ENVIRONMENT, ENERGY, AND RESOURCES LAW

49TH SPRING CONFERENCE

VIRTUAL WEBINAR SERIES

JUNE 4-25, 2020

AMBAR.ORG/SEERSPRING
Who We Are

The ABA Section of Environment, Energy, and Resources is the premier forum for environmental, energy, and resources lawyers: a meeting place where practitioners can find the most current and sophisticated analyses of the complicated issues facing their practice.

49th Spring Conference

On Thursday, April 23, 2020 the ABA Section of Environment, Energy, and Resources (SEER) launched the 49th Spring Conference as a virtual learning experience with a Keynote presentation by top U.S. Environmental Protection Agency officials and our opening session: Something New: The Intersection of Policy, Science, and Litigation When New Contaminants Emerge.

During the month of June, SEER will continue to offer the originally planned Spring Conference sessions to our Section members and all ABA members and non-members as a series of webinars, free of charge. At this year’s new virtual Spring Conference, state and federal policy will be at the forefront.

The conference will provide you with keen insights from representatives of government, nongovernmental organizations, academia, industry, and private practice. You will leave with practical tools on a range of topics including emerging contaminants, disaster planning and response, clean water access and management, and energy regulation and clean energy future.
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Programming Planning Chair
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Emerson Hilton, Consumers Energy, Jackson, MI
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Amanda Urban, Region 5, U.S. Environmental Protection Agency, Chicago, IL
Tracy Williams, Beveridge & Diamond, Seattle, WA

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Webinar Schedule

**Keynote Panel (Pre-recorded)**

**U.S. Environmental Protection Agency Keynote Speakers**

Douglas H. Benevento  
Deputy Administrator (nominee)  
Office of the Administrator

Alexandra Dapolito Dunn  
Assistant Administrator,  
Office of Chemical Safety and Pollution Prevention

Peter Wright  
Assistant Administrator,  
Office of Land and Emergency Management

Watch the pre-recorded Keynote Session for the 49th Spring Conference at ambar.org/seerspring.

**Plenary Session**

**Something New: The Intersection of Policy, Science, and Litigation When New Contaminants Emerge**

As an increasing number of new contaminants emerge along with their associated risks (some real, others perceived), federal, state, and local government officials are evaluating how best to act to protect public health. Stakeholders, including industries, environmental advocates, and toxic tort practitioners, all brace for how eventual policy decisions will impact their respective interests. This panel will focus on how the unique intersection of policy, evolving science, pending legislation and rulemaking, and litigation drives regulation, enforcement, and community responses, no especially when new contaminants and science provoke debate based upon the unknown—or, at most, uncertain data. Attendees will leave with a potential roadmap to better navigate the elusive intersection of policy, science, and litigation.

**Speakers**

Ravi Arulanantham, Senior Principal Consultant, Geosyntec Consultants, Inc., Washington, D.C.
Alexandra Dapolito Dunn, Assistant Administrator, U.S. Environmental Protection Agency, Office of Chemical Safety and Pollution Prevention, Washington, D.C.
Granta Nakayama, King & Spalding LLP, Walnut Creek, CA

Watch the Plenary for the 49th Spring Conference on-demand here.
Thursday, June 4, 2020

2pm – 3:30pm ET
Communities, Cities, and Companies Combating Contaminants When the Science is New

The emergence of the latest environmental acronym, PFAS/PFOSs, has more than made the environmental law news circuit in recent years, but what about the next “PFAS”? Through a case study where a community confronts a contaminant—ethylene oxide—in their backyards, this panel will consider legal strategies to address contaminants when the science regarding their potential environmental and human health risks is new. Panelists will discuss how attendees can take quick and effective action when a client is accused of emitting or otherwise disposing of a new potential contaminant of concern. Attendees will also learn how cities, states, and federal regulators are working to address the challenges they face when new science points to a new potential contaminant of concern right in their backyards.

SPEAKERS
Renee Cipriano, Schiff Harden LLP, Chicago, IL
Byron Taylor, Sidley & Austin LLP, Chicago, IL

3:45pm – 5:15pm ET
Risk Assessment for Emerging Contaminants: Selecting Standards, Experts, and Data Quality Issues

Ten to the what power? How do you evaluate the risks from emerging contaminants or help your client address or rebut anomalous data? Risk assessment techniques and standards enable us to characterize the nature and magnitude of potential health risks to humans and ecological receptors from chemical contamination and other stressors that may be present in the environment. Lawyers need to understand both human health risk assessment and the separate process of ecological risk assessment to better evaluate new contaminants and determine how they are (or might be) regulated. The panel will review what a good risk assessment needs to include, explain the technical jargon, and provide tips on how to select the right consultants or experts to analyze, perform, or critique risk assessments. Attendees will learn best practices for the environmental lawyer in situations where the assessment of human health and ecological risks is a central concern and necessary to protect or defend a client.

