



Bay Briefs

Bay Planning Coalition

Spring 2000

What's new at the Bay Planning Coalition?

This story can fit 175-225 words.

The purpose of a newsletter is to provide specialized information to a targeted audience. Newsletters can be a great way to market your product or service, and also create credibility and build your organization's identity among peers, members, employees, or vendors.

First, determine the audience of the newsletter. This could be anyone who might benefit from the information it contains, for example, employees or people interested in purchasing a product or requesting your service.

You can compile a mailing list from business reply cards, cus-

tomers information sheets, business cards collected at trade shows, or membership lists. You might consider purchasing a mailing list from a company.

If you explore the Publisher catalog, you will find many publications that match the style of your newsletter.

Next, establish how much time and money you can spend on your newsletter. These factors will help determine how frequently you publish the newsletter and its length. It's recommended that you publish your newsletter at least quarterly so that it's considered a consistent source of information. Your

customers or employees will look forward to its arrival.



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U. S. Supreme Court Validates Citizen Suits

by Martha Chesley, BPC Assistant Director

On January 12, 2000 the Supreme Court validated the "citizen suit" provisions of the Clean Water Act in the case of *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.* (No. 98-822). The case had been closely watched by industry and citizen groups.

The Court's 7-2 decision found that even though the citizen plaintiffs would not benefit directly from a favorable decision and Laidlaw had closed its facility and stopped any claimed pollution, the plaintiffs still had the right to sue.

The issue of "standing" requires a plaintiff to show that it has suffered an actual

or imminent injury, the injury is traceable to the defendant, and the relief sought will likely redress the injury. Laidlaw argued that the plaintiffs were not injured because the allegedly polluted river was not damaged. The Court found, however, that the environmental groups' members were injured, and that "injury" to the river was not the issue.

Although Justices Scalia and Thomas stated that it was unlikely that people could be injured by the claimed pollution if the river itself were unharmed, the Court found that the plaintiffs were injured because their members stopped recreational activities in and around the river in fear of Laidlaw's alleged pollution,

and because one person claimed the pollution lowered her property value.

Laidlaw also argued that the plaintiffs claim would not be redressed by the suit because the only remedy the plaintiffs sought on appeal was to have Laidlaw pay civil penalties to the government. The Court, however, found because the penalties would likely deter Laidlaw from polluting the river again, making the river cleaner in the future, some of the plaintiffs' injuries would be redressed.

The Court also limited the applicability of a precedent-setting citizen suit decision, *Steel Co. v. Citizens*

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Special points of interest:

- The LTMS Implementation Plan inches closer to finalization
- Re-evaluating the RMP
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Supreme Court decision on citizen suits

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for a Better Environment, 523 U.S. 83, 106-07 (1998), to cases where a defendant's alleged violations have ceased before suit is filed.

Laidlaw also argued that the case should be thrown out because it stopped any alleged pollution shortly after the environmental groups sued and by the time the case reached the Supreme Court it had shut down its operation and put it up for sale. The Court decided that those fac-

tors do not automatically render the case moot, because "a defendant's voluntary cessation of a challenged practice does not deprive a federal court of its power to determine the legality of the practice." The Court noted that, despite the shutdown, Laidlaw had deliberately kept its CWA permit for the site. The Court sent the mootness issue back to the lower court for reconsideration. ◇

Thanks to BPC members Rick Jarvis of Meyers, Nave, Riback, Silver & Wilson and James Arnold for information used in this article.

For more information visit the BPC website at www.bayplanningcoalition.org, Meyers Nave at.....

Or Jim Arnold at.....



Caption describing picture or graphic.

"To catch the reader's attention, place an interesting sentence or quote from the story here."

The LTMS: Where are we now?

This story can fit 100-150 words.

The subject matter that appears in newsletters is virtually endless. You can include stories that focus on current technologies or innovations in your field.

You may also want to note business or economic trends, or make predictions for your customers or clients.

If the newsletter is distributed internally, you might comment

upon new procedures or improvements to the business. Sales figures or earnings will show how your business is growing.

Some newsletters include a column that is updated every issue, for instance, an advice column, a book review, a letter from the president, or an editorial. You can also profile new employees or top customers or vendors.

Legislation and regulation affecting SF Bay: What's on the horizon?

This story can fit 75-125 words.

Selecting pictures or graphics is an important part of adding content to your newsletter.

Think about your article and ask yourself if the picture supports or enhances the message you're trying to convey. Avoid selecting images that appear to be out of context.

Microsoft Publisher includes thousands of clip art images from

which you can choose and import into your newsletter. There are also several tools you can use to draw shapes and symbols.

Once you have chosen an image, place it close to the article. Be sure to place the caption of the image near the image.



Caption describing picture or graphic.



BPC's Annual Decisionmakers Conference: Conclusions from 1999 and topics for Y2K

This story can fit 150-200 words.

One benefit of using your newsletter as a promotional tool is that you can reuse content from other marketing materials, such as press releases, market studies, and reports.

While your main goal of distributing a newsletter might be to sell your product or service, the key to a successful newsletter is making it useful to your readers.

A great way to add useful content to your newsletter is to develop and write your own articles, or include a calendar of upcoming events or a special offer that promotes a new prod-

uct.

You can also research articles or find "filler" articles by accessing the World Wide Web. You can write about a variety of topics but try to keep your articles short.

Much of the content you put in your newsletter can also be used for your Web site. Microsoft Publisher offers a simple way to convert your newsletter to a Web publication. So, when you're finished writing your newsletter, convert it to a Web site and post it.



Caption describing picture or graphic.

TMDL's and the Regional Monitoring Program: What is the Water Board up to?

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Check out our website for more information!

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