

## COURSE INFORMATION

### LIVE ONLINE INSTITUTE

Thursday, April 22, 2021  
Attend online at [www.minncl.org](http://www.minncl.org)

Registration for the Institute must be made online at [www.minncl.org](http://www.minncl.org).

### IN-PERSON SEASON PASSHOLDERS

You may use your Pass to register for this live online Institute at no charge.

### CREDITS

Minnesota CLE is applying to the Minnesota State Board of CLE for **6.0 CLE credits, including 1.0 ethics credit for session #103**. The maximum number of credits an attendee may claim for the Institute is 6.0 credits.

### COURSE MATERIALS

Course materials will be provided electronically.

### SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those with a financial need. To obtain an application, contact Grant at [gdavies@minncl.org](mailto:gdavies@minncl.org) or 651-254-2111.

### CANCELLATION POLICY / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a full credit on their account, or refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the seminar materials through their Minnesota CLE website account. Passholders may purchase the materials at 50% of the full retail price.

### ACCOMMODATION

If you have a disability and need an accommodation in order to attend, please contact us as soon as possible in advance of the program. Contact Minnesota CLE at 2550 University Avenue West, Suite 160-S, Saint Paul, MN 55114, call 800-759-8840, or email [customerservice@minncl.org](mailto:customerservice@minncl.org).

### QUESTIONS?

[customerservice@minncl.org](mailto:customerservice@minncl.org)  
[www.minncl.org](http://www.minncl.org)  
800-759-8840

Register online today at  
[www.minncl.org](http://www.minncl.org)

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# The 2021 Minnesota Environmental Institute

THURSDAY, APRIL 22, 2021  
ATTEND ONLINE – NO IN-PERSON ATTENDANCE

### LIVE ONLINE INSTITUTE THURSDAY, APRIL 22, 2021

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#### TUITION:

\$295 MSBA member

\$295 paralegal

\$345 standard rate

Season Passholders attend at no charge.

#### In-Person Season Passholders –

You may also use your Pass to register for the online Institute at no charge.

#### GOVERNMENT, PUBLIC INSTITUTIONS AND NONPROFITS DISCOUNT!

Persons who work for the government, public institutions or nonprofit organizations are eligible for discounted tuition of \$100. This special tuition rate is co-sponsored by the MSBA Environmental, Natural Resources and Energy Law Section and is limited to the first 20 qualifying applicants. Please email [customerservice@minncl.org](mailto:customerservice@minncl.org) or call 800-759-8840 to apply.

#### NEW LAWYER DISCOUNT!

New lawyers admitted to the bar fewer than 3 years receive a 50% discount.

#### SCHOLARSHIPS AVAILABLE!

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#### JOIN THE MSBA AND PAY LESS FOR MINNESOTA CLE SEMINARS!

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Or for more membership advantages call 1-800-882-6722

#### CAN'T ATTEND? GET THE MATERIALS!

The **electronic version** will be available for \$65 (plus tax). Purchase online after May 7 at [www.minncl.org](http://www.minncl.org).

The **hard copy** is available for \$65 (plus tax and handling). To order, call Minnesota CLE at 800-759-8840. Orders will be filled after the Institute.



# The 2021 Minnesota Environmental Institute

*The Most Important Event of the Year for Environmental Lawyers –*



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REGISTER AT [WWW.MINNCL.ORG](http://WWW.MINNCL.ORG)

## EARTH DAY! THURSDAY, APRIL 22, 2021

LIVE ONLINE ONLY

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# The 2021 Minnesota Environmental Institute

 Presented by Minnesota Continuing Legal Education and the Environmental, Natural Resources and Energy Law Section of the Minnesota State Bar Association

## SPECIAL PRESENTATION

### Access to Water – Meeting the Demands of Today, Ensuring Equity, and Preparing for the Water Utility of the Future

 Presented by Randy E. Hayman, Commissioner, Philadelphia Water Department

REGISTER TODAY AT  
[WWW.MINNCL.ORG](http://WWW.MINNCL.ORG)

# SCHEDULE

Register today at [www.minncl.org](http://www.minncl.org)

8:10 – 8:40 a.m. JOIN ONLINE

8:40 – 8:45 a.m.