SPEAKERS
Mark Anstoetter, Shook, Hardy, & Bacon, Kansas City, MI
Allison Stock, Toxicologist; Vice President, J.S. Held, New Orleans, LA
Christopher Weis, Toxicology Liaison, National Institute of Environmental Health Sciences at the National Institute of Health, Bethesda, MD

MODERATOR
Alan Walts, Director, Environmental Justice, U.S. Environmental Protection Agency Region 5, Chicago, IL
MODERATOR
Jillian Kirn, Greenberg Traurig LLP, Philadelphia, PA
THURSDAY, JUNE 11, 2020

11:30AM – 1PM ET
HOW TO PROTECT COMMUNITIES: FACILITATING AND COORDINATING RESPONSES TO DISASTERS

Lawyers cannot stop a disaster from occurring, but we can help guide our clients’ preparation and response. What happens when you get that first call that a new hurricane, wildfire, flood, or terrorist event is threatening your client’s plant or office? Do you have the local FEMA office phone number handy, and where exactly is that emergency response plan in your files? This session will provide attendees with tools and strategies to strengthen the ability of individuals, businesses, and communities to withstand a range of emergency and disaster impacts. As a result, disaster recovery time may be reduced by improving economic resilience on a local, state, and national level.

SPEAKER
Catherine Garypie, Associate Regional Counsel, Office of Regional Counsel, U.S. Environmental Protection Agency Region 5, Chicago, IL
Joel Scata, Water and Climate Attorney, Natural Resources Defense Council, Chicago, IL
Ehsan Zaffar, Board Member, Team Rubicon, Washington, D.C.

MODERATOR
Norman A. Dupont, Ring Bender LLP, Costa Mesa, CA

3:30PM – 5PM ET
ADAPTATION: PLANNING FOR THE WORST

The frequency of natural or human-provoked disasters continues to increase, with significant losses due to climate-change induced sea level rises, climate-stressed forest fires, and warm-water fueled hurricanes regularly in the news. Both natural and man-made disasters can have serious impacts on communities. Lawyers play a significant role in helping their clients—industry, communities, and regulators—plan for and prepare for disasters, including helping them evaluate risk and consider where to invest resources. Adaptation measures are one way in which communities can attempt to lessen the destructive effect of disasters. This panel will discuss adaptation measures conceptually and planning for the worst through the implementation of adaptation measures. Attendees will learn about current adaptation projects and the lawyers’ role, how current laws are used to implement adaptation measures, and how to develop and implement adaptation measures in an equitable manner.

SPEAKERS
T.C. Richmond, Van Ness Feldman, Seattle, WA
Carl Spector, Commissioner of the Environmental Department, City of Boston, Boston, MA

MODERATOR
Jessica Grannis, Adaptation Program Director, Georgetown Climate Center, Washington, D.C.
**Wednesday, June 17, 2020**

**4:30pm – 5pm ET**
**Expert Insight Panel | AlterEcho**

Take a deep dive into technical issues confronting environmental, energy, and resources lawyers today, with insights from one of the nation's top environmental consultants.

**Surf’s Up! What the Supreme Court’s Maui Ruling Means for the Clean Water Act**

In its recent County of Maui v. Hawaii Wildlife Fund decision, the Supreme Court fundamentally altered the regulation of point source discharges by including the regulation of groundwater. AlterEcho attorneys Stephen Smithson and David Batson will examine the legal and policy ramifications, while AlterEcho’s groundwater expert, Rob Young, PG, will explore technical strategies for implementing this far-reaching decision.

**Speakers**

- **Stephen W. Smithson**, Executive Vice President, General Counsel and Secretary; TechLaw Consultants, Inc.; Chantilly, VA
- **David Batson**, Mediator/Allocation Specialist, AlterEcho, Washington, D.C.
- **Robert Young**, Senior Vice President, AlterEcho, Chicago, IL

**5pm – 6pm ET**
**Zoom Networking Event**

Immediately following the Expert Insight Panel presentation, stick around or log-in to join us for casual networking. Turn on your video cam and take this opportunity to chat with Section leaders and fellow virtual-conference webinar attendees.

