



NEW YORK STATE BAR ASSOCIATION

# ENVIRONMENTAL & ENERGY LAW SECTION



**8.0 MCLE Credits**  
7.5 Areas of Professional  
Practice  
0.5 Ethics

## Fall Meeting 2018

### October 19-21, 2018

Emerson Resort & Spa  
Mount Tremper, NY

[www.nysba.org/ENVIFA18](http://www.nysba.org/ENVIFA18)

## Environmental & Energy Law Section Chair

Marla E. Wieder, Esq., U.S. Environmental Protection Agency, Region 2, NYC

## Program Co-Chairs

Hayley Carlock, Esq., Scenic Hudson, Inc., Poughkeepsie

Daniel A. Ruzow, Esq., Whiteman Osterman & Hanna LLP, Albany

## TOTAL CLE CREDITS:

Under New York's MCLE rule, this program has been approved for a total of 8.0 MCLE credits consisting of 7.5 in Areas of Professional Practice, and .5 in Ethics. This program is not transitional and does not qualify for newly admitted attorneys.

# SCHEDULE OF EVENTS

## Friday, October 19

- 2:00 – 5:30 p.m. **Registration** – East Room
- 3:00 – 5:30 p.m. **General Session** – West Conference Room
- 3:00 – 3:05 p.m. **Welcome and Introductory Remarks**  
Marla E. Wieder, Esq., Section Chair
- 3:05 – 4:10 p.m. **Bridge Over Troubled WOTUS: Discussion of the state of Clean Water Act jurisdiction and the current Administration's efforts to repeal the Clean Water Rule**  
(1 credit in Areas of Professional Practice)  
Presentations and a moderated discussion of the legal and policy framework for the current Administration's repeal of the Clean Water Rule and proposal to re-codify the regulatory text that existed prior to the 2015 rule defining "waters of the United States" or WOTUS. The panel will provide an overview of the status of the definition of WOTUS and discuss EPA's legal rationale and process for repeal. Panelists will provide different perspectives on the repeal of the Clean Water Rule and discuss the implications of WOTUS for the environment and the economy.
- Moderator: **Hayley Carlock, Esq.**, Director of Environmental Advocacy, Scenic Hudson, Inc., Poughkeepsie
- Speakers: **John Cronin**, Senior Fellow for Environmental Affairs, Dyson College Institute for Sustainability and the Environment, Pace University, Pleasantville, NY  
**Daniel E. Estrin, Esq.**, General Counsel & Advocacy Director, Waterkeeper Alliance, New York City  
**Christopher Saporita, Esq.**, Assistant Regional Counsel, Environmental Protection Agency, Region 2, New York City
- 4:10 – 4:25 p.m. Refreshment Break – East Conference Room
- 4:25 – 5:15 p.m. **Weeding Out Ethical and Environmental Issues in the Budding Cannabis Industry**  
(1 credit in Areas of Professional Practice)  
On the environmental side of the house, this panel will discuss and explore Issues regarding organic cultivation, pesticide use, and the new or anticipated imposition of restrictions on both water and energy use.
- Speaker: **Telisport W. Putsavage, Esq.**, Putsavage PLLC, Co-Chair, NYSBA EELS Pesticide Committee; Member, NYSBA Committee on Cannabis Law, Albany
- 5:15 – 5:40 p.m. **Ethical Issues in the Budding Cannabis Industry** (.5 credit in Ethics)  
On the ethical front, the panel will discuss issues in states with medical programs (including New York), issues presented by adult use states and the study regarding legalizing adult use in New York. By the time of our program, Massachusetts and Canada will have opened up adult use retail and there may be additional issues to explore.
- Speaker: **Sara Payne, Esq.**, Barclay Damon, Member, NYSBA Committee on Cannabis Law, Syracuse
- 6:30 – 7:30 p.m. **Cocktail Reception** – Catamount Room
- 7:30 – 9:00 p.m. **Dinner** – Catamount Room
- Dinner Speaker: Ulster County Executive Mike Hein