## Welcome and Introductory Comments

Elizabeth H. Schmiesing, Course Chair

8:45 – 9:45 a.m.

## KEYNOTE ADDRESS

### Access to Water – Meeting the Demands of Today, Ensuring Equity, and Preparing for the Water Utility of the Future

Commissioner Randy E. Hayman of the Philadelphia Water Department will discuss the main issues pertaining to access to water he has encountered in his private and public experiences. He will focus on current demands on water use, supply, and distribution, the importance of partnerships, and how to focus projects and legislation through the lens of equity to ensure underserved communities also have access to water. Furthermore, he will provide insights on how we can work to ensure the quality, quantity, and availability of water well into the future. And he will discuss the importance of diversity and how to organically make positive change in an organization.

Commissioner Randy E. Hayman

9:45 – 9:50 a.m. BREAK

9:50 a.m. – 12:00 p.m.

## THE 2021 CASE LAW, REGULATORY AND LEGISLATIVE UPDATES

• 9:50 – 10:20 a.m.

### Air and Climate Change Update

Over the past year, the federal government proposed significant rules and guidance on air quality and climate policy, and the Biden Administration signed multiple Executive Orders regarding federal climate policy and air quality regulations. In addition, Minnesota state court and administrative actions will also impact state air quality practice and climate policy. This session will review those changes and discuss what may happen in 2021.

Frank L. Kohlasch

• 10:20 – 10:50 a.m.

### Water Update

This session will highlight recent federal and Minnesota court cases involving the Clean Water Act, Wetlands Conservation Act, and the Minnesota Drainage Code. It will cover the latest regulatory developments in water law at the federal and state levels and consider what significant changes may take place in the year ahead.

Elizabeth Henley

10:50 – 11:00 a.m. BREAK

• 11:00 – 11:30 a.m.

### Environmental Review and Environmental Rights Update

Environmental review remains a cornerstone of environmental law both federally and nationally. This session will explore the year's most significant judicial and regulatory developments with the National Environmental Policy Act (NEPA), Minnesota Environmental Policy Act (MEPA) and Minnesota Environmental Rights Act (MERA).

David J. Zoll

• 11:30 a.m. – 12:00 p.m.

### CERCLA/MERLA/RCRA Update

This session will highlight key CERCLA, MERLA and RCRA decisions and provide an update on developments in federal and state cleanup and waste policies during the past year.

Lindsey A. Remakel

12:00 – 1:00 p.m.

## LUNCH BREAK

12:20 – 12:55 p.m.

### Presentation of the Eldon Kaul Distinguished Service Award to Thaddeus Lightfoot

Rachel A. Kitze Collins, Chair  
MSBA Environmental, Natural Resources and Energy Law Section

## 1:00 – 2:00 p.m. BREAKOUT SESSION A

101

### COVID-19: An Evolution of Two Companies in the Heart of the Pandemic

Learn how two major Minnesota multi-national companies evaluated the preparedness of their respective systems prior to the COVID-19 pandemic, utilized those existing systems and resources to respond to known and emerging issues – in light of uncertainties that continued to arise – and emerged with new knowledge and capabilities, all while protecting their workers and meeting environmental, health and safety law requirements. Our panel will provide the perspective of a corporate medical director, director of corporate safety and health and in-house environmental and regulatory corporate counsel.

Perry Logan, Katherine Roek & Oyebode Taiwo

102

### Environmental Justice Case Studies, Modeling, and Initiatives

This session will look at different issues through the lens of environmental justice, including mapping air pollution that impacts certain communities disproportionately and how that mapping can inform environmental justice considerations; community impact issues revolving around Water Gremlin; and the environmental justice efforts being undertaken by the City of Minneapolis.

