

GENERAL INFORMATION

Register at www.minncle.org

LIVE IN PERSON

Thursday, April 20, 2023
Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370
Third Floor City Center, Minneapolis

ONLINE REPLAY

Thursday, May 11, 2023
View online at www.minncle.org
The online replay will include all plenary and breakout sessions. A moderator will be available to answer questions by e-mail. You will receive all the in-person content with the convenience and accessibility of participating online.

HOW TO REGISTER

Register online at www.minncle.org.
Email customerservice@minncle.org or call 800-759-8840 for assistance.

INSTITUTE MATERIALS

In-Person Attendees
Institute materials will be provided to in-person attendees in hard copy. All in-person attendees will also have electronic access to the course materials via their Minnesota CLE website accounts.

Online Replay Attendees
Online replay attendees will have electronic access to the institute materials via their Minnesota CLE website accounts.

CREDITS

Minnesota CLE will apply to the Minnesota State Board of Continuing Legal Education for **6.0 CLE credits, including 1.0 ethics credit for session #103**. The maximum number of total credits you may report for attending the 2023 Minnesota Environmental Institute is 6.0. Minnesota CLE is an accredited sponsor in Wisconsin and North Dakota.

SCHOLARSHIPS AVAILABLE

Minnesota CLE maintains a scholarship program for those individuals with a financial need. For more details or to obtain a scholarship application, contact Grant at gdavies@minncle.org.

CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a refund upon request. Paid registrants who do not cancel and are unable to attend will retain access to the institute materials and PowerPoint presentations 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 at customerservice@minncle.org or 800-759-8840.

QUESTIONS?

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

The 19th Annual Minnesota Environmental Institute

Thursday, April 20, 2023 – Attend In Person

Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370, Minneapolis

Can't attend the live seminar?

View the online replay Thursday, May 11, 2023
www.minncle.org

Register online at www.minncle.org

Email customerservice@minncle.org or call 800-759-8840 for assistance.

TUITION:

\$295 MSBA member
\$295 paralegal
\$345 standard rate

SEASON PASSHOLDERS:

- **Super Passholders** may attend the in-person seminar or the online replay at no charge.
- **In-Person Passholders** may attend the in-person seminar at no charge or the online replay for 50% off.
- **Online Passholders** may attend the in-person seminar for 50% off or the online replay 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@minncle.org or call 800-759-8840 to apply.

NEW LAWYER DISCOUNT!

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

SCHOLARSHIPS AVAILABLE

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

JOIN THE MSBA AND PAY LESS FOR MINNESOTA CLE SEMINARS!

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

CAN'T ATTEND? YOU CAN STILL GET THE INSTITUTE MATERIALS!

The **hardcopy version** is available for \$95 (plus tax and handling). Call Minnesota CLE at 651-227-8266 or 800-759-8840 to place your order. Orders will be filled after the Institute. The **electronic version** is also available for \$95 (plus tax) and may be purchased at www.minncle.org after the Institute.

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DATED MATERIAL – PLEASE EXPEDITE!



The 19th Annual Minnesota Environmental Institute

The Premier Environmental
Conference of the Year!

THURSDAY, APRIL 20, 2023
ATTEND IN PERSON



The 19th Annual Minnesota Environmental Institute



Co-sponsored by Minnesota Continuing Legal Education and the MSBA Environmental, Energy and Natural Resources Section

We are back **live and in person** at the Minneapolis Conference Center!

Join us for a full day with 4 annual updates, 9 breakout topics and a special presentation.



THURSDAY, APRIL 20, 2023 – ATTEND IN PERSON

MINNESOTA CLE CONFERENCE CENTER
600 Nicollet Mall, Suite 370
Third Floor City Center, Minneapolis

Can't Attend In Person? View the Online Replay on Thursday, May 11, 2023.

The Premier
Environmental
Conference
of the Year!

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

Breakouts on Water, Release Reporting, Permits, Cyber Threats, Environmental Justice, Investigations, Ethics and ChatGPT, Why You Need to Call Your Environmental Lawyer, and Climate Change and Environmental Review

KEYNOTE PRESENTATION

50 Years of MEPA – A Look Back at How Far We Have Come and Where We Can Go from Here

presented by Charles Dayton and John Herman



SCHEDULE

8:30 – 9:00 a.m. CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 9:05 a.m.

Welcome & Introduction

– *Joe Dammel, Institute Chair*

9:05 – 10:05 a.m.

50 Years of MEPA – A Look Back at How Far We Have Come and Where We Can Go from Here

This session will reflect on the past 50 years of the Minnesota Environmental Policy Act along with the accompanying regulations. Hear from Charles Dayton and John Herman, two legends of environmental law in Minnesota and architects of MEPA, discuss (1) what MEPA has accomplished and where it has fallen short; (2) The EAW: its concept vs. its use; (3) the consideration of alternatives under the substantive standards of MERA and MEPA; (4) the failures of the current process to require analysis of alternatives; and (5) the role of the EQB and the EIS process. Additionally, hear about what new developments might happen in the MEPA framework and the implications of law in the future.

– *Charles Dayton & John Herman*



10:05 – 10:15 a.m. BREAK

10:15 a.m. – 12:25 p.m.

THE 2023 CASE LAW, REGULATORY AND LEGISLATIVE UPDATES

10:15 – 10:45 a.m.

Air & 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. Kohlensch*



10:45 – 11:15 a.m.

Water Update

This session will highlight recent state and federal cases involving water law, including the Clean Water Act, 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.

