

WILLIAM L. ANDREEN

Edgar L. Clarkson Professor of Law
University of Alabama School of Law
Box 870382
Tuscaloosa, Alabama 35487-0382

205/348-7091
205/348-3917 (Fax)
wandreen@law.ua.edu

Honorary Professor of Law (2006-2020)
The Australian National University College of Law
Canberra ACT 0200 Australia

LEGAL EDUCATION

Columbia University School of Law, New York, New York J.D. 1977
Honors: Harlan Fiske Stone Scholar, 1975-1976 — Awarded for superior academic achievement
Activities: Special Projects Editor — Columbia Journal of Transnational Law
Co-chairman — 1977 Friedmann Conference on the International Regulation of Nuclear Energy
(proceedings published at 16 Columbia Journal of Transnational Law 386-469 (1977))
Executive Board — Columbia Institute of Human Rights

UNDERGRADUATE EDUCATION

College of Wooster, Wooster, Ohio
B.A. 1975 — I entered Columbia University School of Law during my senior undergraduate year on
Columbia's Program in Accelerated Interdisciplinary Legal Education.
Major: History Minor: English
Honors: Phi Beta Kappa
Robert James Brown History Prize — Awarded for the most outstanding work in history
National Presbyterian Scholar and Pennwalt Foundation Scholarship
Activities: Studied at the Institute of European Studies in Vienna; Student Government; Theater

LEGAL TEACHING EXPERIENCE

University of Alabama School of Law
Edgar L. Clarkson Professor of Law (1992-present)
Director, University of Alabama School of Law/Australian National University College of Law
Exchange Program (2000-present)
Professor of Law (1989-1992)
Associate Professor of Law (1986-1989)
Assistant Professor of Law (1983-1986)

Over the past thirty-eight years, I have taught the following courses: Administrative Law (on 31 occasions); Environmental Law I (37); Environmental Law II (22); Torts (7); a seminar on International Environmental Law (26); Comparative Environmental Law (6); Ethiopian Environmental Law (2); Public International Law (1); a seminar on Water Pollution Law (1); and the Fundamentals of Law School Pedagogy and Administration (1). I have served on the following law faculty committees: Dean Search; Faculty Appointments; Faculty Development (tenure and promotion); Admissions; Curriculum; Colloquium; International Programs; Library; Awards, Scholarships and Financial Aid; Chair Search Committee; Readmissions; Long-Range Institutional Planning; Secretarial; and Public Interest. I have also chaired these committees: Faculty Development (four years); Colloquium (two years); International Programs (three years); Library (two years); and Public Interest (seven years). I have served as Faculty Security since 2018.

Currently, I teach Environmental Law I (NEPA, ESA, Air and Water); Environmental Law II (Toxics and Hazardous Waste); Administrative Law; and a Seminar on the Protection of the Global Environment.

In addition, I have been a Faculty Senator (1997-2001); a member of the Faculty Senate Steering Committee (1997-2000); co-chair of the Senate Operations Committee (1997-2000); an alternate member of the Faculty Senate (1984-1990, 1992-1997, 2006-2010); and the faculty advisor to the Environmental Law Society (1983-present), the National Environmental Law Moot Court Team (2000-present), our National Moot Court Team (1985-1990), the Jessup International Law Moot Court Team (1983-1985), and the International Law Society (1983-1985). I have also taught in our Minority Orientation Program; a Survey of American Law for Swiss law students from the University of Fribourg (1992-2014), Australian law students from the Australian National University (2001-present); occasional classes in the University's Honors Program (2011-present), and have served on the University's Intercollegiate Athletics Committee (1999-2000), Resources and Priorities Committee (1995-1998), Energy Management Committee (1994-1997), Research Advisory Committee (1998-2001), the Equal Employment Opportunity Committee (2000-2001), and the Committee on Faculty Participation in the Selection of Deans and Evaluation of Academic Programs (1995-1998), which I served as Chair in 1997-1998. I am also a member of the University's Freshwater Studies Center and an Affiliate with the Alabama Water Institute.

In May - June 1998, I team-taught a course entitled The Law of Environmental Protection: A Comparison of the Swiss and American Experiences at the University of Fribourg Faculty of Law. I also serve as the Director of the Law School's exchange program with the Australian National University (ANU) College of Law. During the program's inaugural year, I taught Comparative US and Australian Environmental Law in both Tuscaloosa (January B February 2001) and Canberra (July - August 2001); I taught the same course five years later in Tuscaloosa and Canberra; and I taught Comparative US and Australian Statutory Interpretation in the program at both institutions in 2018. In July 2001, I taught a post-graduate course entitled Special Topics in Public Law: Comparative US Administrative Law for the ANU's Centre for International and Public Law, and in June 2006, I taught another post-graduate course, The American Model of Environmental Law, at the ANU's Australian Centre for Environmental Law. In 2009, I taught the Fundamentals of Law School Pedagogy and Administration, Ethiopian Environmental Law, Environmental Planning Law, and a LL.M thesis course at Addis Ababa University as part of the Law School's Graduate Law Program for Ethiopian Law Teachers.

VISITING POSITIONS

Visiting Professor of Law, Lewis & Clark Law School, Portland, Oregon (Summer 2012 and Summer 2008).

Visiting Fellow, National Europe Centre, The Australian National University, Canberra (Fall 2005).

Visiting Professor of Law, Washington and Lee University School of Law, Lexington, Virginia (Spring 2005).

Visiting Fellow and Research Scholar, Mekelle University College of Law and Governance, Mekelle, Ethiopia (2001).

Visiting Fellow, Faculty of Law, The Australian National University, Canberra (Spring 1991).

PROFESSIONAL HONORS AND AWARDS

Top Six Environmental Law Article of the Year, LAND USE AND ENVIRONMENT LAW REVIEW (awarded for *Water Quality Today: Has the Clean Water Act Been a Success?*, 55 ALABAMA LAW REVIEW 537-593

(2004)).

Senior Fulbright Specialist in Law, The Australian National University, Canberra (Fall 2005). In that capacity, I served as the Co-Convener of an “International Symposium on Sustainable Water Management: Comparative Perspectives from Australia, Europe and the United States,” National Museum of Australia (September 15-16, 2005), and gave academic papers at the Law Faculties at the University of Western Australia, the University of Tasmania, the Australian National University, the University of Wollongong, and the University of Technology Sydney.

