

**ENVIRONMENTAL & ENERGY LAW SECTION
EXECUTIVE COMMITTEE
AGENDA
SEPTEMBER 26, 2023**



1. Welcome
2. Approval of Minutes from April Executive Committee Meeting (A. Kendall) **p. 2**
3. Budget Report (J. Poarch) **p. 4**
4. Membership Initiative (Y. Hennessey/M. Hecker) **p. 5**
5. Law School Initiative (J. Rigano)
6. Foundation Grant Application (M. Hecker)
7. Annual Meeting (S. Russo) **p. 11**
8. 2023 Essay Contest (M. Villani) **p. 12**
9. Committee Updates
 - a. Diversity & Inclusion Fellowship (C. Leas/V. Robbins)
 - b. Global Climate Change (V. Robbins/K. Healy) **p. 13**
 - c. Brownfields (D. Freeman/L. Schnapf/A. Reichhart/L. Shaw) **p. 15 (Vote anticipated during meeting)**
 - d. Environmental Justice (J. Almanzar/I. Norman) **p. 19**
10. Housing Task Force (D. Richmond)
11. Section Journal (J. Simpson)
12. Future programming (A. Kendall) **p. 20**
13. New Business
14. Motion to Adjourn



New York State Bar Association
Environmental & Energy Law Section
EXECUTIVE COMMITTEE MINUTES

April 26, 2023 – 1:30 PM



Present: J. Rigano; Y. Hennessey; M. Hecker; A. Kendall; A. Jasiewicz; M. Baker; K. Bennett; M. Bogin; C. Braymer; A. Cinamon; D. Freeman; C. Howard; J. O'Sullivan; Z. Knaub; A. Knauf; R. Knoer; T. King; D. Krainin; J. Kublick; C. Leas; S. Lobe; J. Martin; K. Mintzer; D. Mussio; W. Mugdan; J. Parker; G. Port; T. Putsavage; N. Rigano; V. Robbins; S. Russo; J. Simpson; M. Sinkman; A. Stolorow; J. Stravino; H. Tollin; M. Villani; M. Zoghlin.

Welcome- J. Rigano

Approval of Minutes: W. Mugdan moved; G. Port second; Approved.

Budget: (J. O'Sullivan): Last year we ended with surplus of 89,000. In 2022, we added to our surplus; now \$118,000. Income year to date 44,000; Costs ~\$43,000. According to NYSBA policy, we can use the surplus for diversity initiatives and recruitment.

Spring Conferences: Legislative Forum was held today; Petroleum Spill Symposium, tentatively scheduled for May 10; Buffalo Conference on June 8; in person only and inviting law students for free.

Government attorneys: Discussion about whether to offer reduced/ free rate for Govt Attorneys to Petroleum Symposium; rate being charged is Section Member: \$100; Bar Member: \$125; Non-member: \$175; can have them participate for free by zoom. Discussed the success of the environmental compliance seminar in inviting governmental attorneys to attend for free via Zoom, even though we received permission to offer it for free only a few days in advance. We used email invitations, LinkedIn; and an e-blast to advertise. J. Stravino suggested charging just for the food and drink. A group will meet to discuss this further in the next few days.

Buffalo Conference

Diversity Committee: (C. Leas/ S. Lobe) This year is the 30th year of providing scholarships. Have 2 fellows for this summer both from NYU; names: Olivia Guarna; Earth Justice (Hawaiian native); published author; farm worker; Joe Brau: AG's Office. Summaries from last year's interns published in journal; intern at Region 2; DEC Region 2. Received rave reviews about the fellows. Approved increase in the amount to \$10,000. C. Leas asked to support that out of general funds and continue fundraising. Brought in \$5,500 from recent wine tasting. Additional fundraising at law school event, but should come from general funds. M. Hecker: Supportive to continue to fund, but fundraising is required; Need to get a core group together to explore opportunities, ex. established fund. C. Leas and W. Mugdan offer to participate in fundraising. W. Mugdan: Early days of program, partnered with NYC Bar and they contributed. Might reach out to them again. Foundations? Grant? M. Hecker: NYC Bar: They have their own fellowship for diversity. M. Gerrard sent a link to V. Robbins: \$120M fund for climate justice. Federal grantee is a problem; private foundations might be easier. M. Hecker will spearhead getting together a group.

Government Attorney Discount: Focused on increasing membership for government attorneys; Y. Hennessy is leading the charge. (1) Allow government attorneys to attend events for free; received written permission from Commission on Ethics and Lobbying in Government and received permission from David Miranda. (2) Received written confirmation from Commission on reduced rates to governmental attorneys; need to get NYSBA agree. J. Rigano: President-elect asked what he could do; he will help. J. Rigano spoke to him about the government attorney discount and will continue the conversation. G. Port: Need to distinguish between programs as a Section and those going through the NYSBA; more flexible to do things with our own section. Annual meeting; may be different. If food under a certain amount; no issues. Y. Hennessy: \$15 is the number in the regulations.

