Environmental Law

Cosponsored by the Environmental Law Institute

THURSDAY-FRIDAY
FEBRUARY 9 -10, 2017
WASHINGTON, D.C.
WASHINGTON PLAZA HOTEL

REGISTER ONLINE
www.ali-cle.org/CY015
1-800-CLE-NEWS [253-6397]
Planning Chairs (also on faculty)

Pamela R. Esterman  
Sive, Paget & Riesel, P.C.

Daniel Riesel  
Sive, Paget & Riesel, P.C.

Faculty

FROM THE GOVERNMENT

John C. Cruden  
Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice

R. Juge Gregg  
Law and Policy Section, Environment and Natural Resources Division, U.S. Department of Justice

Walter E. Mugdan  
Director, Emergency and Remedial Response Division, Region 2, U.S. Environmental Protection Agency

B. Suzi Ruhl  
Senior Attorney Advisor, Office of Environmental Justice, U.S. Environmental Protection Agency

Lorie J. Schmidt  
Associate General Counsel for Air and Radiation, U.S. Environmental Protection Agency

Alan S. Tenenbaum  
National Bankruptcy Coordinator, Environment and Natural Resources Division, U.S. Department of Justice

Joseph G. Theis  
Deputy Director, Water Enforcement Division, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency

FROM NON-PROFITS AND ADVOCACY ORGANIZATIONS

James Coburn  
Senior Manager, Investor Program, Ceres

Robert Dreher  
Senior Vice President of Conservation Programs, Defenders of Wildlife

Alexandra Dapolito Dunn  
Executive Director and General Counsel, Environmental Council of the States

Scott Fulton  
President, Environmental Law Institute

Jan Goldman-Carter  
Wetlands and Water Resources Counsel, National Advocacy Center, National Wildlife Federation

Michael T. Kirkpatrick  
Public Citizen Litigation Group

Vickie L. Patton  
General Counsel, Environmental Defense Fund

LAW PROFESSORS

Michael B. Gerrard  
Andrew Sabin Professor of Professional Practice, Columbia Law School

Richard J. Lazarus  
Howard and Katherine Aibel Professor of Law, Harvard Law School

FROM THE PRIVATE SECTOR

Mark A. Chertok  
Sive, Paget & Riesel, P.C.

Fern Fleischer Daves  
General Counsel, Thermostat Recycling Corporation

Albert M. Ferlo  
Perkins Coie LLP

Alan M. Glen  
Nossaman LLP

Paul E. Hagen  
Beveridge & Diamond PC

Peter Hsiao  
Morrison & Foerster LLP

Thomas A. Lorenzen  
Crowell & Moring LLP

Neal McAlilley  
White & Case LLP

Kathy Robb  
Hunton & Williams LLP

Justin A. Savage  
Hogan Lovells

ALI CLE Senior Program Attorney:  
Amy S. Weinberg (aweiinberg@ali-cle.org)
ALL TIMES EASTERN

February 9, 2017

7:30 AM  Registration and Continental Breakfast

8:25 AM  Administrative Remarks – ALI CLE Staff

VIDEO WEBCAST SEGMENT A

8:30 AM  The New Administration and Environmental Law: What to Expect Under a New President and a New Congress
A discussion of priorities for the new administration

9:45 AM  Networking and Refreshment Break

10:00 AM  CERCLA and RCRA: Recent Litigation and Important Regulatory Developments
- Divisibility and apportionment
- Sediment mega-sites and mining sites
- Natural resource damages
- Environmental bankruptcies
- Vapor intrusion
- RCRA developments
- Enforcement trends

11:30 AM  Supreme Court Update
A look at cases granted review in the next term

12:30 PM  Lunch with Faculty and Registrants (provided by ALI CLE)

VIDEO WEBCAST SEGMENT B

1:30 PM  Latest Developments under the Clean Air Act and the Clean Power Plan
- Status of Clean Power Plan litigation/implementation
- Most significant cases and regulatory changes
- New Source review
- Hazardous air pollutants
- National ambient air quality standards
- Methane
- SIPs
- Enforcement trends

2:45 PM  Networking and Refreshment Break

3:00 PM  Toxic Substances Control Act and Chemical Regulation: Understanding the New Legislation
- New TSCA legislative requirements
- Impact on state programs