Scholar, Center for Progressive Reform, Washington, D.C.

Dean’s Scholar, University of Alabama School of Law (2002-2003); (2006-2007).

Research Associate, Faculty of Law, Mekelle University, Mekelle, Ethiopia (March-April 2004, November-December 2001).

Commission on Environmental Law, International Union for the Conservation of Nature (IUCN) (1997-present).

2007 River Hero Award, presented by the Alabama Rivers Alliance in recognition of commitment and work to protect and restore rivers and their watershed (2007).

Cecil B. and Ernest G. Williams Faculty Enhancement Award, University of Alabama (1990-1991).

Top Six Environmental Law Article of the Year, LAND USE AND ENVIRONMENT LAW REVIEW (awarded for *In Pursuit of NEPA's Promise: The Role of Executive Oversight in the Implementation of Environmental Policy*, 64 INDIANA LAW JOURNAL 205-261 (1989).

Edward M. Friend Award, University of Alabama School of Law (1987-1991).

Order of the Barrister.

BOOKS and REPORTS

INTEGRATOR LIABILITY: LEGAL TOOLS TO HOLD THE BIGGEST CHICKEN COMPANIES RESPONSIBLE FOR WASTE (co-authored with Rena Steinzor & Anne Havemann) (Center for Progressive Reform) (2015), available at http://progressivereform.org/articles/Integrator_Liability_IssueAlert_1502.pdf.

MAKING GOOD USE OF ADAPTIVE MANAGEMENT (co-authored with Holly Doremus, et al.) (Center for Progressive Reform) (2011), available at http://www.progressivereform.org/articles/Adaptive_Management_1104.pdf.

MISSING THE MARK IN THE CHESAPEAKE BAY: A REPORT CARD FOR THE PHASE I WATERSHED IMPLEMENTATION PLANS (co-authored with Robert Glicksman, et al.) (Center for Progressive Reform) (2011), available at http://www.progressivereform.org/articles/ChesBay_WIPs_1102.pdf.

THE BP CATASTROPHE: WHEN HOBBOLED LAW AND HOLLOW REGULATION LEAVE AMERICANS UNPROTECTED (co-authored with Alyson Flournoy, et al.) (Center for Progressive Reform) (2011), available at http://www.progressivereform.org/articles/BP_Catastrophe_1101.pdf.

REGULATORY BLOWOUT: HOW REGULATORY FAILURES MADE THE BP DISASTER POSSIBLE, AND HOW THE SYSTEM CAN BE FIXED TO AVOID A RECURRENCE (co-authored with Alyson Flournoy, et al.) (Center for Progressive Reform) (2010), available at http://www.progressivereform.org/articles/BP_Reg_Blowout_1007.pdf.

THE CLEAN WATER ACT: A BLUEPRINT FOR REFORM (co-authored with Shana Jones) (Center for Progressive Reform) (2008), available at http://progressivereform.org/articles/CW_Blueprint_802.pdf.

COOPERATIVE FEDERALISM AND CLIMATE CHANGE: WHY FEDERAL, STATE, AND LOCAL GOVERNMENTS MUST CONTINUE TO PARTNER (co-authored with Robert Glicksman, Nina Mendelson, Rena Steinzor & Shana Jones) (Center for Progressive Reform) (2008), available at http://www.progressivereform.org/articles/Cooperative_Federalism_and_Climate_Change.pdf.

Editor, ALABAMA WATER LAWS (2007) (two volumes; produced for the Alabama Office of Water Resources and published by the Alabama Law Institute).

Editor, ENVIRONMENTAL LAW AND REGULATION IN ALABAMA (1990 ed.) (Bradley Arant Rose & White).

BOOK CHAPTERS

The Clean Water Act: Success, Backlash, and Remaining Challenges, in WATER POLICY & GOVERNANCE (David Benson, et al. eds., Edward Elgar Publishing) (forthcoming 2023).

Alabama Water Law, in Volume 4 of WATERS AND WATER RIGHTS AL-1 – AL-49 (Amy Kelley ed., LexisNexis/Matthew Bender) (2021).

Federalism, Delegated Permitting, and Enforcement, in ENVIRONMENTAL DECISION MAKING 124-135 (Robert Glicksman, Lee Paddock & Nick Bryner eds., Edward Elgar Publishing) (2016).

Dynamic Federalism and the Clean Water Act: Completing the Task, in THE LAW AND POLICY OF ENVIRONMENTAL FEDERALISM: A COMPARATIVE ANALYSIS 28-48 (Kalyani Robbins ed., Edward Elgar Publishing) (2016).

Is There a Silver Lining to Midnight Mischief? in TRANSITIONS: LEGAL CHANGE, LEGAL MEANING 84-97 (Austin Sarat ed., University of Alabama Press) (2012).

Water Law and the Search for Sustainability: A Comparative Analysis, in WATER RESOURCES PLANNING AND MANAGEMENT: CHALLENGES AND SOLUTIONS 155-174 (Quentin Grafton & Karen Hussey eds., Cambridge University Press) (2011).

The Clean Water Act, in 3 THE ENCYCLOPEDIA OF SUSTAINABILITY: THE LAW & POLITICS OF SUSTAINABILITY 44-48 (Bosselman, et al. eds., Berkshire Publishing) (2011) – revised version completed in 2020 (forthcoming).

Delegated Federalism Versus Devolution: Some Insights from the History of Water Pollution Control, in PREEMPTION CHOICE: THE THEORY, LAW, AND REALITY OF FEDERALISM'S CORE QUESTION 257-276 (William W. Buzbee ed., Cambridge University Press) (2009).

Water Pollution and Wetlands, in 5 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 189-192 (David S. Tanenhaus, et al. eds., Macmillan) (2008).

Reforming the Clean Water Act, in CPR FOR THE ENVIRONMENT: BREATHING NEW LIFE INTO THE NATION'S MAJOR ENVIRONMENTAL STATUTES (Center for Progressive Reform, 2007), available at http://www.progressivereform.org/articles/CPR_701.pdf.