## Saturday, October 20

- 7:30 a.m. – 9:00 a.m. **Continental Breakfast with Exhibitors** – East Conference Room
- 8:00 a.m. **Registration** – East Conference Room
- 9:00 a.m. – 12:30 p.m. **GENERAL SESSION** – West Conference Room
- 9:00 – 10:40 a.m. **NYC’s Watershed Protection Land Acquisition Program: An examination of the most peculiar, socially engineered program for the protection of the world’s largest unfiltered water supply. – “Still Crazy After All These Years”**  
(2 credits in Areas of Professional Practice)  
Panelists will discuss the legal underpinnings of New York City’s multi-faceted program for acquisitions of lands and easements to protect its water supply that serves over nine million people, the delicate balance between the City’s watershed protection goals and community interests in economic development, the role of environmental stakeholders, and developments in the program since it was initiated in 1997 to address flooding events and changing demographics.
- Moderator: **Daniel A. Ruzow, Esq.**, Partner & General Counsel, Whiteman Osterman & Hanna, LLP, Albany
- Speakers: **Hilary Meltzer, Esq.**, Deputy Chief Environmental Law Division, NYC Law Department  
**Shelly Johnson-Bennett**, Director, Delaware County Planning Department, Delhi  
**Timothy E. Cox, Esq.**, Corporate Counsel, Catskill Watershed Corporation, Margaretville  
**Jeffrey Senterman**, Executive Director, Catskill Center, Arkville
- 10:40 – 11:00 a.m. **Refreshment Break** – East Conference Room
- 11:00 a.m. – 12:40 p.m. **Don’t Drink the Water: Everything You Need to Know about Emerging Contaminants**  
(2 credits in Areas of Professional Practice)  
A discussion on legal, regulatory and toxicological issues relating to contamination of water supplies by emerging contaminants – PFAS and 1,4-dioxane.
- Moderator: **Gary S. Bowitch, Esq.**, Bowitch & Coffey LLC, Co-chair, NYSBA EELS Petroleum Committee, Albany
- Speakers: **Thomas Berkman, Esq.**, General Counsel, NYS Department of Environmental Conservation, Albany  
**Zackary D. Knaub, Esq.**, First Assistant Counsel to Governor Cuomo, Albany  
**Mark Maddaloni, DrPH**, DABT, Toxicologist and Regional Risk Assessment Coordinator, Office of the Regional Administrator, Environmental Protection Agency, Region 2, New York City  
**Judith S. Schreiber, Ph.D.**, Schreiber Scientific, LLC, East Greenbush
- Lunch is on your own. Afternoon is free to explore area. Hiking, biking and other tours will be organized by EELS members.
- 6:30 – 7:30 p.m. **Cocktail Reception** – Catamount Room
- 7:30 – 9:00 p.m. **Dinner** – Catamount Room
- Dinner Speaker: Ramsay Adams, Founder and Executive Director of Catskill Mountainkeeper

## Sunday, October 21

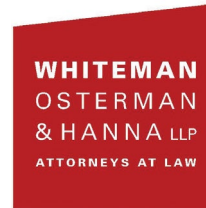
- 7:30 a.m. – 9:00 a.m. **Continental Breakfast with Exhibitors** – East Conference Room
- 8:30 a.m. **Registration** – West Conference Room
- 9:00 – 10:15 a.m. **GENERAL SESSION** – West Conference Room
- H<sub>2</sub>O No? Emerging Contaminants and Expanding Toxic Torts**  
(1.5 credits in Areas of Professional Practice)  
Litigation over the presence of hazardous substances in groundwater and drinking water has expanded in recent years, along with the list of contaminants of concern to water providers, private well owners and municipalities. Join this panel as we explore the latest developments from toxic tort litigation involving PFAS, 1,4-dioxane, MTBE and more in New York State and beyond.
- Moderator: **Daniel M. Krainin, Esq.**, Principal, Beveridge & Diamond P.C., Co-Chair NYSBA EELS Toxic Torts Committee, New York City
- Speakers: **Jeanette Bayoumi, Esq.**, Hausfeld LLP, New York City  
**James A. Pardo, Esq.**, Partner, McDermott Will & Emery LLP, New York City  
**Matthew J. Sinkman, Esq.**, Environmental Protection Bureau, New York Attorney General’s Office, New York City
- 10:30 a.m. – Noon **Executive Committee Meeting** – East Conference Room

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