3:30 PM  Global Warming and Climate Change – Understanding the Latest Developments
- Mitigation banking
- Nationwide permits
- Stormwater developments
- Freshwater quality standards
- Stormwater
- Water supply issues and the impact on regulation
- Water quality standards
- Water rights issues and the impact on regulation

4:15 PM  Lunch Break

4:30 PM  The Clean Water Act: Impact on the Practice
- Mitigation banking
- Nationwide permits
- Stormwater developments
- Freshwater quality standards
- Water supply issues and the impact on regulation
- Water quality standards
- Water rights issues and the impact on regulation

5:15 PM  Adjournment for the Day

For additional program details, please visit www.ali-cle.org/CY015
4:15 PM Corporate Environmental Transparency
- Key trends in sustainability disclosures
- Impact of global warming on business valuation
- Voluntary environmental disclosure: How are companies setting global targets?
- Impacts on supply chain

5:30 PM Adjournment for the Day

February 10, 2017
8:00 AM Continental Breakfast and Networking Session

VIDEO WEBCAST SEGMENT C

8:30 AM The Clean Water Act: Latest Developments Concerning Water Resources and Water Quality
- Water supply issues and the impact on regulation
- Recent decisions relating to water quality standards
- Enforcement trends
- Update on water rights issues and resource litigation
- Nutrient pollution
- Stormwater
- New state rules concerning groundwater

9:45 AM Networking and Refreshment Break

10:00 AM Keynote Address – Global Warming: Impact on the Practice of Environmental Law

11:00 AM Wetlands: Recent Litigation and Regulatory Update
- “Waters of the United States” developments
- Nationwide permits
- Enforcement trends
- Mitigation banking

12:15 PM Lunch Break (on your own)
VIDEO WEBCAST SEGMENT D

1:30 PM Emerging Issues under NEPA, State NEPAs, and Environmental Justice

- Significant recent NEPA decisions
- State NEPAs
- The FAST Act NEPA reforms
- CEQ final guidance on consideration of climate change in environmental reviews
- Environmental justice update

2:45 PM Endangered Species Act: Hot Topics and New Challenges

- Recent legislative action, agency determinations, and judicial decisions on listings
- Critical habitats
- The Bald and Golden Eagle Protection Act
- Migratory Bird Treaty Act
- Role of state agencies and tribes
- Effect of climate change
- Wildlife trafficking
- Impact on energy projects

4:00 PM Networking and Refreshment Break

4:15 PM Ethical Considerations for Environmental Lawyers

A review of ethical issues from the perspectives of a government lawyer, public interest lawyer, in house counsel, and private practitioner

5:15 PM Adjournment

SPECIAL TUITION ASSISTANCE

A limited number of in-person and webcast tuition assistance scholarships are available for public interest lawyers whose practice regularly includes environmental cases handled pro bono or at substantially less than their customary fees; or for federal, state, and local government attorneys in environmental law who are unable to pay the special government rate ($979).

Persons interested in obtaining such assistance should send a statement about their interest or environmental practice to Brett Korte, Environmental Law Institute, 1730 M Street, NW, Suite 700, Washington, DC 20036.

Applications for assistance must be received by December 30, 2016. For more information about tuition assistance for this course, please call or email Mr. Korte at (202) 939-3852; korte@eli.org.

14.5 CLE CREDIT HOURS, INCLUDING 1.0 HOUR OF ETHICS

REGISTER ONLINE

www.ali-cle.org/CY015
1-800-CLE-NEWS [253-6397]
3 ways TO SAVE!

1) Register by December 30 and SAVE $200. Enter coupon code CY015EB2 at checkout

2) Full-time employee of a federal, state, or local government or government agency? SAVE 30% off the regular tuition! Contact ALI CLE Customer Service at 1-800-CLE-NEWS (253-6397) or custserv@ali-cle.org.

3) Have two or more who want to attend from the same organization? The first attendee pays full price, and all additional attendees from the same organization come at HALF PRICE! Call 1-800-CLE-NEWS (253-6397) or register online using the group registration option.

*Discounts are for new in-person registrations only and may not be combined.