MAJOR ARTICLES

The Modern Era of Water Pollution Control: Implementation of the Clean Water Act Since 1972 (in progress).

Separating Fact from Fiction in Evaluating the Endangered Species Act: Recognizing the Need for Ongoing Conservation Management and Regulation, 55 IDAHO LAW REVIEW 39-48 (2020) (invited article for inclusion in a festschrift honoring Professor Dale Goble).

No Virtue Like Necessity: Dealing with Nonpoint Source Pollution and Environmental Flows in the Face of Climate Change, 34 VIRGINIA JOURNAL OF ENVIRONMENTAL LAW 255-296 (2016).

Success and Backlash: The Remarkable (Continuing) Story of the Clean Water Act, 4 GEORGE WASHINGTON JOURNAL OF ENERGY AND ENVIRONMENTAL LAW 25-37 (2013). Invited contribution from the George Washington University Law School's Symposium: The Clean Water Act at 40.

Of Fables and Federalism: A Re-Examination of the Historical Rationale for Federal Environmental Regulation, 42 ENVIRONMENTAL LAW 627-679 (2012).

Climate Change and the Puget Sound: Building the Legal Framework for Adaptation (co-authored), 2 CLIMATE LAW 299-344 (2011) (earlier version was published by the Center for Progressive Reform, 2011, available at www.progressivereform.org/articles/Puget_Sound_Adaptation_1108.pdf).

US Climate Legislation and Preemption, 3 ENVIRONMENTAL & ENERGY LAW & POLICY JOURNAL 261-302 (2008). Invited contribution from the University of Houston Law Center's Symposium: Climate Change Legislation.

Motivating Enforcement: Institutional Culture and the Clean Water Act, 24 PACE ENVIRONMENTAL LAW REVIEW 67-98 (2007). Invited contribution from the IUCN Academy of Environmental Law Colloquium: The Critical Role of Environmental Enforcement and Compliance.

Developing a More Holistic Approach to Water Management in the United States, 36 ENVIRONMENTAL LAW REPORTER (Environmental Law Institute) 10,277-10,289 (2006) (published as part of a special edition on "Sustainable Water Management in Australia, Europe, and the United States").

- Reprinted in ICFAI JOURNAL OF ENVIRONMENTAL LAW (July 2006).

The Evolving Contours of Water Law in the United States: Bridging the Gap Between Land, Water Use and Environmental Protection, 23 ENVIRONMENTAL AND PLANNING LAW JOURNAL 5-21 (Australia) (2006).

Water Quality Today: Has the Clean Water Act Been a Success?, 55 ALABAMA LAW REVIEW 537-593 (2004) (lead article in a symposium issue entitled, "The Clean Water Act at Thirty: Progress, Problems, and Potential").

- Reprinted in 36 LAND USE AND ENVIRONMENT LAW REVIEW 559-615 (2005) as one of the best six Environmental Law articles published in 2004.

The Evolution of Water Pollution Control in the United States: State, Local and Federal Efforts, 1789-1972: Part II, 21 STANFORD ENVIRONMENTAL LAW JOURNAL 215-294 (2003).

The Evolution of Water Pollution Control in the United States: State, Local and Federal Efforts, 1789-1972: Part I, 21 STANFORD ENVIRONMENTAL LAW JOURNAL 145-200 (2003).

Environmental Law and International Assistance: The Challenge of Strengthening Environmental Law in the Developing World, 25 COLUMBIA JOURNAL OF ENVIRONMENTAL LAW 17-69 (2000).

The Evolving Law of Environmental Protection in the United States: 1970-1991, 9 ENVIRONMENTAL AND PLANNING LAW JOURNAL 96-110 (Australia) (1992).

Administrative Rulemaking in the United States: An Examination of the Values that Have Shaped the Process, 66 CANBERRA BULLETIN OF PUBLIC ADMINISTRATION 112-118 (October 1991) (Royal Australian Institute of Public Administration).

In Pursuit of NEPA's Promise: The Role of Executive Oversight in the Implementation of Environmental Policy, 64 INDIANA LAW JOURNAL 205-261 (1989).

- Reprinted in 21 LAND USE AND ENVIRONMENT LAW REVIEW 559-615 (1990) as one of the best six Environmental Law articles published in 1989.

Beyond Words of Exhortation: The Congressional Prescription for Vigorous Federal Enforcement of the Clean Water Act, 55 GEORGE WASHINGTON LAW REVIEW 202-261 (1987) (reprinted at 3B SUTHERLAND'S STATUTORY CONSTRUCTION § 77A:25 (6th ed. 2005).

Defusing the 'Not in My Back Yard' Syndrome: An Approach to Federal Preemption of State and Local Impediments to the Siting of PCB Disposal Facilities, 63 NORTH CAROLINA LAW REVIEW 811-847 (1985).

OTHER ARTICLES

Flooding the Courtroom: Southeastern Interstate Water Cases in the Supreme Court's 2020-2021 Session - Part 2, __ THE WAVE (Ala. Water Env't. Ass'n) Summer 2021, at ___ (co-authored with Bennett Bearden and Greg Guthrie) (forthcoming).

Flooding the Courtroom: Southeastern Interstate Water Cases in the Supreme Court's 2020-2021 Session - Part 1, 42 THE WAVE (Ala. Water Env't. Ass'n) Spring 2021, at 15-26 (co-authored with Bennett Bearden and Greg Guthrie).

Florida v. Georgia: The Supreme Court weighs in on the Struggle over the Apalachicola-Chattahoochee-Flint River Basin, 50 TRENDS (ABA Section on Environment, Energy, and Resources) January-February 2019, available at https://www.americanbar.org/groups/environment_energy_resources/publications/trends/2018-2019/january-february-2019/.

The History and Current Status of the Tri-State Water Wars, 19 ABA WATER RESOURCES COMMITTEE NEWSLETTER (ABA Section on Environment, Energy, and Resources) August 2017, at 3-11 (co-authored with Bennett Bearden and Nathaniel Broadhurst).

Aftermath: Water Policy Implications of Florida v. Georgia, 38 THE WAVE (Ala. Water Env't. Ass'n) Summer 2017, at 23-32 (co-authored with Bennett Bearden and Nathaniel Broadhurst).

