

## GENERAL INFORMATION

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

### LIVE IN PERSON

**Tuesday, April 14, 2026**  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370  
Third Floor City Center, Minneapolis

### ONLINE REPLAY

**Thursday, May 14, 2026**  
View online at [www.minncle.org](http://www.minncle.org)  
The online replay will include all plenary and breakout sessions. A moderator will be available to answer questions by e-mail.

### HOW TO REGISTER

Register online at [www.minncle.org](http://www.minncle.org).  
Email [customerservice@minncle.org](mailto:customerservice@minncle.org) or call **800-759-8840** for assistance.

### INSTITUTE MATERIALS

In-person attendees will receive hard copies of submitted course materials. All attendees will have access to submitted course materials online via their Minnesota CLE accounts.

### CREDITS

Minnesota CLE will apply to the Minnesota State Board of Continuing Legal Education for **6.0 standard CLE credits**. The maximum number of total credits you may report for attending the 2026 Minnesota Environmental Institute is 6.0. Minnesota CLE is an accredited sponsor in Wisconsin and North Dakota.

Minnesota CLE is applying to the Minnesota State Board of Continuing Legal Education for **1.0 mental health/substance use credit** for the post-Institute webcast.

### 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 [customerservice@minncle.org](mailto:customerservice@minncle.org).

### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel before the seminar will receive a refund. Paid registrants who do not cancel and are unable to attend will retain access to all seminar materials through their Minnesota CLE website account.

### 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](mailto:customerservice@minncle.org) or **800-759-8840**.

### QUESTIONS?

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

# The 22nd Annual Minnesota Environmental Institute

## Tuesday, April 14, 2026 – 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 14, 2026  
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Email [customerservice@minncle.org](mailto:customerservice@minncle.org) or call **800-759-8840** for assistance.

### TUITION:

\$345 MSBA member  
\$345 paralegal  
\$395 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.

### DISCOUNTED RATE FOR PUBLIC INTEREST ATTORNEYS

Persons who work for the government, public institutions or nonprofit organizations are eligible for a discounted tuition of \$125. 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](mailto:customerservice@minncle.org) or call 800-759-8840 to apply.

### JUDICIAL CLERKS AND LEGAL AID ATTORNEYS

Judicial clerks and legal aid attorneys are eligible for a 50% discount. An option for this discount will be available during the online checkout process.

### NEW LAWYER DISCOUNT!

New lawyers who have been admitted to the bar less than 5 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 [customerservice@minncle.org](mailto:customerservice@minncle.org).

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

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DATED MATERIAL – PLEASE EXPEDITE!



# The 22nd Annual Minnesota Environmental Institute

TUESDAY, APRIL 14, 2026

ATTEND IN PERSON



Presented by Minnesota Continuing Legal Education  
and the MSBA Environmental Energy and Natural  
Resources Section

# The 22nd Annual Minnesota Environmental Institute

*The Event of the Year for Every  
Minnesota Environmental Attorney –  
Essential Updates, Timely Education  
and a Great Time with Colleagues  
and Friends!*

View information on  
your mobile device or  
register online.



**4 Annual Updates:** Stay up to date on all the recent environmental case law, regulatory and legislative changes.

**9 Relevant, Practical and Diverse Breakout Sessions:** Tailor your curriculum with the most useful topics for your practice!

**1 Special Credit:** Satisfy the NEW Mental Health and Substance Use Requirement.

**Award Presentation, Lunch, Reception & Fun Prizes:** Celebrate one of your fellow practitioners for their important contributions to the practice area and catch up with your colleagues and friends!

## KEYNOTE PRESENTATION

**Environmental Advocacy in a Time of Federal Uncertainty: The Evolving Role of National NGOs**



presented by  
Ann Mulholland  
from  
The Nature  
Conservancy

## TUESDAY, APRIL 14, 2026 – 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 14, 2026

# SCHEDULE

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

9:00 – 9:05 a.m.

## Welcome & Introduction

– *Jay Eidsness, Institute Chair*

9:05 – 10:05 a.m.

## KEYNOTE PRESENTATION

### Environmental Advocacy in a Time of Federal Uncertainty: The Evolving Role of National NGOs

As federal environmental policy faces increasing uncertainty, national NGOs are adapting their strategies to safeguard long-term conservation goals. This session will explore how organizations like The Nature Conservancy are leading efforts to protect natural resources and advance durable policies in the face of potential federal rollbacks. Attendees will hear how nature-based solutions, such as peatlands for climate mitigation and emerging technologies like sustainable aviation fuel, are being thoughtfully integrated to support environmental protection while balancing economic and community impacts.

– *Ann Mulholland*



10:05 – 10:15 a.m.

BREAK

10:15 a.m. – 12:25 p.m.

## THE 2026 CASE LAW, REGULATORY AND LEGISLATIVE UPDATES

10:15 – 10:45 a.m.

### Air & Climate Change Update

This session will provide an overview of federal and state regulatory actions, caselaw developments, and litigation that will affect air quality and climate requirements in Minnesota in the years to come.

– *William P. Hefner & Shantal M. Pai*



10:45 – 11:15 a.m.

### Water Update

This session will highlight recent state and federal cases involving water law. It will also cover regulatory developments in water law and highlight potential legal changes in the year ahead.

– *Jay Eidsness*



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.

– *Andrew W. Davis & 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

– *Laura M. Matson, Chair*  
*MSBA Environmental, Natural Resources and Energy Law Section*

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

1:25 – 2:25 p.m.

