Olympia "Libby" Bowker

COUNSEL

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Overview

Olympia “Libby” Bowker advises private sector entities, utilities, and municipalities on a range of environmental and land use matters.

Libby’s experience includes:

Hazardous Waste Remediation and Cost Recovery: Libby counsels clients during hazardous waste remediation under state and federal regulatory schemes, including compliance with cost recovery processes. She also advises commercial service airports on handling PFAS contamination. She serves as Common Counsel for a group addressing VOC and PCB contamination under CERCLA and recently assisted a national pharmaceutical company with soil disposal compliance requirements during a large development project in Cambridge.

Wetlands: Libby’s primary expertise is Massachusetts wetlands regulation, with detailed knowledge of the Massachusetts Wetlands Protection Act and municipal wetlands bylaws and ordinances. Libby advises the regulated community on permitting, enforcement and its limitations, and administrative appeals, and also counsel municipal clients during project review and enforcement proceedings. She teaches a bi-annual course on wetlands enforcement
mechanisms and process. Recently, she secured a series of permits to repair a sea wall and rebuild a docking facility in Boston Harbor.

State Waterways Licensing: Libby counsels a national utility on compliance with Ch. 91 waterways licensing requirements. She is a co-author of the MCLE chapter on Tidelands and Waterways Law.

Prior to law school, Libby conducted oceanic temperature research aboard a research vessel based out of Woods Hole, Massachusetts, led a backcountry trail crew repairing remote sections of the Pacific Crest Trail, and taught outdoor science classes at the Oregon Museum of Science and Industry.

Experience

- Advises airports on PFAS remediation, including communicating with affected stakeholders, drafting agreements to enable adjacent property remediation, facilitating expedited access to municipal drinking water for affected property owners, and ensuring remediation efforts satisfy revenue use procurement criteria.
- Drafted public comments for national utility on impacts of proposed regulations and policies in Massachusetts and New Hampshire.
- Advises corporate client on New Jersey regulations and procedures governing off-site environmental remediation.
- Counseled national utility on environmental justice protocol and community involvement requirements during Massachusetts Environmental Policy Act review.
- Counseled a national pharmaceutical company on contaminated soil disposal during

PRACTICE AREAS

Environmental

Public Law

CREDENTIALS

Education

- Vermont Law School, J.D. and Masters of Environmental Law and Policy, 2015
- University of Vermont, B.A., 2009

Admissions

- Massachusetts
- Massachusetts Supreme Judicial Court
- U.S. Court of Appeals, First Circuit
- U.S. District Court, District of Massachusetts
- New Hampshire Supreme Court

Recognitions

- Best Lawyers: Ones to Watch in America– Environmental Law 2024-2027
- Best Lawyers: Ones to Watch in America– Litigation - Environmental 2024-2027
- Best Lawyers: Ones to Watch in America– Land Use and Zoning Law 2027
- Massachusetts Super Lawyers Rising Star, 2024

project construction.

- Counsels a national utility on waterways licensing criteria, filing for approvals when regulations require.
- Advised higher education client on Massachusetts Drinking water regulations.
- Secured Orders of Conditions for property owner on the Boston Waterfront to repair seawalls and maintain commercial docking facilities.
- Secured Superseding Order of Conditions from Department of Environmental Protection, overturning underlying permit authorizing a gas station near bordering vegetated wetlands.
- Negotiated and drafted numerous license agreements to enable remediation of contaminated soil and soil gas.
- Successfully obtained variances from zoning provisions to enable the construction of a single-family home in place of a pre-existing non-conforming use and structure.
- Favorably resolved land use and property rights issues before a municipal board to secure Order of Conditions for the redevelopment of beachfront registered land.
- Advised a client on the pending taking of a temporary access easement across their property and negotiated higher compensation than that initially approved by Town Meeting.
- Successfully negotiated an agreement between neighborhood residents and national developer, regarding support for a development project in exchange for community benefits.
- Secured a variance from the Building Code Appeals Board from flood resiliency provisions of the Building Code to enable occupancy of renovated structure.

Affiliations

- American Civil Liberties Union of Massachusetts, *Legal Volunteer*
- Boston Bar Association
  - *Environmental and Energy Law Section's Public Service Committee*, *Co-Chair,* 2018-2020
  - *Law School Graduate Mentor*, 2020-2021
  - *Bar Exam Coach*, 2018, 2020
- Vermont Law School Alumni Association, *Boston Board of Governors*, 2019-present
- University of Vermont Alumni Association, *Boston Regional Board Member*, 2017-present
- Real Estate Bar Association, *Member*, 2016-present
  - Strategic Communications Commission, 2021