A Baker's Dozen of False Memes About the Clean Water Act and the Waters of the United States Rulemaking (Spring 2017), available at <https://www.dropbox.com/home/Flatt%20Paloma%20Group?preview=13-plus+False+Memes+-+CWA+and+WOTUS-3.docx>.

Update on the Tri-State Water Wars, 37 THE WAVE (Ala. Water Env't. Ass'n) Winter 2017, at 15-21 (co-authored with Bennett L. Bearden).

Alt v. EPA: District Court Ruling Opens Gap in Clean Water Protections, Invites CAFOs to Ignore Pollution Standards (with Anne Havemann) (Center for Progressive Reform) (December 2013), available at http://progressivereform.org/articles/AltvEPA_CaseBrf_1311.pdf.

A Perspective on Wetlands, Center for Progressive Regulation (2006 and 2009 editions), available at www.progressivereform.org.perspectives/wetlands.cfm.

Commentary on Government Incentives to Promote Renewable Energy in the United States, 24 TEMPLE JOURNAL OF SCIENCE, TECHNOLOGY & ENVIRONMENTAL LAW 351-353 (2005).

Do Citizen Suits Seeking Civil Penalties Become Moot When Pollution Violations Are Cured?, ABA PREVIEW 7-12 (September 13, 1999).

Of Veils and Operators: The Liability of Parent Corporations for Cleaning Up Hazardous Waste at Sites Owned by Subsidiary Corporations, ABA PREVIEW 370-375 (March 12, 1998).

Determining "Reasonable Charges": A Teaching Hospital Takes on the Secretary of Health and Human Services Over Recalculated Graduate Medical Education Expenses, ABA PREVIEW 132-135 (November 21, 1997).

Oil and Wildlife Along the Frozen Arctic Coast: The Saga of a Federal-State Struggle Over the Arctic National Wildlife Refuge, ABA PREVIEW 331-334 (February 6, 1997).

Environmental Policy and EIA: Providing a Legal Framework for Environmental Protection in Tanzania, 2 NEMC NEWS 2-11 (National Environmental Management Council of Tanzania) (December 1995).

The Challenge of Environmental Law, AGENDA NEWSLETTER 3 (Tanzania) (Sept. 1995).

Enforcement Discretion and the U.S. Environmental Protection Agency: Use, Abuse and Control, 1 AUSTRALIAN INSTITUTE OF ADMINISTRATIVE LAW FORUM 12-21 (1994).

Military Veterans and VA Medical Treatment: Must a Veteran Prove Fault Before Receiving Compensation for Medical Injuries?, ABA PREVIEW 49-53 (October 21, 1994).

Charting the Turbulent Waters of Federalism: Striking the Proper Balance under the Clean Water Act, ABA PREVIEW 161-164 (February 18, 1994).

An Introduction to Federal Administrative Law Part II: The Availability of Judicial Review, 51 ALABAMA LAWYER 28-31 (1990).

An Introduction to Federal Administrative Law Part I: The Exercise of Administrative Power and Judicial Review, 50 ALABAMA LAWYER 322-327 (1989).

Ocean Incineration of Hazardous Waste, 5 SOUTHERN CALIFORNIA JOURNAL OF LAW AND ENVIRONMENT 73-91 (1987) (developed from a paper presented at the Fifth Annual University of Southern California Journal of Law and the Environment Symposium, March 22, 1986).

BOOK REVIEWS

Richard N.L. Andrews, Managing the Environment, Managing Ourselves: A History of American Environmental Policy, 5 ENVIRONMENTAL HISTORY 258-259 (2000).

Nicholas Robinson, Agenda 21 & The UNCED Proceedings (vols. 4-6), 21 LAW BOOKS IN REVIEW 84-85 (1994).

Nicholas Robinson, AGENDA 21 & THE UNCED PROCEEDINGS (vols. 1-3), 20 LAW BOOKS IN REVIEW 135-137 (1993).

BLOGS

Center for Progressive Reform, “The Final Countdown: Five Years Left Until Chesapeake Bay Cleanup Agreement Deadline,” June 11, 2020, *available at* <https://progressivereform.org/cpr-blog/final-countdown-five-years-left-until-chesapeake-bay-cleanup-agreement-deadline/> (co-authored with Katlyn Schmitt).

Center for Progressive Reform, “Waters of the United States’ – Myths and Facts Surrounding the New Proposed Rule from EPA and the Army Corps of Engineers,” May 1, 2014, *available at* <http://progressivereform.org/CPRBlog.cfm?idBlog=B992BD05-0EA1-1C89-A6FF9D9EE9E6628B>.

Penn Program on Regulation, University of Pennsylvania School of Law, “The Clean Water Act Needs Positive Reform,” August 12, 2013, *available at* www.law.upenn.edu/blogs/regblog/2013/08/12-andreen-clean-water.html (also posted on the Law & Industry Daily Blog).

American Constitution Society, “The Clean Water Act at 40: Finishing a Task Well Begun,” October 12, 2012, *available at* www.acslaw.org/acsblog/the-clean-water-act-at-40-finishing-a-task-well-begun (also posted on the Center for Progressive Reform Blog and at Alternet.org).

Global Water Forum, “Towards Environmental Flows: Comparing Water Law in Four Countries,” June 1, 2011, *available at* www.globalwaterforum.org/?s=andreen.

Center for Progressive Reform, “EPA and the Corps of Engineers Deserve Praise for Their Draft Guidance on the Jurisdictional Scope of the Clean Water Act,” May 2, 2011, *available at* www.progressivereform.org/CPRBlog.cfm.

Center for Progressive Reform, “Update: EPA Releases Full FY 2010 Stats on CWA Convictions,” October 26, 2010, *available at* www.progressivereform.org/CPRBlog.cfm.

Center for Progressive Reform, “Convictions for Violations of the Clean Water Act Continue to Ebb,” October 19, 2010, *available at* www.progressivereform.org/CPRBlog.cfm.

Center for Progressive Reform, “N.Y. Times Article on Water Pollution: A Timely Reminder of the Role of Enforcement,” September 15, 2009, *available at* www.progressivereform.org/CPRBlog.cfm?fkScholar=4.

