

Committee on Energy and Commerce
U.S. House of Representatives
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

1. Your Name: Edward Lloyd		
2. Your Title: Evan M. Frankel Clinical Professor in Environmental Law		
3. The Entity(ies) You are Representing: NJ Conservation Foundation and Stony Brook-Millstone Watershed Association		
4. Are you testifying on behalf of the Federal, or a State or local government entity?	Yes	No X
5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2013. Only grants, contracts, or payments related to the subject matter of the hearing must be listed. No federal grants or contracts related to the subject matter of the hearing.		
6. Please attach your curriculum vitae to your completed disclosure form.		

Signature: _____



Date: February 1, 2016

Curriculum Vitae
EDWARD LLOYD



EMPLOYMENT

Evan M. Frankel Clinical Professor of Environmental Law July, 2000 to date
Director of Clinical Programs, July 2010 to July 2013
Columbia Law School

Teach second and third year students in the Columbia Environmental Law Clinic who represent clients in actual cases as well as participate in a variety of pedagogical exercises (in weekly seminars, weekly team meetings with the professor, readings, and simulated exercises). The clinic emphasizes problem solving of environmental issues, substantive environmental law, as well as basic lawyering skills that are transferable and are designed to equip students for a variety of career paths. The clinic represents clients on a broad array of environmental issues including clean water, environmental justice, land use, climate change, and clean air. Clients include community groups, regional environmental organizations, and national environmental organizations.

Representative clients: Food & Water Watch, Potomac Riverkeeper, Pawtuxent Riverkeeper, UPROSE (United Puerto Ricans Organization of Sunset Park), Sierra Club, Union for Concerned Scientists, Center for Natural Lands Management, CA, Delaware Riverkeeper Network, Environmental Defense Fund, Natural Resources Defense Council, National Parks Conservation Association, New Jersey Conservation Foundation.

Member of the Faculty, Columbia University Earth Institute 2004 to date
Chair, Practice Committee, 2008 to 2013, member of Committee, 2008 to date

Rutgers Environmental Law Clinic, Director 1985 to June, 2000

Directed the environmental law clinic at Rutgers School of Law-Newark, staffed by four attorneys, twenty student attorneys in training, and a staff scientist. The clinic represented municipalities and citizen groups on a wide spectrum of environmental issues in state and federal court, including actions concerning the implementation of the transportation provisions of the Clean Air Act and the Intermodal Surface Transportation Efficiency Act (ISTEA), enforcement of the federal Clean Water and Clean Air Acts, land use, open space preservation, and environmental justice. Taught seminar on environmental litigation skills.

EMPLOYMENT (continued)

Representative Clients: Environmental Defense Fund, Natural Resources Defense Council, New Jersey Public Interest Research Group (NJPIRG), American Lung Association, New Jersey Conservation Foundation, New Jersey Audubon Society, New Jersey Environmental Lobby, Township of Hillsborough, Borough of Seaside Park

New Jersey Public Interest Research Group (NJPIRG)

General Counsel, August 1983 to present

Executive Director, August 1978 to July 1983

Staff Attorney, January 1974 to July 1978

Directed staff of up to fifty persons on a wide array of public interest issues including environmental protection, consumer advocacy, and government accountability.

Responsible for policy analysis, publication of research reports, lobbying and legislative advocacy, fundraising, and managing a staff.

PUBLICATIONS

“Environmental Citizen Suits and a New Participatory Democracy,” Sesquicentennial Essays of the Faculty of Columbia Law School, (2008)

“Supplemental Environmental Projects or SEPs Have Been Effectively Used in Citizen Suits To Deter Future Violations As Well As To Achieve Significant Supplemental Environmental Benefits” 10 Widener Law Review, Part II, 413 (2004)

“Citizen Suits and Defenses Against Them,” ALI-ABA Course of Study, June 2012.