Insights

Publications

- FIRM NEWS - February 1, 2023 - A&K's Olympia Bowker to Speak at BBA Speed-Networking Environmental Law Event
- Olympia Bowker, *Appeals Court Interpretation of Conservation Restriction Underscores Value of Clear Language,* Conservation Quarterly, Fall 2020, at 9.
- Olympia Bowker, Supreme Court Rules A Clean Water Act Permit Can Be Required for Groundwater Discharges, REBA Blog (May 7, 2020), http://rebama.blogspot.com/2020/05/supreme-court-rules-clean-water-act.html.
- Olympia Bowker, *Supreme Court Rules A Clean Water Act Permit Can Be Required For Groundwater Discharges By Maui Country Into Navigable Waters,* Massachusetts Municipal Lawyers Association(May 4, 2020), https://www.massmunilaw.org/wp-content/uploads/2020/05/County-Of-Maui-Bowker-Article.pdf.
- Olympia Bowker, *Lake and Pond Management – How Much Authority Does a Conservation Commission Have? The Stockbridge Bowl Case from Two Perspectives:Part 2, Science Meets Law in Superior Court Ruling Allowing Herbicides for Lake and Pond Management,* Conservation Quarterly, Spring 2020, at 5.
- Olympia Bowker, *Stockbridge Bowl Case: Where the Law Meets Science in Court*, McGregor & Legere Attorney Blog (Feb. 28, 2020), https://www.mcgregorlegere.com/attorney-blog/item/57-stockbridge-ma-bowl-case-where-the-law-meets-science-in-court-herbicide-treatment-eurasian-watermilfoil.
- Olympia Bowker, *Adorable as Affordable?: The Zoning Challenge of Tiny Houses*, 63 Boston Bar J. 4 (Fall 2019).
- Olympia Bowker, *Miramar Beach Dredged Spoils Case: SJC Elaborates Role of Regulatory Performance Standards,* McGregor & Legere Attorney Blog (Oct. 4, 2018), https://www.mcgregorlegere.com/olympia-bowker-bio-articles/item/46-miramar-beach-dredged-spoils-case-supreme-judicial-court-elaborates-role-regulatory-performance-standards.
- Olympia Bowker, *Tiny Houses Face Zoning and Other Obstacles in Massachusetts,* McGregor & Legere Attorney Blog (Mar. 2, 2018), https://mcgregorlegere.com/olympia-bowker-bio-articles/item/41-tiny-houses-face-zoning-obstacles-massachusetts.
- Olympia Bowker, *Zoning and Other Legal Obstacles to Tiny Houses*, REBA Blog (February 22, 2018), http://rebama.blogspot.com/search/label/Olympia%20A.%20Bowker.
- Bowker, O. (Sept. 14-16, 2017) *Environmental Law Updates: Local Developments in Light of Federal Changes*, Presentation, Massachusetts Municipal Lawyers Association Annual Meeting and Conference, Hyannis, MA (preparation of materials only).
- Olympia Bowker, *Appeals Court Finds Conservation Commission Inaction Cured by Previous Order of Conditions*, REBA Blog (Aug. 21, 2017), http://rebama.blogspot.com/2017/08/appeals-court-finds-conservation.html
- Olympia Bowker, *Appeals Court Applies Vernal Pool Protections in Original OOC for Entire Subdivision Despite Commission's Delay Acting On Subsequent NOI,* Conservation Quarterly, Summer 2017, at 20.
- Olympia Bowker, *Municipal Modernization Act a Smorgasbord of Changes on Environment and Land Use,* REBA News, November 2016.
- Olympia Bowker, *New Law Means Less Control for Municipalities,* The Municipal Law Quarterly, Fall 2016, at 11.

- Olympia Bowker, *Water, Water, Everywhere: New Hampshire's Expansive Public Assets,* NH Bar News, S 21, 2016, at 35.
- Olympia Bowker, *He walks the line: 1L balances school…and the U.S. Supreme Court?*, Student Lawyer Magazine, March 1, 2016.
- Olympia Bowker, *A Vague Invasion: The Inadequacy of Invasive Species Definitions in Reaching Federal and State Goals, Illustrated by Application of A. Arenaria to Coastal Dune Preservation*, 29 J. L. & Litig. 579 (2015).
- Olympia Bowker, *The Dam(age) Stops Here: The Public Trust and Dam Removal,* J. Envtl. L. EcoPerspectives Blog (June 1, 2015), http://vjel.vermontlaw.edu/the-damage-stops-here-the-public-trust-and-dam-removal/.
- Tuholske, Jack and Kilbert, Kenneth, *Moving Forward: Legal Solutions to Lake Erie's Harmful Algal Blooms* (April 15, 2015). Available at SSRN: https://ssrn.com/abstract=2667107 (contributing researcher)
- Olympia Bowker, *Tiny Beads, Big Problem: Vermont Seeks to Ban Microbeads*, J. Envtl. L. EcoPerspectives Blog (Feb. 23, 2015), http://vjel.vermontlaw.edu/tiny-beads-big-problem-vermont-seeks-ban-microbeads/.
- Olympia Bowker & Michael Campinell, *Blurred Lines: The Importance of Delineation Between Legislative and Non-legislative Rules Under the APA*, J. Envtl. L. EcoPerspectives Blog (Feb. 9, 2015), vjel.vermontlaw.edu/blurred-lines-importance-delineation-legislative-non-legislative-rules-apa/.