## BREAKOUT SESSION A

101

### CERCLA/MERLA Basics

This session will analyze the elements and liabilities of the Comprehensive Environmental Response Compensation Liability Act (CERCLA) and its Minnesota counterpart (MERLA), along with their implications for contaminated property transfers, cleanups and emerging contaminants such as PFAS.

– *Christopher J. Cerny & Zach Wright*

102

### Beyond the Basics: AI Tools for Environmental & Energy Practitioners

AI tools are rapidly changing how environmental and energy lawyers research, analyze, and manage complex matters. This session moves beyond introductory concepts to explore practical, real-world uses of platforms such as ChatGPT, Claude, Westlaw, and Microsoft Copilot. Attendees will learn best practices for improving efficiency, enhancing legal analysis, and avoiding common pitfalls while understanding how to integrate these tools responsibly into their day-to-day practice.

– *Alison Marwitz, John N. Sellner & Jay Thompson*

103

### Data Centers and the Environment: Regulation, Transparency, and Economic Pressures

The rapid growth of data centers is raising questions about how existing law does or does not govern this new sector. This session will explore the environmental review and public transparency requirements tied to data center development, along with key municipal, water, and energy considerations. Attendees will examine how state and local communities are grappling with data center expansion, lessons learned to date, recent legislative changes, and potential policy and legal strategies for managing environmental and transparency concerns while balancing economic development.

– *Kathryn M. Hoffman & Sam Ketchum*

2:25 – 2:40 p.m.

BREAK

2:40 – 3:40 p.m.

## BREAKOUT SESSION B

201

### Rulemaking Basics at the State and Federal Level

This session provides an overview of state and federal agency rulemaking and examines the practical challenges of navigating both formal regulations and informal agency guidance. Attendees will learn strategies for advising clients on unpromulgated rules, as well as approaches for achieving favorable rulemaking and permitting outcomes for their clients.

– *Kayla Billett, Jenny Starr & Amy Wildermuth*

202

### MERLA Case Study: Liability, Cleanup, and Private Cost Recovery

This session uses a published Minnesota Court of Appeals decision to examine the practical operation of MERLA from contamination discovery through cleanup, trial, and appeal. The case study highlights how MERLA functions with regulatory oversight, and why private enforcement remains a key component of MERLA's remedial framework. Learn about core statutory and evidentiary issues, the limits of MERLA's agricultural exception, personal and corporate liability, cleanup obligations, response costs, diminution in value, roles of private consultants, attorney's fees and so much more!

– *William A. Cumming & William M. Florek*

203

### Hot Issues in PFAS Regulation: A Minnesota Update

PFAS regulation continues to evolve rapidly in Minnesota, creating new compliance and risk considerations for businesses, municipalities, and practitioners. This session will cover some of the most pressing PFAS-related issues, including regulatory developments, stormwater and biosolids management, product reporting obligations, and environmental due diligence. Attendees will gain practical insight into where Minnesota stands today, how state requirements intersect with federal actions, and what to watch for as PFAS regulation continues to expand.

– *Kirk Koudelka*

3:40 – 3:55 p.m.

BREAK

3:55 – 4:55 p.m.

## BREAKOUT SESSION C

301

### Chemical Regulation 101: Understanding TSCA, Product Bans, and Emerging Regulatory Trends

This session provides a practical overview of the basics of chemical regulation under the Toxic Substances Control Act (TSCA). Attendees will learn how TSCA governs chemical evaluation, restrictions, and product bans, and how evolving regulations in other jurisdictions are shaping compliance obligations. The program will also highlight emerging trends in chemical regulation and what practitioners need to know to advise clients operating in an increasingly complex regulatory environment.

– *Jonathan Gerber, Michelle Morlan & Katherine A. Roek*

302

### Microplastics Fact vs. Fiction – What We Know, What We Don't, and Why It Matters

Microplastics have become a growing focus of scientific research, regulatory attention, and public concern but much about them remains uncertain. This session will separate fact from fiction by examining what science currently tells us about the sources, behavior, and potential impacts of microplastics, as well as the gaps that still exist in our understanding. Attendees will gain a clearer, science-based foundation to inform legal, regulatory, and policy discussions surrounding this emerging issue.

– *Rica Enriquez, Mary Kosuth & Shantal M. Pai*

303

### Inside Environmental Enforcement: Perspectives from Regulators and the Regulated

This session brings together multiple perspectives to examine how environmental enforcement unfolds in practice in Minnesota. Learn how agencies investigate permit violations, how regulated entities respond to enforcement actions, and the role of regulators and advocates in shaping outcomes. The discussion will provide practical insights into enforcement trends, compliance strategies, and the collaborative dynamics that influence environmental enforcement decisions.

– *Brian B. Bell & Colin P. O'Donovan*

4:55 – 5:30 p.m.

### The Annual Institute Reception!

Join your friends and colleagues for tasty refreshments, plus in-person conversation and networking, and fun Prize Drawings!

**Food! Fun! Prizes!**

### Special BONUS for Attendees – 1 FREE Post-Institute Webcast!

Thursday, June 11, 2026 | 12:00 – 1:00 p.m.

### Perfecting Without Perfectionism: How to Strive for Excellence Without Stressing Out Over Unattainable Ideals

1.0 mental health/substance use credit applied for

– *Sarah M. MacGillis*

# FACULTY & PLANNERS

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