“The Clean Water Act – 40 years later,” ANJEC REPORT, Spring 2012

Reviewed, edited, co-authored, and generally contributed to NJPIRG studies on energy conservation, nuclear power, cogeneration, solar power, water conservation and supply, Clean Water Act enforcement, and mandatory deposit legislation. Representative titles include:

“A New Jerseyan’s Guide to Solar Energy Systems”

“Everything That You Wanted to Know About Nuclear Power But Were Afraid To Find Out”

“Polluters Playground”

“The Case for Industrial Cogeneration: Benefits for the Nation and Potential for New Jersey”

"In the Dark on Nuclear Power," New Jersey Reporter, Vol. 9, No. 8, March 1980

REPRESENTATIVE PUBLIC PRESENTATIONS

Testify before Congressional and state legislative committees and administrative agencies on variety of issues including nuclear power, energy conservation, solar power, clean water standards and regulations, freedom of information, water supply planning and conservation, and solid waste.

“Minamata Convention on Mercury,” International Treaty Law and Practice, Office of Legal Affairs, United Nations Institute for Training and Research (OLA/UNITAR), United Nations Building, New York, New York, April 9, 2014

“The Role of Litigation in Conservation, New Jersey Conservation Foundation, Far Hills, New Jersey, January 22, 2014

“Environmental Restrictions on Shale Gas Development: Air, Climate, Transport and Land Use,” University of Peking Law School and Columbia Law School, Beijing, China, January 8, 2014

“Citizen Suits,” American Law Institute, Washington, D.C., June 14, 2013

“The National Environmental Policy Act,” American Law Institute, Washington, D.C., June 14, 2013

“Shale Oil and Gas and the Regulation of Hydraulic Fracturing,” Columbia Law School Alumni Association, New York, New York, June 7, 2013

Recovery and Building After Superstorm Sandy, New Jersey State Bar Association, New Brunswick, New Jersey, April 11, 2013

“Environmental Law,” Columbia University Law School, Amsterdam University, and Leiden University Law School, Leiden, Netherlands, July, 2012

“Supplemental Environmental Projects or SEPs Have Been Effectively Used in Citizen Suits To Deter Future Violations As Well As To Achieve Significant Supplemental Environmental Benefits”

Widener University School of Law Symposium: Environmental Citizen Suits at ThirtySomething: A Celebration & Summit, Widener University Law School, Wilmington, Delaware, April, 2003

“The Not-So-Hidden Costs of Easement Defense: The Hamburg Mountain Case” Land Trust Alliance, 2002 National Rally, Austin, Texas, October, 2002

REPRESENTATIVE PUBLIC PRESENTATIONS (cont'd)

“Contaminated Air at the World Trade Center Site,” CLS Alumni at Reunion, May, 2002

“The Columbia Environmental Law Clinic,” Columbia Law School Alumni Association, Houston, Texas, October, 2002.

OTHER TEACHING EXPERIENCE

ALI-ABA Course of Study, Environmental Litigation, Boulder, Colorado, June, 2003, 2004, 2006-2008, 2011-2013.

“Citizen Suits and Defenses Against Them”

“Tort Litigation and Its Relationship to Statutory Claims”

Leyden-Columbia 2002 Summer Program in American Law: Statutes and Regulations

Judicial College for New Jersey judges, November 1992: Environmental Law Course

Practicing Law Institute, 1988: Citizen Suit Litigation

Institute for Continuing Legal Education: various environmental courses (litigation, clean water, clean air)

Rutgers Law School, Newark, 1985-2000: Seminar on environmental law to law students

AFFILIATIONS/PUBLIC SERVICE

Member, New Jersey Pinelands Commission, November, 2002 to date

Trustee, The Fund for New Jersey, 2004 to date

Member, New Jersey Department of Environmental Protection Permit Efficiency Review Task Force, 2008

Member, Litigation Advisory Committee, Environmental Defense Fund, February 1991 to date