Center for Progressive Reform, “One More Point on the N.Y. Times Water Article – The Problem of Nonpoint Source Pollution,” September 16, 2009, *available at* www.progressivereform.org/CPRBlog.cfm?fkScholar=4.

OpEds

“Insight: Do We Believe in magic?,” *Mobile Press Register*, August 8, 2010, *available at* www.blog.al.com/press-register-commentary//print.html (dealing with the BP oil spill and response).

“Alabama Voices: Magic, Not Policy,” *Montgomery Advertiser*, July 18, 2010, *available at* www.montgomeryadvertiser.com/fdcp/?1279662925596.

PROFESSIONAL PAPERS

“Separating Fact from Fiction in Evaluating the Endangered Species Act: Recognizing the Need for Ongoing Conservation Management and Regulation,” *Festschrift in Honor of Professor Dale Goble*,

University of Idaho Water Center, Boise, Idaho, November 1, 2019 (sponsored by the University of Idaho College of Law and the University of Wyoming Haub School of Environment and Natural Resources).

“Bridging the Gap between Aspiration and Accomplishment under the Clean Water Act,” 18th Global Conference on Environmental Taxation, Tucson, Arizona, September 28, 2017.

“An Update on the Waters of the United States Rule,” University of Alabama School of Law’s “Water Resources Law Symposium,” August 25, 2017.

“The War over the Apalachicola Watershed,” University of Alabama’s “Water Policy Summit,” National Water Center, April 7, 2017.

“The Evolution of the ACF/ACT Conflict: 1989-2012,” SEC Academic Conference at Mississippi State University, “The Future of Water: Regional Collaboration on Shared Climate, Coastlines, and Watersheds,” March 28, 2017.

“Water Crisis in the Southeast: Too Much Water; Not Enough; and Too Dirty in Any Case,” Fordham Environmental Law Journal Symposium, “America’s Water Crisis: An Issue of Environmental Justice,” February 10, 2017.

“An Update on the ACF/ACT Dispute,” University of Alabama School of Law, “Water Resources Law Symposium,” August 19, 2016.

“Waters of the United States: Enhancing the Ability of the Clean Water Act to Protect the Nation’s Waters,” National Water Center, “Water Policy Summit,” April 8, 2016.

“The Evolution of the Current Tri-State Water War,” Virginia Journal of Environmental Law Symposium, “Water Rights in the Eastern United States,” October 30, 2015.

“Dynamic Federalism and the Clean Water Act,” George Washington University Law School, Conference on “The Law & Policy of Environmental Federalism,” April 24, 2015.

“The Clean Water Act: Setting an Agenda for a New Era,” Cumberland Law Review Symposium, “The Future of Environmental and Natural Resources Law,” November 22, 2013.

“Establishing Environmental Flows,” Georgia State University Law Review Symposium, “Not a Drop to Drink: Water Rights in America,” February 8, 2013.

“Success and Backlash: The Remarkable Story of the Clean Water Act,” University of Arizona Water Resources Research Center, November 16, 2012.

“Of Fables and Federalism,” Faculty Enrichment Seminar, James E. Rogers College of Law, University of Arizona, November 15, 2012.

“Environmental Enforcement in the US: The Case of the Clean Water Act,” Australian Research Council Centre for Excellence in Policing and Security (CEPS), Griffith University (Brisbane), October 30, 2012.

“Of Fables and Federalism,” Faculty Seminar, Australian National University College of Law, October 25, 2012.

“Of Fables and Federalism,” Faculty Seminar, University of South Australia Law School (Adelaide), October 19, 2012.

“Success and Backlash: The Remarkable Story of the Clean Water Act,” The Clean Water Act at 40: The J.B. & Maurice C. Shapiro Environmental Law Symposium, The George Washington University Law School, March 22-23, 2012.

“Chevron: Getting Back to Basics,” Southeastern Association of Law Schools Annual Meeting, Hilton Head, South Carolina, July 25, 2011.

“The Southeastern Water War,” Urban Fellows Seminar, Georgia State University College of Law, October 12, 2010.

“Climate Change Adaptation and the Gulf Coast,” Southeastern Association of Law Schools Annual Meeting, Palm Beach, Florida, July 31, 2010.

“An Environmental Profile of Ethiopia: Progress and Challenges,” Haramaya University (Ethiopia), May 8, 2009.

“Protecting State and Local Authority: Anticipating Pro-Preemption Arguments — Climate Change is a Global Problem, Not a Local One,” State Summit on Climate Change and Preemption, Hall of States, Washington, DC, March 25, 2009 (sponsored by the National Association of Clean Air Agencies, the Washington College of Law of American University, the University of Maryland School of Law and the Center for Progressive Reform).

“Climate Change Legislation and Preemption,” Symposium on US Climate Change Legislation, University of Houston Law School, February 11, 2008.

“Non-Point Source Pollution and Agriculture: Meeting the Challenge of Sustainable Agriculture,” presentation to the Chinese Academy of Agricultural Sciences and the Institute of Agro-Environmental Protection (Ministry of Agriculture of the People’s Republic of China), Beijing, December 3, 2007.

“Environmental Federalism: A Cooperative Approach to Climate Change,” Symposium on States as Laboratories for Social Change, Temple University Law School, October 20, 2007.

“Federalism and the Clean Water Act of 1972: Was Federal Action Necessary or Were the States Actually Meeting the Challenge?”, Conference on Federalism in the Overlapping Territory, Duke University Law School, November 10-11, 2006 (sponsored by the Duke Program in Public Law, the American Constitution Society, and the Center for Progressive Reform).

“Motivating Enforcement: Institutional Culture and the Clean Water Act,” IUCN Academy of Environmental Law, 2006 Colloquium, Pace University Law School (October 16, 2006); Environmental and Land Use Law Workshop, Georgetown University Law School (November 6, 2006).

“The Evolving Contours of Water Law in the United States,” International Symposium on Sustainable Water Management: Comparative Perspectives from Australia, Europe and the United States, National Europe Center, Australian National University, Canberra, September 15, 2005.

“Evaluating Progress under the Clean Water Act: The Utility of Technology-Based Standards Versus Environmental Quality-Based Standards,” Australian National University Law Faculty Seminar, Canberra, September 1, 2005.

