

COURSE INFORMATION

LIVE ONLINE INSTITUTE

Thursday, April 14, 2022
Attend online at www.minncle.org

Registration for the Institute must be made online at www.minncle.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 #203**. 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@minncle.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@minncle.org.

QUESTIONS?

customerservice@minncle.org
www.minncle.org
800-759-8840

Register online today at www.minncle.org

The 2022 Minnesota Environmental Institute

THURSDAY, APRIL 14, 2022
ATTEND ONLINE – NO IN-PERSON ATTENDANCE

LIVE ONLINE INSTITUTE THURSDAY, APRIL 14, 2022

Registration must be made online at www.minncle.org

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 25 qualifying applicants. Please email customerservice@minncle.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!

Minnesota CLE maintains a scholarship program for those with a financial need. To obtain an application, contact Grant at gdavies@minncle.org.

JOIN THE MSBA AND PAY LESS FOR MINNESOTA CLE SEMINARS!

To join the MSBA go to www.mnbar.org
Or for more membership advantages call 1-800-882-6722

CAN'T ATTEND? GET THE MATERIALS!

The **electronic version** will be available for \$75 (plus tax). Purchase online after May 7 at www.minncle.org.

The **hard copy** is available for \$75 (plus tax and handling). To order, call Minnesota CLE at 800-759-8840. Orders will be filled after the Institute.

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DATED MATERIAL – PLEASE EXPEDITE!



The 2022 Minnesota Environmental Institute

The Most Important Event
of the Year for Minnesota
Environmental Lawyers!

THURSDAY, APRIL 14, 2022

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The Most Important
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for Minnesota
Environmental Lawyers!

The 2022 Minnesota Environmental Institute



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

The Yearly In-Depth Update You Need to Stay Informed – New Cases, New Laws and New Ideas to Improve Your Practice!

Annual Updates on Air and Climate Change, Water, Environmental Review and Environmental Rights, and CERCLA/MERLA/RCRA

Breakouts covering topics on RCRA, Air, Business Transactions, Climate Change, ESG, Water Science, Drainage, and Agriculture, and Environmental Justice

SPECIAL PRESENTATION

Environmental Protection Agency Priorities and Actions



Presented by
EPA Region 5
Administrator
Debra Shore

THURSDAY, APRIL 14, 2022

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REGISTER TODAY AT
WWW.MINNCLE.ORG

SCHEDULE

8:10 – 8:40 a.m. JOIN ONLINE

8:40 – 8:45 a.m.
Welcome and Introductory Comments

– *Joseph Dammal, Institute Chair*

8:45 – 9:45 a.m.
Environmental Protection Agency Priorities and Actions

Join EPA Region 5 Administrator Debra Shore for a presentation on the Agency's current priorities, including advancing environmental justice and civil rights, tackling the climate crisis, restoring the Great Lakes, and investing in infrastructure.

– *Debra Shore*

9:45 – 9:50 a.m. BREAK

9:50 a.m. – 12:00 p.m.
THE 2022 CASE LAW, REGULATORY AND LEGISLATIVE UPDATES

9:50 – 10:20 a.m.
Air and Climate Change Update

This session will provide an overview of federal regulatory actions and litigation that continues to shape air quality regulation and climate action for Minnesota and other states. In addition, learn how Minnesota state court and administrative actions continue to impact state air quality practice and climate policy.

– *Frank L. Kohlasch*

10:20 – 10:50 a.m.

Water Update

This session will highlight recent state and federal cases involving water law, including the Clean Water Act, Wetland Conservation Act, state Public Waters law, and the Drainage Code. It will also cover regulatory developments in water law and highlight potential legal changes in the year ahead.

– *Elise Larson*

10:50 – 11:00 a.m. BREAK

11:00 – 11:30 a.m.
Environmental Review & 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.

– *Sara J. Peterson*

12:00 – 1:00 p.m.
LUNCH BREAK

12:00 – 12:20 p.m.
Presentation of the Eldon Kaul Distinguished Service Award

– *Alison Marwitz, Chair*
MSBA Environmental, Natural Resources and Energy Law Section

Register today at www.minncle.org

1:00 – 2:00 p.m.
BREAKOUT SESSION A

101
Learn the Basics About the Resource Conservation and Recovery Act (RCRA)
 This session will provide an overview of what RCRA is, how its implemented at the federal and state levels, and what major issues come about under the regulatory framework. In addition, hear about recent federal and Minnesota court cases involving the RCRA, regulatory updates, and what significant changes may take place in the year ahead.
 – *Sarah (Braman) Lovegreen*

102
Climate Change Litigation: Focus on Deceptive Marketing
 This session will discuss the variety of recent state and local cases asserting customer protection causes of action, alleging that fossil fuel marketers engaged in deceptive conduct.
 – *Patrick Parenteau*
Karen Sokol
Peter Surdo

