

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

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WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

December 27, 2018

Matthew D. Hardin, Executive Director
Energy Policy Advocates

By electronic mail to: matthewdhardin@gmail.com

Re: Public Records Act request to Vermont Attorney General's Office

Dear Mr. Hardin:

In write in response to your Vermont Access to Public Records Act request dated December 21, 2018 and received by this office on that date. In that request you seek:

...a copy of the Office of Attorney General's application to participate in the NYU State Energy and Environmental Impact Center's fellowship program. This record would have been produced after August 25, 2017 and likely sent to outside parties David Hayes and/or Elizabeth Klein of the NYU State Energy and Environmental Impact Center. Also please consider all attachments/appendices and cover letters/emails transmitting this application as responsive to this request.

In response to your request please find the attached potentially responsive documents.

Sincerely,

A handwritten signature in black ink, appearing to read "R F McDougall".

Robert F. McDougall
Assistant Attorney General

From: [Ingraham, Kim](#)
To: stateimpactcenter@nyu.edu
Bcc: [McDougall, Robert](#)
Subject: Application for NYU Fellow
Date: Friday, September 15, 2017 2:40:00 PM
Attachments: [2017-0915 Ltr re NYU Law Fellow.pdf](#)

Attached please find a letter from the Vermont Attorney General regarding our Application for NYU Fellow.

We would appreciate it if you would kindly confirm receipt of our application by return email.

Please do not hesitate to call me if you have any questions.

Thank you.

Kim Ingraham, Paralegal
Office of the Attorney General
Environmental Protection Division
109 State Street, 2nd Floor
Montpelier, VT 05609-1001
Direct 802-828-3186
Email: kim.ingraham@vermont.gov



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05609-1001

September 15, 2017

By electronic mail

David J. Hayes, Executive Director
State Energy & Environmental
Impact Center at the NYU School of Law
stateimpactcenter@nyu.edu

Re: Application for NYU Fellow

Dear Mr. Hayes:

Please accept this letter of interest as the Vermont Attorney General's Office's application for consideration of hiring a New York University (NYU) School of Law Fellow. Below please find the information requested as a part of the application materials.

1. Program Eligibility and Narrative

The Environmental Protection Division of the Vermont Attorney General's Office is one of six major divisions within the Attorney General's Office. The Chief of the Environmental Protection Division supervises the Division's Assistant Attorneys General (AAGs) and staff. The Chief is directly answerable to the Attorney General.

The Environmental Protection Division litigates environmental, agricultural, and natural resource cases of statewide importance. The Division files civil actions to enforce Vermont's environmental and agricultural laws, defends the State of Vermont and its agencies when they are sued over environmental matters and handles appeals of decisions from the Vermont Environmental Court, the Superior Courts (Civil Division), and administrative bodies involving environmental, agricultural, and natural resource issues, such as toxic waste, solid waste violations, water and air quality standards, violations of required agricultural practices, and non-compliance with land use regulation. The Division coordinates with the Office's Criminal Division on the prosecution of environmental crimes. The Division also provides legal services, advice and counsel on environmental and other matters to the Vermont Agency of Natural Resources, the Vermont Agency of

Agriculture, Food and Markets, the Vermont Natural Resources Board, and other state agencies.

Currently, including the Chief of the Division, the Environmental Protection Division includes: 8 and ½ AAGs (one AAG splits his work between the Environmental Protection Division and the Public Protection Division), 1 investigator and 1 paralegal/administrative assistant. The investigator and paralegal/administrative assistant are both half-time positions, i.e. the Division shares them with another unit of the Office. Two of the AAGs in the Division are responsible for providing legal services to the Vermont Agency of Agriculture, Food and Markets.

In the last year, the Division has been very busy with Vermont-specific matters, such as the state's response to PFOA contamination in the southwestern Vermont town of Bennington, and litigation, on the state and federal level, around the proposed sale of the state's only nuclear power plant, Vermont Yankee. The Division has also handled a steady flow of enforcement referrals from the Vermont Agency of Natural Resources. In addition, the Division's multi-state work has been as active as it has ever been, highlighted by Vermont being a part of the Volkswagen multi-state litigation over Volkswagen's use of defeat devices on certain vehicles.

The Environmental Protection Division is relatively small when compared to other divisions within the Vermont Attorney General's Office and similar environmental units in other states. The Division AAGs maintain a steady flow of casework.