“U.S. Water Law Faces the Twenty-First Century: Will We Bridge the Gap between Water Rights, Land Use, and Environmental Quality?,” University of Western Australia Law Faculty Seminar, Perth, August 30, 2005; University of Wollongong Law Faculty and Institute for

Conservation Biology, September 7, 2005; University of Technology Sydney Law Faculty, September 8, 2005; University of Tasmania Law Faculty, Hobart, September 20, 2005.

"Comparative Environmental Impact Assessment," AALS Conference on Environmental Law: Teaching Environmental Law in a Global Context, Portland, Oregon, June 17, 2004 (published in Conference Materials 33-44 and forthcoming at www.aals.org).

"The Role of EIA in Sustainable Development," Unity University College School of Law, Addis Ababa, Ethiopia, April 9, 2004.

"Reflections on the Modern Era of Environmental Law," Mekelle University, Mekelle, Ethiopia, April 7, 2004.

Faculty Colloquium, "What Can Be Learned from Legal History: The Case of the Clean Water Act," Mekelle University, Adi-Haki Campus, Mekelle, Ethiopia, April 15, 2003.

"The Future of Environmental Law: An International Perspective," Law Faculty Workshop, Pace University School of Law, February 23, 2001.

"The Dubious Enterprise of Exporting Environmental Law to the Developing World," Faculty of Law, The Australian National University, August 9, 2000.

"An Introduction to the ACT and ACF River Basin Compacts: A Novel Approach to the Apportionment of Interstate Waters," Red Clay Conference on Environmental Law, University of Georgia School of Law, March 31, 1999.

"Environmental Impact Analysis (EIA): An Effective Tool for Environmental Management in Tanzania?," Swedish International Development Authority, Stockholm, June 15, 1995.

"The Basics of Federal Administrative Law," Alabama Bar Institute for Continuing Legal Education Seminar on Dealing with Government Agencies, April 28, 1995 (Montgomery, Alabama).

"Environmental Policy, Legislation, and EIA in Tanzania," Informal Donor Group on the Environment, Dar es Salaam, Tanzania, April 3, 1995.

"Coming to Grips with the Quest for Environmental Justice," Briefing on Environmental Issues in U.S. EPA Region IV sponsored by the ABA Section of Natural Resources, Energy, and Environmental Law, Atlanta, Georgia, June 7-8, 1994.

"The Role of Enforcement in the Transformation of U. S. Environmental Law," International Workshop on Planning for Environmental Emergencies, The Flood Hazard Research Centre, Middlesex Polytechnic, London, April 5-7, 1992.

"The Evolving Law of Environmental Protection in the United States: 1970-1990," Faculty of Law and the Division of Law and Philosophy (Research School of Social Sciences), The Australian National University, March 22, 1991.

"The Enforcement of Environmental Law in the United States: The Clean Water Act Experience," Centre for Resource and Environmental Studies, The Australian National University, April 11, 1991.

"Enforcement Discretion and the United States Environmental Protection Agency: Abuse and Control," Australian Institute of Administrative Law, Canberra, May 15, 1991.

"Overview of Federal and State Laws Impacting on Ownership and Possession of Contaminated Property," Cumberland Institute for Continuing Legal Education Seminar on Environmental Law: Its Impact on Real Estate and Commercial Transactions, January 25, 1990 (Birmingham, Alabama) (printed in the Proceedings of the Seminar).

"Federal Administrative Law," Alabama Bar Institute for Continuing Legal Education Seminar on Administrative Law, October 22, 1987 (Montgomery, Alabama) (printed in the Proceedings of the Seminar).

"The Role of Local Governments in the Siting of PCB Disposal Facilities: The Reach of Federal Preemption," University of Texas School of Law, April 11, 1986 (Austin, Texas) (printed in the Proceedings of the Conference).

OTHER PRESENTATIONS AND PANELS

Moderator, Panel on EPA's 2015 Waters of the United States Rule, Water Resources Law Symposium, Culverhouse School of Law, University of Alabama, February 1, 2019.

Panelist, "Environmental Regulatory Programs and Federalism," ABA's Section of Environment, Energy, and Resources Symposium on Shifting Policies for a Shifting Environment, University of Mississippi School of Law, March 8, 2018.

Panelist, "Crystal Clear? Water Policy in the Trump Administration," Society of Environmental Journalists 27th Annual Conference, Pittsburgh, Pennsylvania, October 6, 2017.

Discussant, "Teaching Environmental Law and Climate Change in the Trump World," Southeastern Association of Law Schools Annual Conference, Boca Raton, Florida, August 3, 2017.

"Prospects for Citizen Suit Enforcement during the Trump Administration," Southeastern Environmental Law & Regulation Conference, Environmental Law Sections of the Alabama, Louisiana, and Mississippi State Bar, Sandestin, Florida, June 16, 2017.

"Nonpoint Source Water Pollution and Environmental Flows: Current and Future Challenges for Water Quality," Lunch and Learn Workshop, Center for Progressive Reform, Washington, D.C., September 28, 2016.

Invited Participant, J.B. and Maurice Shapiro Adaptive Management Workshop, George Washington University Law School, September 19, 2014.

"Three Generations of Environmental Law and Regulation," Blount Undergraduate Initiative Convocation, University of Alabama, February 11, 2013.

Invited Participant, Harvard Law School-Natural Resources Defense Council Symposium: The Clean Water Act at 40, Harvard Law School, October 11-12, 2012.

Moderator, The Annual Ward Kershaw Forum on A Time for Action: Accountability for Chesapeake Bay Restoration, University of Maryland School of Law, October 21, 2011.

Moderator, Symposium on Climate Change Adaptation and the Law, Seattle University School of Law, January 21, 2011.

"Intersections: Water and Energy," Workshop on Climate Change Adaptation in the Puget Sound, University of Washington School of Law, August 19, 2010.

Commentator on Nina Mendelson's "Midnight Rulemaking and Congress," A Symposium on Transitions, University of Alabama Law School, January 29, 2010.

Panel Presentation, "Adaptive Environmental Management," Center for Progressive Reform Semi-Annual Meeting, Loyola University Law School, New Orleans, January 6, 2010.