103
Water Science for Lawyers: Wetlands, Groundwater, Surface Water, and Watersheds
 This session will provide an overview of the intersection of science and the environment when it comes to wetlands, groundwater, surface water, and watersheds. Learn the scientific terminology, the environmental issues, and how best scientists and environmental lawyers can work together.
 – *Leah Hall*
Michael Rask
Roxy Robertson
Eric Tollefsrud
Paul Brookner (moderator)

2:00 – 2:10 p.m. BREAK

2:10 – 3:10 p.m.
BREAKOUT SESSION B

201
Overview of Air Laws and Regulations
 This session will provide an overview of the federal and Minnesota state laws and regulations related to air. Learn the basics about the Clean Air Act, the purpose, goal, and regulatory framework of the Act. Understand the role of the Environmental Protection Agency under the Act, regulations the Agency has passed, and the role of states in implementation. The session also will explain how regulation of greenhouse gas emissions fits into this structure.
 – *Jon Bloomberg*

202
Environmental Social Governance: What is ESG and Why Should I Care?
 Environmental social governance and climate change have gained traction among companies, investors, and regulators. Learn what ESG is, why you and your company should care about it, and how to come up with an effective ESG policy for your business.
 – *Laura Bishop*
Katherine A. Roek
Joby Gaudet
Alison Marwitz (moderator)

203
Do You Have Boundary Issues? The Changing Landscape of Multi-Jurisdictional Practice
1.0 ethics credit applied for
 Attorneys who represent clients in other jurisdictions have to be careful not to cross the line into the unauthorized practice of law. The good news is that a few restrictions have eased during the pandemic. This seminar will provide a map that lawyers can use to avoid crossing into dangerous ethical territory.
 – *Eric T. Cooperstein*

3:10 – 3:20 p.m. BREAK

3:20 – 4:20 p.m.
BREAKOUT SESSION C

301
Beyond the Basics: Environmental Issues in Business and Real Property Transactions
 This session will go “beyond the basics” to focus on special circumstances that can arise in due diligence or allocation of environmental liability or risk in the deal context, including specialized financing requirements and emerging contaminants issues. We will also discuss how and where environmental issues can show up in deal documents and how environmental insurance can be used as a risk allocation and management tool.
 – *Lindsey A. Remakel*
Elizabeth H. Schmiesing

302
Law and Policy at the Intersection of Drainage, Agriculture and Water Quality
 Learn from experts in the legal and water resources fields about the issues that emerge where water, drainage, and agriculture intersect. This panel will provide both a legal and a hands-on perspective on how Minnesota is balancing the needs and impacts of drainage with the concerns and policies aimed at safeguarding water quality.
 – *Jamie Beyer*
Chuck Brandel
Robert L. Sip
Aaron White
Louis Smith (moderator)

303
What to Know About Environmental Justice When It Comes to Infrastructure or Construction Projects
 This session will discuss environmental policies and practices that differentially affect or disadvantage communities based on race, and the many steps where environmental factors come into play during the planning of a construction project. Learn about permits, reviews, zoning, request for engagement, public hearings, and conditions after approval.
 – *Maria Cisneros*
Ethan Kehrberg
Arielle V. King
Evan J. Mulholland (moderator)

4:20 p.m. INSTITUTE ADJOURNS

BASICS

INTERMEDIATE / ADVANCED

OF SPECIAL INTEREST

FACULTY & PLANNERS

* PLANNING COMMITTEE

* **JOSEPH DAMMEL**
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 Director of Gas Decarbonization
 Fresh Energy
 Saint Paul

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PAUL BROOKNER
 Senior Principal Hydrogeologist
 Geosyntec Consultants Inc
 Minneapolis

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 Golden Valley

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 Minnesota Center for Environmental
 Advocacy
 Saint Paul

JOBY GAUDET
 Edelman
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LEAH HALL
 Conservation Project Manager
 The Nature Conservancy
 Minneapolis

* **ELIZABETH HENLEY**
 Senior Counsel
 Ranger Power
 Chicago, IL

* **MICHELLE M. JANSON**
 Minnesota Pollution Control Agency
 Saint Paul

ETHAN KEHRBERG
 Minnesota GreenCorps Member
 Golden Valley

* **SAM B. KETCHUM**
 Kennedy & Graven
 Minneapolis

ARIELLE V. KING
 Environmental Law Institute
 Washington, D.C.

FRANK L. KOHLASCH
 Climate Director
 Minnesota Pollution Control Agency
 Saint Paul

ELISE LARSON
 Minnesota Center for Environmental
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 Ecolab Inc
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* **JOSEPH MATERNOWSKI**
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PATRICK PARENTEAU
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 South Royalton, VT

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 Parkway Law LLC
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MICHAEL RASK
 Environmental Scientist
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* **LINDSEY A. REMAKEL**
 Fredrikson & Byron PA
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WATCH AGAIN FEATURE!

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.