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NOTES

"Consolidated Permits Would Add to Federal Regulatory Burden, EPA Told":The proposed EPA regulations that would consolidate permit applications for several programs - including the underground injection control (UIC) program of the Safe Drinking Water Act and the dredge and fill program of the Clean Water Act - were criticized during hearings in Chicago. Critics said that the proposed regulations "duplicate and obstruct successful state programs" and are "counterproductive" to the stated purpose of the Clean Air Act. Farmers said the laws would impose an excessive burden on them and that the law's application is unclear. Further hearings will be held.

"Client's Illegal Activities May Bar Exercise of Attorney-Client Privilege":The Court of Appeals for the Third Circuit ruled that during a grand jury investigation for violations of water pollution laws, the attorney-client privilege is inapplicable if the crime is a continuing one or if the offense occurred after consultation with counsel. The Court remanded the action at issue for the district court's determination of when the crime occurred. (IN RE: GRAND JURY PROCEEDINGS: FMC Corporation, No. 79-1481.)

4th Circuit Dissolves Injunction: Surface Mining Act May Be Enforced: The Court of Appeals for the Fourth Circuit dissolved an injunction which had halted the enforcement of the Surface Mining Control and Reclamation Act. The appeals court said the district court should have applied the standards set out in the act for enjoining a decision of the Secretary of the Interior, specifically, if the injunction would "adversely affect the public health or safety or cause significant environmental harm to land, air or water resources." (Virginia Surface Mining and Reclamation's Ass'n. v. Andrus, No. 79-1146.)

Real Estate Lawyers Consider Liability with Environmental Laws: Richmond attorney Turner T. Smith, Jr., speaking at the meeting of the Real Estate Section of the ABA, told the group that liability can be vested upon them when they act without knowledge of environmental laws and regulations. This danger applies especially in the development of commercial and industrial property. He cautioned lawyers to be aware that these laws apply.

CALENDAR

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Virginia Fisheries and the Environment

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Williamsburg Lodge Conference Center