"Envisioning an Ethiopian Environmental Law Graduate Program," A Curriculum Workshop on Indigenizing Graduate Legal Education in Ethiopia, Debre Zeit, Ethiopia, December 12, 2009.

"A Blueprint for Reform of the Clean Water Act," panel discussion at the Annual Meeting of the Center for Progressive Reform, Fordham University Law School, January 4, 2008.

"Reflections on US Climate Policy," Australian Law Students' Association Annual Conference, Canberra, Australia (July 6, 2007).

"Environmental Law 101," Watershed Leadership Conference (Alabama Rivers Alliance), March 17, 2007.

Instructor, "Environmental Law and Regulations," a training course designed for the U.S. Army Corps of Engineers (Portland, OR, May 14-16, 2008; Dallas, TX, May 17-19, 2006; Huntsville, AL, February 28-March 2, 2007).

"Sustainable Development," Congressman Artur Davis' Summit on Sustainable Development in Alabama, Stillman College, April 2, 2005.

"EPA and Federal Environmental Law," Congressman Artur Davis' Summit on Sustainable Development in Alabama, Stillman College, April 2, 2005.

"The Environmental Impact of the Tigrean Government's Resettlement Program in the Lower Tekeze River Basin," Mekelle University, Environmental Club, April 11, 2003.

Faculty Colloquium, "The Proposed Federal Administrative Procedure Proclamation for the Federal Democratic Republic of Ethiopia," Mekelle University Faculty of Law, Mekelle, Ethiopia, November 26, 2001.

"Environmental Research: What Lawyers Can Contribute," Mekelle University, Faculty of Science and Technology, November 28, 2001.

"Environmental Problems and the Role Law Can Play," Mekelle University, Environmental Club, November 23, 2001.

"A Global Environmental Perspective," Alabama Watershed Leadership Conference (Alabama Rivers Alliance), March 31, 2000.

"Trends in Environmental Enforcement," State Environmental Leadership Program's Enforcement Conference, Houston, Texas, February 12, 2000.

Chair, "Deterrence versus Cooperation: The Struggle over the Future Direction of Environmental Enforcement," Section on Environmental Law, Association of American Law Schools Annual Meeting, January 7, 2000.

"What Has Environmental Law Done for You?," Tuscaloosa Audubon Society, November 4, 1997.

Moderator, "Sustainable America: A New Consensus," Environmental Law Section Seminar, Alabama State Bar Annual Meeting, July 25, 1996.

"Environmental Law and Compliance," Lawyers Environmental Action Team, Dar es Salaam, Tanzania, July 6, 1995.

"Twenty-Five Years after Earth Day: The Environmental Movement under Attack Once Again," Alabama Water Environment Federation, February 21, 1995.

"Current Trends in Federal Administrative Law," Administrative Law Section, Annual Meeting of the Alabama State Bar, July 20, 1994.

"The Clinton Administration: Prospects for an Environmentally Sustainable Society," Downtown Democratic Club, Birmingham, Alabama, March 5, 1993.

"Environmental Law and Policy," Alabama Association of Legal Secretaries, January 16, 1993.

"Some Perspectives on Environmental Law,@ Student Environmental Forum, The Alabama Conservancy, November 7, 1992.

"CERCLA Liability and Defenses," Conference on Environmental Auditing and Assessment in Industrial Compliance and Real Estate Transactions, The University of Alabama College of Continuing Studies, May 21, 1992.

"Pollution in Alabama: Problems and Solutions," Tuscaloosa Audubon Society, November 5, 1991.

Commentator on "The State of Play in Australian Administrative Law," 1991 Administrative Law Forum: Fair & Open Decision Making, Canberra, April 29-30, 1991 (sponsored by the Royal Australian Institute of Public Administration and the Australian Institute of Administrative Law).

"The Evolution of Administrative Law," Seminar on Administrative Practice, U.S. Environmental Protection Agency, Region IV, July 2, 1990.

"An Introduction to Environmental Law," a four-part mini-course presented at Bradley, Arant, Rose & White, Birmingham, Alabama, June 1990.

"Judicial Deference to Decisions of Administrative Agencies," Administrative Law Section, Alabama State Bar Annual Meeting, July 13, 1984.

INTERNATIONAL CONSULTING

"An Assessment of the Proposed Administrative Procedure Proclamation for the Federal Democratic Republic of Ethiopia," a report to the Justice and Legal System Research Institute of Ethiopia (February 2002).

Legal Advisor, Swedish International Development Authority (SIDA) supported Forestry and Environment Program in Tanzania, Orgut Consulting AB (1994-96). Facilitated the drafting of environmental legislation in conjunction with the National Environment Management Council of the United Republic of Tanzania and assisted in efforts to improve Tanzania's capacity in Environmental Law.

Reviewed and commented on the draft Dniester River Convention for the Government of Moldova and the American Bar Association's Central and East European Law Initiative (CEELI) (2000).

Instructor, Foreign Agriculture Service of the U.S. Department of Agriculture sponsored Seminar on Land Use Management. The seminar, which was part of the Cochran Fellowship Program, was conducted for agricultural extension officials from various countries in the Caribbean (November 1999).

Reviewed and commented on a draft Law on Processing and Consumer Waste for the Kyrgyz Republic at the request of the American Bar Association's Central and East European Law Initiative (CEELI) (1998).

Reviewed and commented upon the draft Clean Water Act for the Republic of Armenia upon the request of the ABA'S CEELI program (1997).

Reviewed and commented upon a draft Law on the Status of Natural Protected Areas, Natural Monuments and Other Natural Heritage Assets for the Republic of Romania through the auspices of the ABA'S CEELI program (1997).

Reviewed and commented on a comprehensive water bill for the Republic of Macedonia at the request of the ABA's CEELI program (1994).

Reviewed, revised, and commented upon a comprehensive Environmental Protection Act for the Ministry of the Environment and National Service, Trinidad and Tobago (1991).

PEER REVIEW

Referee, First-Level Review Board, LAND USE AND ENVIRONMENT LAW REVIEW (1987-1989, 1992-1999, 2001, 2004-2007); Second-Level (Final) Review Board (2008-2021).