Director, Eastern Environmental Law Center, 1993 to date

Member, Stanford Environmental Law Clinic Advisory Committee, April, 2001

Member, New Jersey Supreme Court Committee on Environmental Litigation, August 1989 to March 1990

Conferee, Governor's Conference on Electricity Policy, Planning and Regulation, March 1989

Chairman, Board of Directors, New Jersey Environmental Voters' Alliance, 1983 to 1987

REPRESENTATIVE LITIGATION

Entergy Corp. v. Riverkeeper, Inc., 556 U.S. 208, 129 S.Ct. 1498 (2009) represented Riverkeeper and other environmental groups in case overturning EPA regulations on cooling water intake structures.

Coalition for Responsible Regulation, v. U.S.E.P.A., United States Court of Appeals for the District of Columbia Circuit, No. 09-1322, (June 26, 2012), filed an amicus brief on behalf of Union for Concerned Scientist in support of EPA regulation of greenhouse gases.

National Parks Conservation Association et al., v. Delaware River Basin Commission et al., U.S. District Court for the Eastern District of New York, No. 11 Civ. 03780 (NGG) (CLP), challenging DRBC failure to conduct environmental analysis of proposed fracking regulations.

IMO Petition of Atlantic City Electric Company for Approval of the Sale of Certain Land and Premises Situate in the Township of Maurice River, in Part, and the City of Millville, in Part, County of Cumberland and State of New Jersey to R.W.V. Land & C.M. Livestock, L.L.C. Pursuant to N.J.S.A. 48:3-7, Superior Court of New Jersey, Appellate Division, July 17, 2013, overturning Board of Public Utilities approval of utility land sale to developer

In Re Regional Greenhouse Gas Initiative, Superior Court of New Jersey, Appellate Division, March 25, 2014 overturning NJDEP web posting effectively repealing its Carbon Trading regulations without employing the notice and comment requirements of the Administrative Procedure Act (APA)

New Jersey Shore Builders Association v. Township of Jackson, 199 N.J. 38 (2009); amicus brief on behalf of Sierra Club in support of Jackson Township tree ordinance.

New Jersey Department of Environmental Protection and American Littoral Society v. Rahway Valley Sewerage Authority, Superior Court of New Jersey, Chancery Division, Union County, Docket No. UNN-C-163-00, seven-day trial of clean water citizen suit settled for \$50 million construction project and nearly \$1 million in penalties and fees.

New Jersey Conservation Foundation et al. v. Mountain Creek Resort, Inc. et al., Superior Court of New Jersey, Law Division, Sussex County, Docket No. SSX-L-116-01, defeated motion to dismiss, won summary judgment enforcing deed restriction on development of Hamburg Mountain; settled case including attorneys' fees when defendant sold and donated the land back to the State.

REPRESENTATIVE LITIGATION (cont'd)

United States v. BP Exploration & Co., et al., United States District Court, Northern District of Indiana, Civil Action No. 2:96 CV 095.D.J. Ref. 90-5-2-07109; filed extensive comments with Department of Justice (DOJ) on behalf of over a dozen national, state, and local environmental and community groups regarding proposed consent decrees between major oil refineries and DOJ and USEPA.

In the Matter of the Application of New York Public Interest Research Group, Inc. et al. V. New York Department of Environmental Conservation et al., Supreme Court of the State of New York, County of Queens, Index No. 6455/03; challenged approval of construction of power plant and barging of oil without adequate environmental review and settled case for environmental conservation measures.

Stevens Institute of Technology v. Hine et al., Superior Court of New Jersey, Law Division, Hudson County, Docket No. HUD-L-000288-03; defended community group against defamation suit (SLAPP suit – Strategic Lawsuit Against Public Participation); won dismissal of all three counts; settled upon remand from Appellate Division.

National Association of Home Builders of the United States et al. v. State of New Jersey Department of Environmental Protection et al., 64 F.Supp. 2d 354 (D.N.J. 1999); successfully intervened on behalf of conservation groups and won dismissal of “takings” claim brought by developers against a state regulation requiring a public walkway as part of development on public trust lands.