*Free registration for the Expert Insight Panel and the Zoom Networking Event can be found at ambar.org/seerspring.*
**Webinar Schedule**

**THURSDAY, JUNE 18, 2020**

**11:30AM – 1pm ET**

**WATER RESOURCES: ACCESS TO CLEAN AND SAFE WATER**

Learn what is in store for water resources for 2020 and beyond, and its impact on your practice. The Trump administration has recognized access to clean and safe water as one of the most immediate environmental and public health threats affecting the world. Key issues include clean and safe drinking water, limiting marine litter, and water infrastructure. People worldwide lack access to safe drinking water, billions of pounds of litter enter our oceans each year harming marine life and coastal economies, and billions of dollars are needed to modernize U.S. water infrastructure over the coming decades. Attendees will learn about the legal tools and strategies the administration is using to address these crucial challenges and work by state, tribes, cities, territories, and local communities to safeguard human health, restore water quality, make America’s water systems sustainable and secure, and support new technology and the modernization of the nation’s water supply infrastructure.

**SPEAKERS**

Kurt Thiede, Regional Administrator, U.S. Environmental Protection Agency Region 5, Chicago, IL  
Noah Valenstein, Secretary, Florida Department of Environmental Protection, Tallahassee, FL  
Mary Walker, Regional Administrator, U.S. Environmental Protection Agency Region 4, Atlanta, GA

**MODERATOR**

Sean Dixon, Chief of Staff, U.S. Environmental Protection Agency Region 1, Boston, MA

**2pm – 3:30pm ET**

**FROM THE TAP TO TREATMENT: COMPLIANCE ISSUES IN WATER RESOURCE MANAGEMENT**

Ensuring the safety and reliability of the nation’s water supply for drinking water and other uses has become increasingly difficult with aging water supply and wastewater infrastructure throughout the country and climate change impacting supply sources. Focusing on the Great Lakes as an international, interstate, and local water resource, this session will explore the prominent compliance issues in water resources management, including those associated with developing and updating infrastructure. With significant investment needed for infrastructure, private investment is likely to play a key role in water resource management now and in the future. Attendees will learn about compliance issues faced by private and public entities entrusted with the responsibility of maintaining the public’s access to clean water, such as safeguards needed when switching water supply sources.

**SPEAKERS**

Joan Card, Culp & Kelly LLP, Boulder, CO  
Emily Huggins Jones, Squire, Patton & Boggs, Cleveland, OH

**MODERATOR**

James Eklund, Squire, Patton & Boggs, Denver, CO

**3:45pm – 5:15pm ET**

**THE PLASTICS POLLUTION PREDICAMENT: PAST PRACTICES, THE CURRENT PLIGHT OF PLASTICS POLLUTION, AND HOW WE CAN EFFECTIVELY ADDRESS THE ISSUE**

Like many other 20th century inventions, modern plastics spawned entire industries and growth funneled by myriad new applications of an increasingly popular product. The result is that more than 8 billion tons have been manufactured of plastics that resist biodegradation and remain long-term sources of unwanted pollutants. EPA Administrator Andrew Wheeler referred to ocean plastics pollution as “one of the world’s most pressing environmental concerns” and announced that stopping waste from entering the oceans is a top priority for the agency. Notably, some nations and communities in some states are setting ambitious single-use plastics reduction goals. Panelists will address the causes of the pollution, environmental and health impacts, and ways to manage the issue in the future. Attendees will gain a greater understanding of the current and evolving state of the law on plastics pollution.

**SPEAKERS**

Molly Flanagan, Vice President, Policy, Alliance for the Great Lakes, Chicago, IL  
Sylvia Quast, Regional Counsel, U.S. Environmental Protection Agency Region 9, San Francisco, CA  
Steve Russell, Vice President of Plastics Division, American Chemistry Council, Washington, DC

**MODERATOR**

Adena Leibman, Senior Oceans Policy Manager, Environmental Defense Fund, Washington, D.C.
THURSDAY, JUNE 25, 2020

11:30AM - 1PM ET
UNTangling THE Wires: PowEring, fUEling, and inteGRAtING America’S CLeAn energey futuRe

America’s energy transition is not as simple as merely switching to an electric plug from a hydroelectric source. While often framed in binary terms—coal versus renewables, electric versus gas—the path to America’s clean energy future will require answering a host of more nuanced questions. Are non-wires alternatives the key to decarbonizing electricity—or is the key to make significant investments in new transmission infrastructure? Are electric vehicles the future of mobility—or will new fuels turn our wheels? Is plentiful natural gas the solution to low-cost emissions reductions over the long term—or just a stepping-stone to another energy option? Do the states lead—or does the federal government? Panelists will debate a host of complex legal, regulatory, and policy challenges that lie ahead in resolving these questions, along with their environmental and economic implications. Attendees will learn about the nuanced legal thinking, creative regulatory compromise, and policy trial-and-error that will go into shaping the country’s energy mix into the future.

