

Environmental & Energy Law Section

Evolving Environmental & Energy Issues – 2019 & Beyond

Friday, January 18, 2019 | 8:30 a.m. – 12:30 p.m.

New York Hilton Midtown | Grand Ballroom West, Third Floor

4.0 Credits

1.0 Ethics | 2.0 Areas of Professional Practice | 1.0 Diversity, Inclusion and Elimination of Bias
This program is transitional and is suitable for all attorneys including those newly admitted.

8:30 a.m. – 12:30 p.m. | Grand Ballroom West, Third Floor

Agenda

8:30 a.m. – 8:45 a.m.

Welcoming Remarks

Marla E. Wieder, Esq., Section Chair

U.S. Environmental Protection Agency, Region II, New York, NY

8:45 a.m. – 9:35 a.m.

Evolving Environmental Issues – Trashing the Old Solid Waste Regulations – Part 360 Series Regulatory Changes & Enforcement Update

- NYSDEC Enforcement Discretion Memo and Proposed Changes to the Part 360 Regulations
- Permitting under the new Part 360 for previously only registration facilities (timing, facility design, and SEQRA)
- Beneficial Use Determinations (BUDs)/Historic Fill Material Management between the old Part 360 and new Part 360 Regulations
- DSNY/NYSDEC inter-agency coordination and likely changes to the DSNY regulations and programs in light of the new Part 360 sampling requirements for fill material and enforcement, and LL Intro 157-c

Panel Chair: **Michael S. Bogin, Esq.**, Sive Paget & Riesel PC, New York, NY

Speakers: **Robert D. Orlin, Esq.**, General Counsel, Department of Sanitation (DSNY), New York, NY
David Vitale, Division Director, NYSDEC, Division of Materials Management, Albany, NY
John H. Paul, Esq., Beveridge & Diamond PC, New York, NY
Robert A. LoPinto, P.E., Walden Environmental Engineering, Oyster Bay, NY

(1.0 Credit in Areas of Professional Practice)

9:40 a.m. – 10:30 a.m.

Evolving Energy Issue – Implementation of NY’s Clean Energy Programs: Surmounting the Programs of Siting Clean Energy Projects

- NYSERDA update on the Large Scale Renewable, Offshore Wind and Community Distributed Generation Programs
- NYS Department of Public Service update on the Public Service Law Article 10 process
- Environmental Design & Research will focus on the environmental and related impacts associated with siting wind and solar projects in New York, and how these impacts are playing out in PSL Article 10 proceedings.

Panel Chair: **Robert M. Rosenthal, Esq.**, Shareholder, Greenberg Traurig, LLP, Albany, NY

Speakers: **Noah C. Shaw, Esq.**, General Counsel, NYSERDA, Albany, NY
Sarah Osgood, NYS Department of Public Service, Director of Policy Implementation, Albany, NY
Benjamin R. Brazell, Environmental Design & Research (EDR), Principal & Energy Project Manager, Syracuse, NY

(1.0 Credit in Areas of Professional Practice)

NYSBA 2019 ANNUAL MEETING

10:30 a.m. – 10:45 a.m. Break

10:45 a.m. – 11:35 a.m. **Environmental Justice: Enforcement & Advocacy**

- Current environmental justice issues and enforcement matters in NYC
- Federal government's response to Hurricane Maria in Puerto Rico, and continuing issues on the island with respect electricity and climate resiliency needs.

Panel Chair: **Jose A. Almanzar, Esq.**, Periconi, LLC, New York, NY

Speakers: **Ruben Diaz, Jr.**, Bronx Borough President, Bronx, NY
Monica P. Folch, Esq., Assistant U.S. Attorney, U.S. Attorney's Office for the Southern District of New York, New York, NY
Robert W. Yalen, Esq., Chief, Environmental Protection Unit, U.S. Attorney's Office for the Southern District of New York, New York, NY

(1.0 Credit in Diversity, Inclusion & Elimination of Bias)

11:40 a.m. – 12:30 p.m. **Evolving Ethics Issue – Interplay of Due Diligence Ethical Issues Between Environmental Engineers & Lawyers**

Panel Discussion on Three Ethical Case Studies

Petroleum spill reporting – who is responsible and what are the attorney's and engineer's ethical obligations under their respective Code of Ethics.

Attorney and environmental engineer ethics in relation to PFAS compounds in standard environmental due diligence.

Ethical disclosure of prior malpractice by attorney and engineer in relation to a prior Phase I or Phase II Due Diligence Investigation

Panel Chair: **Linda R. Shaw, Esq.**, Knauf Shaw LLP, Rochester, NY

Speakers: **Scott Salmon**, Senior Project Manager, PS&S, Warren, NJ
Kevin Kleaka, PG Executive VP, Impact Environmental, Bohemia, NY
Mark Johnson, Principal, Geosyntec Consultants, Inc., Columbia, MD
Mimi S. Raygorodetsky, Associate, Langan Engineering, New York, NY

(1.0 Credit in Ethics)

12:30 p.m.

Program Adjourns

1:00 p.m.

Off-Site Lunch | Mastro's Steakhouse | 1285 6th Avenue | New York, NY

SECTION CHAIR

Marla E. Wieder, Esq.

U.S. Environmental Protection Agency, Region 2
New York, NY

PROGRAM CO-CHAIRS

Steven C. Russo, Esq.

Greenberg Traurig, LLP
New York, NY

Linda R. Shaw, Esq.

Knauf Shaw LLP
Rochester, NY

Thursday, January 17, 2019 Section Events

New York Hilton Midtown | NYC

1:00 p.m. – 3:00 p.m. | Executive Committee Meeting

Murray Hill West, Second Floor

3:00 p.m. – 4:00 p.m. | Committee Meetings

Murray Hill West, Second Floor

4:00 p.m. – 5:00 p.m. | Agency Update Program

Murray Hill East, Second Floor

5:00 p.m. – 5:30 p.m. | Annual Business Meeting & Awards

Murray Hill East, Second Floor

5:30 p.m. – 7:00 p.m. | Cocktail Reception

Murray Hill East and West, Second Floor