– *Leigh K. Currie*



11:15 – 11:25 a.m. BREAK

11:25 – 11:55 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*



11:55 a.m. – 12:25 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*



12:25 – 1:25 p.m. LUNCH BREAK (provided)

12:40 – 12:55 p.m.

Presentation of the Eldon Kaul Distinguished Service Award

– *Judge Elise L. Larson, Chair*
MSBA Environmental, Natural Resources and Energy Law Section

12:55 – 1:25 p.m. GETTING TO KNOW THE ENVIRONMENTAL BAR – Connect with the Institute Planners, Speakers, and Other Environmental Attorneys

Register today at www.minncle.org

1:25 – 2:25 p.m.
BREAKOUT SESSION A

BASICS

101
Water & Wetland Basics
This session will provide an overview and update of the main wetland and water quality regulations administered in Minnesota, including the National Pollutant Discharge Elimination System permit and state disposal system permit programs, total maximum daily loads, section 401 and 404 regulations under the federal Clean Water Act, Minnesota groundwater quality requirements, antidegradation and antibacksliding, the Minnesota Wetland Conservation Act, and the Public Waters Work Permit program.
– *Jeremy P. Greenhouse*

INTERMEDIATE / ADVANCED

102
Cyber Threats and Accounting for Digital Risk
No industry or sector is immune to the ever-growing impact of cyber threats. From the proliferation of ransomware attacks to the dangers of social engineering in undermining even the best security measures, cyber-attacks against critical infrastructure carry the risk of catastrophic damages. In this session, Mark Lanterman will discuss cyber threats affecting the environmental industry as well as practical suggestions to balance security needs with the conveniences afforded by technology.
– *Mark Lanterman*

OF SPECIAL INTEREST

103
Ethics and ChatGPT: Your New BFF or the End of Lawyering?
1.0 ethics credit applied for
New tech tools bring new challenges for lawyers. This session will explore some of the buzz around ChatGPT, lawyer competency, the unauthorized practice of law, and the future of lawyering.
– *Eric T. Cooperstein*

2:25 – 2:40 p.m. BREAK

2:40 – 3:40 p.m.
BREAKOUT SESSION B

201
Release Reporting Basics
This session will provide an overview of the overlapping patchwork of Minnesota and federal laws governing the reporting of releases of hazardous substances. Additionally, the session will explore the broad definition of "release" and stringent requirements for the immediate reporting of releases.
– *Brian B. Bell & Mike Norton*

202
Emerging Issues in Environmental Justice
This session will identify and discuss tools to advance environmental justice, and how agencies and governments are pursuing environmental justice initiatives to help ensure all Minnesotans have access to healthy air, clean water, and sustainable lives.
– *Nick Leonard & Helen R. Waqui*
– *Stephanie L. Fitzgerald (moderator)*

203
Don't Wait till the Last Minute – Why Real Estate, M&A, and Energy Lawyers Need to Call Their Environmental Lawyers
Join this panel of experts discuss the importance of reaching out to an environmental attorney. Hear best practices of how they collaborate across legal disciplines and how they work to get the best outcome on their projects and for their clients.
– *Steven P. Katkov, Kiel C. McElveen & Sarah Johnson Phillips*
– *Sarah M. Lovegreen (moderator)*

3:40 – 3:55 p.m. BREAK

3:55 – 4:55 p.m.
BREAKOUT SESSION C

301
Life Cycle of Permitting
This session will cover the various stages of an environmental permit. Learn the ins and outs of a permit, the sticky points, and best practices when trying to seek a permit.
– *Adam Driscoll, Sarah Remer & Sarah Schweiger*
– *Sam Ketchum (moderator)*

302
Environmental Investigations for Lawyers
This session will provide an overview of environmental investigations. Learn the stages and process of the investigation, the implications of test results which exceed standards, and considerations in developing cleanup and mitigation strategies. This session will also touch on the lawyer's role in such investigations, and legal implications.
– *Kaitlin T. Ouverson, Calista Timmerman & Narayanan Raghupathi*
– *Kodi J. Verhalen (moderator)*

303
Climate Change and Environmental Review
This session will provide an update on how climate change is being addressed during the environmental review process with a focus on the new climate analysis questions recently added to Minnesota's EAW form.
– *Louise Miltich & Amelia J. Vohs*

4:55 – 5:30 p.m.
The Annual Institute Reception!
Join your friends and colleagues for tasty refreshments, plus in-person conversation and networking!
Sponsored by COZEN O'CONNOR

INSTITUTE BENEFITS

Engage and Connect with Colleagues and Friends
Participate in your community, dialogue and discuss issues, and energize your practice by making connections and building lasting relationships.

A Complete Update on All New Developments
You'll leave updated on all new laws, cases, regulations, and practice developments.

Choose from 9 Breakout Sessions
As always, you get to create your own curriculum. Choose from a wide selection of helpful sessions – those that will benefit you most.

Ethics Credit
We are providing an ethics session to help you with satisfying your specialty credit requirements. Check the schedule for details.

"Watch Again" Feature
As an attendee, you can watch recordings of ALL Institute presentations for 1 year following the Institute. Additional viewing of sessions is for educational purposes only and is not eligible for additional credits.

Access to All Materials
As an attendee, you can access ALL the Course Materials from the Institute online for up to 2 years.

FACULTY & PLANNERS

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Top 5 Reasons to Attend in Person!

1. A friendly smile and good morning from our helpful staff
2. Delicious coffee brewed fresh and served hot all day
3. Faculty access: meet and ask questions of the experts
4. A refreshing break from your computer and office
5. Opportunities to connect with your friends and colleagues