, Kuehn approached Washington University's George Warren Brown School of Social Work with the idea of attracting a Master's of Social Work (MSW) practicum student to develop an outreach program in the St. Louis area. Since the spring 2010 semester, the IEC has had a social work student filling that role.

The first student, Lipeles says, did baseline work compiling a database of community organizations that have worked with

the clinic and of others that may be interested in doing so. That student also surveyed past clients about their experiences with the clinic.

MSW STUDENT Andrea Gross was the 2010–11 community outreach coordinator. Among the areas where she focused her outreach was the Lindell Park Neighborhood in St. Louis. The neighborhood adjoins the abandoned Carter Carburetor plant. Closed in 1985, it has been largely unused since it is “a classic brownfield,” a property whose reuse has been inhibited because of long-standing contamination, Kuehn says.

The U.S. Environmental Protection Agency (EPA) is planning a cleanup of the PCBs, asbestos, and volatile organic compounds at the site, he says.

“Andrea was the one who first learned about this and made the initial contact with the community organization,” Kuehn says. “She continued to help us make sure that we are responsive to what the residents need. In my view, it's all about trying to give a voice to people and communities that otherwise are either overlooked or ignored.”

ASKED WHAT HAS BEEN the IEC's biggest victory, Lipeles cites a 2004 lawsuit that led to the EPA reducing the national air pollution standard for lead by 90 percent in 2008, following a long process in which the clinic participated. The clinic challenged one aspect of the EPA's decision, a limitation on monitoring for compliance with the new lead standard that the Office of Management and Budget had pressed the EPA to adopt. Last December, the EPA reconsidered that aspect of its decision and expanded the monitoring requirements.

Similarly, on behalf of the American Bottom Conservancy, a grassroots organization, the IEC filed a petition urging the EPA to object to an air pollution operating permit issued by the Illinois Environmental Protection Agency. The permit had been

Right: Interdisciplinary Environmental Clinic (IEC) faculty Beth Martin, second from right, and Elizabeth Hubertz, right, gather with clinic students and client Doug Eller, left, director of community development, Grace Hill Settlement House, at a polluted urban stream. Martin provides engineering and scientific expertise to the clinic, while Hubertz has extensive experience in environmental litigation. **Left:** IEC co-director Robert Kuehn, left, moderates as a panel of clinic clients presents a full range of community environmental concerns.



RESEARCH EXCERPT

Elizabeth Hubertz, Lecturer in Law and Clinic Attorney, Interdisciplinary Environmental Clinic

"Public Interest, Professional Bargains: Ethical Conflicts between Lawyers and Professional Engineers," 31 *Washington University Journal of Law & Policy* 83 (2009)

"Professional engineers working with lawyers may be unable to completely remove their engineering hats, but this is not necessarily a terrible thing. As one scholar has noted, 'If professionals are not able to retain sufficient independence so as to defend their professional integrity in critical decisions, why, ultimately, pay a premium for their skills?' If you hire engineers but ask them to take off their engineering hats, have you really hired engineers? After all, surely one of the many lessons of the Challenger disaster is that non-engineers should pay more attention to the engineer's judgment."

issued to a massive steel manufacturing facility in Granite City, Illinois. After the IEC sued the EPA to force a decision on the petition, the EPA issued its decision in January 2011, objecting to 50 different aspects of the air permit on the grounds that they are insufficient under federal law. The state must now revise the permit to include additional pollution control requirements and monitoring requirements.

Other victories have addressed issues related to lead contamination in Herculaneum, Missouri; water pollution; global warming; and environmental justice. In a current case, the clinic is representing a grassroots organization in Labadie, Missouri, that is challenging a utility company's plans to build a large coal ash landfill in the Missouri River floodplain. The initial focus has been at the local government level, where zoning changes to accommodate the landfill proposal are pending. Several clinic students have spoken at contentious public hearings, presenting technical and legal issues to the county decision-makers.

IN ANOTHER HIGH-PROFILE project, the IEC conducted background research for Dean Kent Syverud, one of two independent trustees of the BP Deepwater Horizon Oil Spill Trust.

"He knew that he was taking on a lot of responsibility and could use some assistance with the underpinnings of environmental law and trust law," recalls Kuehn.

The request of Syverud, the Ethan A.H. Shepley University Professor, was a tall order, but he was confident that the IEC would be up to the task. BP established the \$20 billion trust in August 2010 in order to pay claims for business losses, environmental damages, and government costs. The trust was created to address issues caused by the oil leak from the company's damaged well in the Gulf of Mexico. A team of two law students and two undergraduate seniors majoring in environmental studies was given the assignment.

Throughout the fall semester, the team delivered research covering the role of trustees, trust administration, the Exxon Valdez oil spill, environmental law, and related matters. They passed on their research to both Syverud and Mark Templeton, trust fund executive director. While the trust fund administrators also drew on the advice of legal counsel, the IEC's research helped trustees through a busy period, Templeton notes.

The trustees and Templeton initially were focused on making sure that the company lives up to its financial commitments, as well as putting legal protections in place. The relatively small operation for the trust fund "didn't have the bandwidth to be able to handle all those issues and the research at the same time," says Templeton, a former director of the Missouri Department of Natural Resources who currently is teaching a course on energy law and policy at the law school.

"The work of the clinic was incredibly helpful in a number of ways," Templeton says. "They were able to tackle some of the more complex research questions that involved a legal perspective, an environmental perspective, and an engineering perspective. We asked for and got their excellent assistance." IIII



IEC co-directors Maxine Lipeles, second from left, and Robert Kuehn, left, accept an award from Missouri Coalition for the Environment leaders: Kat Logan Smith, right, executive director, and David Lobbig, board president. The combined expertise of Kuehn and Lipeles in environmental law and community advocacy has allowed the IEC to expand its caseload.



Interdisciplinary Environmental Clinic students and faculty conducted background research on environmental and trust law issues related to the BP Deepwater Horizon oil spill.