ADDITIONAL INFORMATION

HOTEL ACCOMMODATIONS
A limited block of rooms has been reserved at the Washington Plaza Hotel. Room rate: $159 per night, single occupancy; an additional $20 per night for each additional adult in the same room. These rooms will be held as a block, unless exhausted, until January 9, 2017 at which time they will be released to the general public. Registrants must make their own hotel reservations and indicate that they are attending the ALI CLE Environmental Law program, or refer to promo code WK9WW, to qualify for rooms in the block.

Room reservations may be made by calling the Washington Plaza Hotel, 10 Thomas Circle, NW, Washington, D.C. 20005; phone (202) 842-1300 or (800) 424-1140; or reserve a room online on the Washington Plaza’s website (www.washington-plazahotel.com) using promo code WK9WW. Confirmations will be sent by the hotel. Please read the hotel cancellation policy carefully.

STUDY MATERIALS
Going green in 2017! Course materials will be available in electronic format for download the week before and during the course. Print materials will not be distributed. All registrants are advised to bring laptops or tablets to the course to view the course materials, including updates.

NETWORKING OPPORTUNITIES
Networking is an important reason to attend this and every other ALI CLE course. The registrants for last year’s presentation of this course came from 31 states!

MANDATORY CLE CREDIT
Virtually all ALI CLE programs receive CLE credit in AK, AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IA, IL, IN, KS, KY, ME, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NM, NV, NY, OH, OK, OR, PA, PR, SC, TN, TX, UT, VA, VI, VT, WA, WI, WV, and WY. Upon request, ALI CLE will apply for CLE credit in ID, LA, and RI. This course is expected to qualify for 14.5 credits, including one ethics credit, in 60-minute MCLE jurisdictions; and for 17.4 credits, including 1.2 ethics credits, in 50-minute MCLE jurisdictions. In NY, the in-person course is appropriate for both newly admitted and experienced attorneys. For specific information on CLE or other professional accreditation in your state, please e-mail the MCLE Team at TeamMCLE@ali-cle.org. Go to http://www.ali-cle.org/mcle, or call 1-800-CLE-NEWS.

SUGGESTED PREREQUISITE:
Limited experience in legal practice in subject matter or completion of Basic CLE Course in subject matter

EDUCATIONAL OBJECTIVES:
Acquisition of knowledge and skills to develop proficiency as a practitioner; Maintenance of professional competence as a practitioner; Provision of information on recent legal developments

LEVEL OF INSTRUCTION:
Advanced

Go to www.ali-cle.org/CY015 for more info about: Registration/cancellation/requirements for persons with disabilities/scholarships
Environmental Law

With changes afoot in Washington, you won't want to miss this year's signature environmental law program. In just two days, balanced panels will explore the key developments affecting natural resources, climate, chemicals, and endangered species, and offer insights on what's ahead from the Supreme Court and a new administration and Congress.

The first national program of its kind, this annual advanced course has become the place for lawyers and environmental professionals from across the country to learn the latest developments and emerging trends in the field of environmental law. This year, on the heels of a new administration, don't miss your chance to get insights on what we can expect for the next four years!

Expand your understanding of the "big picture" and be on alert for the changes in the many interconnecting facets of environmental law that may affect your practice and your clients. Even if your practice is specialized, this high-level program will brief you on the key issues arising in each of the major areas of environmental law and provide context on their intersections.

Featuring a national faculty of senior governmental officials, in-house counsel, law professors, public interest advocates, and seasoned private practitioners, this year's program will provide insights and update you on:

- Expectations for a new administration and a new Congress
- Supreme Court cases granted review in the coming term
- New TSCA legislative requirements
- Significant recent CERCLA litigation and regulation
- Clean Power Plan litigation/implementation
- Environmental disclosure requirements
- Air and climate change in the courts and state and federal administrations
- Water quality, resources, and wetlands
- Waters of the United States (WOTUS) developments
- NEPA and environmental justice
- Developments involving endangered species
- Ethical issues for the environmental practitioner (1 hour)

The course also features a keynote address from Professor Michael Gerrard, who will discuss the impact of global warming on today's environmental law practice.

Get the updates you need, network with colleagues and speakers from across the country, and have your most pressing questions answered by a diverse and experienced faculty.

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Discounts valid on new registrations for in-person course only; may not be combined with other discounts. ALI CLE makes a limited number of full and partial scholarships available; for more information go to ali-cle.org/CY015 and click on "Scholarships."