

6-1-2010

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Recommended Citation

"Environmental Law & Justice Clinic Wins Appeal for Residents of Hinkley" (2010). *Press Releases*. Paper 51.
<http://digitalcommons.law.ggu.edu/pressreleases/51>

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FOR IMMEDIATE RELEASE:

June 1, 2010

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Environmental Law & Justice Clinic Wins Appeal for Residents of Hinkley
*Further Environmental Review Needed for Proposed Open-Air Compost Facility
In Rural Southern California Community*

HINKLEY, CA— A group of residents in Hinkley, the rural California town Erin Brockovich made famous in a landmark case against a utility for contaminating the local water supply, has prevailed in the legal appeal of its victory overturning the inadequate environmental review for a proposed open-air sewage sludge compost facility. The community group and Center for Biological Diversity (Center) were represented in the successful appeal by the Golden Gate University Environmental Law and Justice Clinic (ELJC) and the Center on Race, Poverty and the Environment.

The decision, issued by the Court of Appeals for the Fourth Appellate District, resolves an appeal brought by the developer of the proposed facility, Nursery Products LLC, which sought to overturn the trial court's ruling in favor of the local community group HelpHinkley.org. and the Center. The appeals court upheld all aspects of the trial court's ruling in favor of HelpHinkley.org and the Center, finding that the initial environmental review was inadequate because it failed to sufficiently consider measures—in particular enclosing the proposed facility —to mitigate potential air pollution. The court also agreed that the County of San Bernardino had failed to properly assess the impacts of obtaining and using the water needed by the project.

“We are grateful for the hard work by the Environmental Law & Justice Clinic and the Center on Race, Poverty and the Environment,” says Norman Diaz of HelpHinkley.org. “Without their work, the community of Hinkley would already be feeling the effects of the proposed sewage sludge dump. This industrial-size facility would dump the waste of 2 million people from other parts of Southern California on the ground, mixed with other waste, and the dust and gases released will travel downwind onto our school playgrounds

and homes. This process and project would be illegal where the waste was produced, and yet we are not offered the same protections as the waste producers.”

“This victory proves that a pro bono law school clinic, with the invaluable support of its dedicated students and faculty, can go head-to-head with a large firm and come out victorious,” says Lucas Williams, a Graduate Fellow at the ELJC who received his law degree from Golden Gate Law in 2008 and argued the appeals case. “The Clinic’s ability to win this lawsuit despite our clients’ limited resources is a testament to the hard work of our students and staff.”

“We are encouraged that the judge saw matters our way,” notes Ingrid Brostrom of the Center on Race, Poverty and the Environment. “We hope that the County takes this opportunity to provide Hinkley residents with the same level of protection that is already required in other areas.”

While the appeal was pending, the County of San Bernardino prepared a supplemental environmental analysis, and the Planning Commission re-approved the project. The County Board of Supervisors is expected to hear an appeal of the second approval in July. “We will press forward with our appeal to the Board of Supervisors for enclosure or comparable safety standards,” Diaz says.

About Golden Gate’s Environmental Law and Justice Clinic

In 1994 Golden Gate became one of the first law schools in the country and the first in California to establish an environmental justice clinic. The Clinic is now the only in-house law school clinic in California focusing on environmental justice. Working with two full-time faculty members, ELJC student clinicians directly represent environmental organizations and community groups in low-income and minority communities on real-life public health, toxics, and environmental justice matters.

The Clinic’s initiatives include projects that on air pollution in residential neighborhoods that are located adjacent to industrial facilities. The Clinic has been recognized locally and nationally for its work on behalf of community groups and received the CLEA Award for Excellence in a Public Interest Case or Project from the Clinical Legal Education Association in 2006 and the Environmental Award from the US Environmental Protection Agency in 2009. For more information about the Golden Gate University School of Law Environmental Law and Justice Clinic and its initiatives go to www/ggu.edu/law and click on “clinical programs.”

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