Having a NYU Fellow join the Division would provide needed assistance to AAGs on particularly complex matters. Further, a NYU Fellow could play a role in the monitoring of multi-state issues. Vermont has been very active in multi-state actions – statements, comments on rules, and litigation – in reaction to issues involving the environment and climate change. One AAG in the Division is, in addition to his own heavy caseload, responsible for being the Office's point of contact for multi-state issues and topics of environmental interest. Assistance here would be welcomed. Additionally, the Division has actively tried to build and maintain relationships with Vermont-based non-governmental organizations (NGOs) around some of these multi-state topics and a NYU Fellow might be of assistance here. Finally, depending on the NYU Fellow's experience, a regular caseload could be assigned to him or her.

2. Program Structure

Environmental protection has become one of the cornerstone foundations for the Vermont Attorney General since he took office in January. Many of the environmental issues and concerns that have presented in the multi-state area

September 15, 2017

Page 3

could not have been anticipated at this time last year. Strengthening the Environmental Protection Division by having a NYU Fellow join the Division would be a great help in advancing the Attorney General's environmental protection agenda. Adding a member to the Division without cost to the state's general fund would make the benefit to Vermont even greater.

Within the Division, a NYU Fellow would report to the Division Chief as if he or she were a regular staff AAG. The NYU Fellow would be expected to be self-sufficient and would be afforded room to work independently on assigned cases. Significant decisions on litigation, joining a multi-state, etc. would be run through the Division Chief up to the Deputy Attorney General and Attorney General for approval.

3. Budget Proposal and Confirmation of Authority

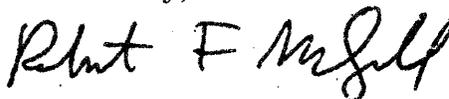
With respect to identification of a proposed salary range for the NYU Fellow (working as a Special AAG), if the individual were being hired as a full-time staff here at the Vermont Attorney General's Office, the range of salaries would run – on average – from \$60,000 (5 years' legal experience) to \$75,000 (10 years' legal experience). A salary in these ranges, depending on the number of years' experience, would place the NYU Fellow in the same pay range as existing AAGs with 5 to 10 years' experience. Salary equity is of great importance in our Office and hiring to an equal range as their peers would be expected.

The Office of the Attorney General has the authority to have an "employee" paid for by an outside source. This model is not uncommon for state government. Depending on the structure of the NYU Fellow program, approval from the state's Joint Fiscal Office may also be required before commencing.

Thank you for your consideration of the Vermont Attorney General's Office's application for a NYU Fellow. I would be happy to discuss our Office's interest further, and would be happy to answer any questions you may have about our Office, the Environmental Protection Division or our environmental protection work.

I look forward to hearing more about the NYU Fellow program.

Sincerely,



Robert F. McDougall
Assistant Attorney General
Chief of the Environmental Protection Division

From: [Ingraham, Kim](#)
To: [McDougall, Robert](#)
Subject: FW: Application for NYU Fellow
Date: Friday, September 15, 2017 3:11:00 PM

FYI

From: State Impact Center [mailto:stateimpactcenter@nyu.edu]
Sent: Friday, September 15, 2017 3:07 PM
To: Ingraham, Kim <Kim.Ingraham@vermont.gov>
Subject: RE: Application for NYU Fellow

We have received the application. Thank you so much for the submission, we will be in touch soon.

From: Ingraham, Kim [Kim.Ingraham@vermont.gov]
Sent: Friday, September 15, 2017 2:40 PM
To: State Impact Center
Subject: Application for NYU Fellow

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Kim Ingraham, Paralegal
Office of the Attorney General
Environmental Protection Division
109 State Street, 2nd Floor
Montpelier, VT 05609-1001
Direct 802-828-3186
Email: kim.ingraham@vermont.gov

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McDougall, Robert

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To: stateimpactcenter@nyu.edu
Subject: Application for NYU Fellow
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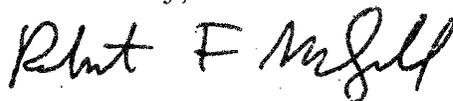
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Robert F. McDougall
Assistant Attorney General
Chief of the Environmental Protection Division

McDougall, Robert

From: Ingraham, Kim
Sent: Friday, September 15, 2017 3:12 PM
To: McDougall, Robert
Subject: FW: Application for NYU Fellow

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