Book manuscript referee: Wolters Kluwer (2018); Cambridge University Press (2005); State University of New York Press (2013); New York University Press (2012); Aspen Publishers (2002, 2004, 2006, 2010); Taylor and Francis (2010); Pacific Institute (2010); Ashgate Publishing (2008).

Reviewer for MISSISSIPPI RIVER QUALITY AND THE CLEAN WATER ACT (2008) (National Research Council of the National Academies).

OTHER PROFESSIONAL EXPERIENCE

Assistant Regional Counsel, U.S. Environmental Protection Agency, Region IV, Atlanta, Georgia (October 1979-July 1983)

The Office of Regional Counsel serves as in-house counsel for EPA programs in the eight southeastern states that comprise Region IV. I was the agency attorney primarily responsible for defending litigation brought against EPA in the Region. My cases involved a broad spectrum of legal and regulatory topics such as water and air pollution, hazardous waste, toxic substances, the National Environmental Policy Act, pesticides, tort claims, construction grants, and freedom of information. This litigation required practice in four federal courts of appeals and at least ten district courts. In addition, I provided legal counsel to the Regional Administrator and staff on various issues of administrative law and environmental regulation.

Associate, Haas, Holland, Lipshutz, Levison & Gibert, Atlanta, Georgia (August 1977-October 1979)

While in private practice, I dealt with a variety of state and federal litigation in the following areas: employment, constitutional law, commercial law, contracts, corporate law, torts, and property. I also handled a considerable amount of general corporate work.

Summer Law Clerk Law Department, Metropolitan Life Insurance Company, New York, New York
(May-August 1976)

Summer Law Clerk Public Defender's Office of Allegheny County, Pittsburgh, Pennsylvania
(June-August 1975)

BAR AFFILIATIONS

Alabama Bar	March 2003
Georgia Bar	October 1977
Georgia Court of Appeals	January 1978
Georgia Supreme Court	January 1978
U.S. Dist. Ct./N.D. Ga.	January 1978
U.S. Ct. of Appeals/Fifth Circuit	March 1978
U.S. Ct. of Appeals/Eleventh Circuit	October 1981
U.S. Ct. of Appeals/Fourth Circuit	April 1982
U.S. Supreme Court	April 1983

PROFESSIONAL ORGANIZATIONS

State Bar of Alabama
 State Bar of Georgia
 American Bar Association
 Member of ABA Sabbatical Site Evaluation Team for the University of Oklahoma School of Law
 (1994)
 Association of American Law Schools, Section on Environmental Law
 Executive Committee (1994-2001)
 Chair (1999-2000)
 Chair-Elect (1998-1999)
 Secretary-Treasurer (1997-1998)
 Environmental Law Mentor (1992-1996)
 Association of American Law Schools, House of Representatives
 University of Alabama Law School Representative (1997, 1999, 2002)

OTHER PROFESSIONAL ACTIVITIES

- Advisory Committee, Natural Resources Defense Council (NRDC) Project on Clean Water Act Implementation and Enforcement (2012-13).
- Expert, U.S. Government Accountability Office, Effluent Limitations (Spring 2012).
- Reviewer, NATIONAL RESEARCH COUNCIL OF THE NATIONAL ACADEMIES, MISSISSIPPI RIVER WATER QUALITY AND THE CLEAN WATER ACT: PROGRESS, CHALLENGES, AND OPPORTUNITIES (2007).
- Co-Chair, Alabama Environmental Management Commission, Enforcement and Administrative Penalties Policy Advisory Committee (2004-2005).
- Member, Environmental Justice Policy Working Group (Congressman Artur Davis) (2004-2005).
- Invited to participate in the 2004 U.S. B China Environmental Law and Policy Roundtable, Institute for International Law & Public Policy, Temple University School of Law, July 27-29, 2004.
- Invited to participate in the Inauguration of the IUCN Academy of Environmental Law and the Colloquium on Sustainable Development, Shanghai, China, November 4-6, 2003.
- Invited to participate in the Foundation for Research on Economics and the Environment Seminar on Environmental Policy Analysis, Bozeman, Montana, August 10-15, 1999.
- Invited to participate in the Southeast Water Resources Symposium, Chattanooga, Tennessee, August 24-26, 1998.

- Invited to participate in the Gruter Institute's Conference on the Use of Biology in the Study of Law, Squaw Valley, California, June 18-25, 1992.
- Legal Study Committee, Alabama Water Resources Study Commission (1989-1990).
- Reporter, Alabama Law Institute Committee on Administrative Procedure (1987).
- Associate, Environmental Law Institute.
- Legal Committee, The Cahaba River Society (1992-1995).

CIVIC ACTIVITIES

- Alabama Rivers Alliance - President (1998-2001), Of Counsel (2004-present), Board of Directors (1996-2004), Vice President (1996-1998), Chair, Healthy Rivers Campaign Committee (1997-2001).
- GASP/AlabamaFirst – Of Counsel (2009-2014).
- Black Warrior Riverkeeper – Advisory Council (2010-2013, 2019- present); Board of Directors (2013-2018).
- Environmental Justice Policy Working Group, Congressman Artur Davis (2004-2005).
- High School Restructuring Committee, Tuscaloosa City Schools (2000).
- Tuscaloosa Audubon Society - Board of Directors (1992-2002), Vice President (1993-1995), Conservation Chair (1995-2002).
- University Presbyterian Church (Tuscaloosa) - Outreach Committee (1984-1988, 1992-2001) and Session (1992-1997).
- Tuscaloosa County Democratic Club - Steering Committee (1989-1992).
- Curbside Recycling Coalition of the Tuscaloosa Area (Audubon Society representative 1994-1995).
- College of Wooster - Alumni Admissions Representative (1979-1982) and Class of 1975 Challenge Fund Committee (1985).
- Georgia Solar Coalition, Inc. - Board of Directors (1979-1980), Secretary (1979-1980), General Counsel (1979-1980).
- North Decatur Presbyterian Church - Social Service Committee (1978-1982) and Session (1983).
- American Field Service - Foreign exchange student to West Germany in 1970 and currently an alumni volunteer.
- Natural Resources Defense Council
- Sierra Club
- Alabama Environmental Council
- Alabama Civil Liberties Union
- Columbia Law School Alumni Association

PERSONAL

Birth Date: February 2, 1953