South Trenton Residents Against 29 et al. v. Federal Highway Administration et al., 1999 WL 294717 (3rd Cir. May 5, 1999); challenged the approval on behalf of a number of local, state, and regional environmental organizations of federal agency approval of the construction of a highway based upon an environmental impact statement (EIS) that was 17 years old for failure to comply with NEPA and the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA, pronounced iced tea)

Warner v. Sutton, 270 N.J. Super. 658 (App. Div. 1994)); won the right of citizens to intervene in municipal settlements of land use cases; Warner v. Sutton, 274 N.J. Super. 464 (App. Div. 1994); reversed and remanded the municipal land use settlement because the municipality failed to comply with the requirements of the Municipal Land Use Law in entering into the settlement.

Borough of Lavalette, Borough of Seaside Park, Ocean County Citizens for Clean Water et al. v. New Jersey Department of Environmental Protection and Ciba-Geigy Corporation, 120 N.J. 164 (1990); represented appellants challenging the issuance of a discharge permit by the NJDEP to Ciba-Geigy allowing it to discharge over five million gallons of toxic wastes into

REPRESENTATIVE LITIGATION (cont'd)

the ocean daily. Supreme Court opinion highly critical of NJDEP's permit decision and resulted in new permit with toxic discharge limits reduced by 90%.

In Re Hazardous Waste Permit Issued to ICI Americas, Inc., 258 N.J. Super. 483 (App. Div. 1992), reversal of issuance of hazardous waste permit for failure to require EIS.

American Lung Assn. of New Jersey, Inc. et al. v. Thomas Kean, Governor of New Jersey, et al., 670 F.Supp. 1285 (D.N.J. 1987), aff'd. 871 F.2d 319 (3d Cir. 1989); Co-counsel with the Natural Resources Defense Council, Inc., representing state and national groups in a Clean Air Act case against the Governor and State of New Jersey and United States Environmental Protection Agency for their failure to implement the state implementation plan for ozone.

Clean Water Act Citizen Suits, 1983 to present; lead counsel and local counsel in more than sixty lawsuits in federal district court with over thirty reported decisions; represent citizen groups in enforcement actions under Federal Clean Water Act against industrial discharge violators including litigation for attorneys' fees.

NJPIRG v. Byrne, 86 N.J. 592 (1981); constitutional challenge to gubernatorial appointment under the Eligibility Clause.

NJPIRG v. N.J.D.E.P., 152 N.J. Super. 191 (App. Div. 1976), certif. den. 75 N.J. 538 (1977); challenge to issuance of coastal permit for Hope Creek Nuclear Power Plant.

Electric Utility Rate Cases, 1975 to 1988; represented consumer groups before the New Jersey Board of Public Utilities in numerous cases including challenge to stipulation regarding cost overruns for the Hope Creek Nuclear Generating Station.

EDUCATION

J.D. University of Wisconsin, 1973

A.B. Princeton University, Major: Chemistry, 1970

Senior Thesis: Atmospheric Photochemical Reactions

BAR ADMISSIONS

Supreme Court of New Jersey, May 1974

United States Supreme Court, 2008

Third Circuit Court of Appeals

Second Circuit Court of Appeals

Fifth Circuit Court of Appeals

Sixth Circuit Court of Appeals

United States District Court

District of New Jersey, May, 1974

Western District of Wisconsin, January, 1974

HONORS and AWARDS

Environmental Stewardship Award, EarthShare New Jersey, 2014

New Jersey Work Environment Council Honoree 2013

Environmental Legacy Award, New Jersey Environmental Lobby, 2006

Sierra Club Outstanding Environmental Achievement Award, 2005

National PIRG Alumni Award, 2005

Ogden Award, Association of New Jersey Environmental Commissions, 2000

NY/NJ Baykeeper Award, 2000.