Patrick Hanlon, Julian D. Marshall & Peter Surdo

Jay Eidsness (moderator)

103

### One Head, Many Hats: Privilege Issues for In-House Counsel

1.0 ethics credit applied for

The line between "legal advisor" and "business advisor" is often difficult to define and is complicated by the misperceptions of corporate constituents regarding the applicability of the attorney-client privilege to internal investigations and communications. In-house counsel may also face requests for privilege waivers from the government or be asked to serve on the company's board of directors. Gain a better understanding of the limits on – and how to maximize the protections of – the attorney-client privilege for your corporate client.

Eric T. Cooperstein

## 2:10 – 3:10 p.m. BREAKOUT SESSION B

201

### TSCA/REACH Updates and Recent Developments on Chemical Regulations

This session will provide an overview of recent developments and pertinent case law under the U.S. Toxic Substance Control Act (TSCA) as well as the Registration Evaluation Authorization and Restriction of Chemicals (REACH) regulatory framework in Europe and now coming into effect in South Korea, Turkey and several other countries. Understand the common issues under these chemical regulatory schemes, differences among them, and how they are addressing chemicals of high concern.

Sara J. Peterson

202

### Update on Agency Environmental Enforcement

This session will focus on environmental enforcement, including federal criminal enforcement from the perspective of a prosecutor in the U.S. Attorney's Office. We will review best practices developed by corporate and outside counsel to respond to agency inspections, investigations, and notices of violation. The session will consider the rights and responsibilities of regulated parties, negotiating enforcement actions, and the use of auditing tools to address alleged violations and minimize noncompliance.

Joe Maternowski, Emily Polacheck & Gina Young

203

### Minnesota Administrative Law Basics

This session will provide court updates from the Office of Administrative Hearings and offer best practices for appearing before Administrative Law Judges in environmental law matters.

Chief Judge Jenny Starr & Judge Ann O'Reilly

## 3:20 – 4:20 p.m. BREAKOUT SESSION C

301

### Scientific and Technical Challenges in Regulating PFAS

PFAS are the hot topic in the emerging chemicals arena. Beyond setting acceptable limits for PFAS in drinking water and environmental media, there are many other scientific and technical hurdles for PFAS management and regulation. These include analytical limitations, environmental fate and source attribution, remedial technologies and AFFF replacement. A panel of experts will discuss these and other challenges in PFAS regulation and management.

Kirk Koudelka, Taryn McKnight & Ward Swanson  
Shalene Thomas (moderator)

302

### Overview of the Governor's Advisory Council on Climate Change and the Climate Change Subcabinet

Executive Order 19-37 created the Climate Change Subcabinet and the Governor's Advisory Council on Climate Change. This session will provide an introduction to the mission and role of the Advisory Council and the Subcabinet. This panel will discuss the policy and budgetary initiatives and how public and private stakeholders are working together to address climate change. Learn how public interest is being represented and what can be expected from the work ahead. In addition, the panel will provide historical context by discussing the Next Generation Energy Act, the 2008 Minnesota Climate Change Advisory Group (MCCAG), and the 2016 Climate Solutions and Economic Opportunities and the resulting efforts and how they shape the policy directions of today.

Commissioner Margaret Anderson Kelliher, Marco Hernández, Alexandra B. Klass & Frank L. Kohlasch  
Joseph Dammel (moderator)

303

### Endangered Species Act

This session will provide an overview of the Endangered Species Act (ESA) along with recent statutory and regulatory changes. Discussion will focus on the most important issues from the past year impacting the ESA. The session will also highlight examples of project planning and compliance under the ESA, including under Sections 7 and 10.

Collette Adkins & Leslie TeWinkel

4:20 p.m. INSTITUTE ADJOURS

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You'll be able to view all the Breakout Sessions again for one year after the conference. Reserved for attendees only; any viewing of sessions outside the listed Institute dates and times is for educational purposes only and not eligible for credit.

WATCH AGAIN FEATURE!