SPEAKERS
Jeffery Dennis, Managing Director; General Counsel, Advanced Energy Economy, Washington, D.C.
Kristin Munsch, Director for Regulatory and Customer Strategy, National Grid, Waltham, MA
Kari Valley, Managing Senior Corporate Counsel, Midcontinent Independent System Operator Inc., Eagan, MN

2PM - 3:30PM ET
WHAT THE FERC? DECODING THE jURISDICTIOINAL TANGLES AND JARGON-LADEN ACRONYMS OF energey reguLATION

As policymakers, industry, and nongovernmental organizations explore the path to a clean energy future, the line between environmental law and energy law is increasingly blurry. To navigate these discussions and advise clients on their clean energy options, environmental lawyers must be conversant in energy law. Who are the Federal Energy Regulatory Commission (FERC) and state Public Utility Commissions (PUCs) and what do they regulate? Where is the line between state and federal jurisdiction? When should an environmental lawyer call an energy regulatory expert? This session will equip attendees with the who, what, where, when, and how of energy regulation, with a focus on electricity. Additionally, the panel will address how decisions by energy regulators support or complicate.

SPEAKERS
Jeffery Dennis, Managing Director; General Counsel, Advanced Energy Economy, Washington, D.C.
Sherina Maye Edwards, Quarles & Brady LLP, Chicago, IL
Gillian Giannetti, Attorney, Sustainable FERC Project, Natural Resources Defense Council, Washington, D.C.

3:45PM - 5:15PM ET
WHAT’S drivINg YOUR air quALITY? AN exAMINATION OF MOBILE SOUrCE IMPACTS ON CLIMATE CHAnGE AND THE air THAT WE BREATHe

Since obtaining the authority to regulate pollution from transportation in 1970, EPA has made tremendous strides in improving air quality. However, there is still more work to be done—and this is not an area where the federal government can or should act alone. Governors, mayors, and nongovernmental organizations are working to ensure that communities strike the right balance between addressing climate change and improving our air while driving our economy (and cars). Attendees will learn about national and state initiatives, particularly Corporate Average Fuel Economy—CAFE—standards and mobile source enforcement, that continue to drive policy to combat greenhouse gas emissions. Regional, state, and interstate approaches to balancing healthier transportation options with the desire to provide effective and low-cost modes of transport will also be examined, particularly considering the latest federal initiative to compel California (and potentially other states) to address long-standing air pollutant exceedances.

SPEAKERS
Vicki Arroyo, Executive Director; Facilitator of the Transportation Climate Initiative, Georgetown Climate Center, Washington, D.C.
Charles Haake, Vice President; General Counsel, Alliance for Automotive Innovation, Washington, D.C.
Angelo Logan, Moving Forward Network, Policy Director at the Urban and Environmental Policy Institute at Occidental College in Los Angeles, CA

MODERATOR
Max Minzner, General Counsel, Arcadia, Washington, D.C.

MODERATOR
Kevin Poloncarz, Covington & Burling LLP, San Francisco, CA
**Registration**
Registration is required for all CLE panels and is free of charge for ABA members and non-members. Non-ABA members will be required to set up an ABA profile to complete their registration. ABA membership is not required.

**How to Register**
There are two great ways to register for the Spring Conference. Individuals may register for the entire conference to gain access to all available Spring Conference webinars [here](#) or register for webinars individually.

Afternoon Spring Conference sessions are grouped together for registration purposes only. Registrants of the afternoon sessions may attend one or both sessions and will be able to obtain partial (1.5 hours) or full (3.0 hours) credit for the sessions they attended.

**Conference Course Materials**
Course materials and related background information will be provided to attendees online prior to the conference at no additional charge.

**CLE Credit**
The ABA will seek 15 hours of CLE credit in 60-minute states, and 18 hours of CLE in 50-minute states. Each individual session will qualify for 1.5 hours of CLE credit in 60 minutes states, and 1.8 hours in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules. Please visit the conference webpage at ambar.org/seerspring for program CLE details or visit [www.americanbar.org/mcle](http://www.americanbar.org/mcle) for general information on CLE at the ABA.

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