Solo/ Small firm discount: T. Putsavage: unaware of effort re: govt attys; compared with three states; see analysis attached to agenda. J. Rigano: Should we raise issue of solo/small discount, retired attorneys with NYSBA? Y. Hennessy: we should discuss this further.

Law School Initiative (J. Rigano): Have implemented a program where we have a 1-1.5 hour session at each of the law schools with their environmental law society, including a presentation on the bar and substantive issues. Students can join for free; we serve food and hand out swag. Touro was the first one and was a success. 100 new members from Touro alone. We are looking at two per semester: Pace, Buffalo in the fall. G. Port: Need to keep track of who is staying in NY because this is a very labor intensive effort. Discussion about developing a list of 4-5 talking points for each presentation.

Essay Contest: M. Villani: Writing competition is underway. June 1 is the deadline. In the past, discussed if there's a tie, should we split the amount. There are often ties. We are not living up to what we promised. Need to have a conversation about the budget; Can our budget handle it. M. Villani made a motion that if there is a tie, they would each get the full value of the prize. Second by G. Port. J. Rigano: add that it needs to be added to the budget. A. Kendall: Questioned whether there should be multiple prizes for first place; asked about whether there should be a different process for scoring so that there's no ties. G. Port calls the motion. Motion passed.

Fall Conference: Sagamore; September 26-27; 50th Anniversary of the APA; Working with Jan Kublick; taking suggestions on recreational activities. Suggestions: Morgan Steamship.

New business: Insurance conference: need a new chair; traditionally in October; need new folks to get involved.

J. Rigano thanks the Section for a wonderful year as chair.

NY State Bar Association
Environmental and Energy Law Section
For the Eight Months Ending Thursday, August 31, 2023

	2023 Budget	August	2023 Year To Date	Percent	2022 Budget	2022 Year To Date	Percent	2021 Year To Date	2020 Year To Date	2019 Year To Date
Income										
Dues	\$28,000.00	\$315.00	\$24,925.00	89.02%	\$27,000.00	\$26,145.00	96.83%	\$26,162.50	\$26,623.34	\$27,845.00
Meetings	25,850.00		13,225.00	51.16%	35,000.00	13,600.00	38.86%	1,335.00	15,770.00	32,775.00
Sponsorship	25,000.00		14,350.00	57.40%	34,000.00	4,975.00	14.63%	8,750.00	7,900.00	27,850.00
Newsletters	600.00		725.00	120.83%	500.00	6,080.00	0.00%	540.00	675.00	
Assessments				0.00%			0.00%			
Prior Years Surplus Used	18,000.00			0.00%			0.00%			
Total Income	97,450.00	315.00	53,225.00	54.62%	96,500.00	50,800.00	52.64%	36,787.50	50,968.34	88,470.00
Expenses										
Postage & Shipping	500.00		1,021.28	204.26%	1,000.00	139.10	13.91%	131.13	440.63	1,308.95
Supplies			30.00	0.00%			0.00%			
Awards & Grants	5,500.00	7,500.00	17,293.96	314.44%	6,500.00	12,934.32	198.99%	5,687.01	11,620.62	9,891.04
Train Travel			45.00	0.00%			0.00%			
Tolls, Parking & Cabs			17.50	0.00%			0.00%			
Lodging			289.23	0.00%			0.00%			
Meals			72.37	0.00%			0.00%			
Misc Travel Costs	2,000.00			0.00%	500.00		0.00%		295.97	250.00
Diversity	500.00			0.00%	500.00		0.00%			
Membership Initiative	750.00		946.05	126.14%	750.00		0.00%		680.00	
Meeting Rooms	2,000.00			0.00%	15,000.00		0.00%			
Catering & Banquets	42,000.00		22,097.29	52.61%	40,000.00		0.00%		24,570.61	26,593.26
Beverage Service & Receptions	18,000.00		10,329.20	57.38%	10,000.00	2,967.25	29.67%	2,172.10	5,380.00	15,482.32
Speaker & Guest Expense	750.00			0.00%	1,000.00		0.00%		466.10	104.85
Audio/Visual Expense			7,153.84	59.62%	4,500.00		0.00%		8,893.97	5,151.61
Promotional Costs	12,000.00		766.20	0.00%	1,000.00		0.00%			1,991.95
Activities & Entertainment				0.00%	500.00		0.00%			
Section Executive Committee Meetings	500.00		3,174.85	79.37%	4,000.00		0.00%		9,850.47	6,973.99
Officers Expense	4,000.00			0.00%	250.00		0.00%			76.12
Miscellaneous Meeting and Program Costs	250.00		972.49	48.62%	4,000.00		0.00%		726.88	2,028.02
Section Subcommittee Meetings	2,000.00			0.00%	500.00		0.00%			42.13
Newsletters	1,500.00		1,035.49	27.99%	5,000.00	1,185.39	23.71%	5,773.21	3,291.26	3,696.42
Graphic Department Allocations	3,700.00	83.08	308.32	20.55%	1,500.00		0.00%		995.04	1,717.95
Total Expenses	97,450.00	7,583.08	65,553.07	67.27%	96,500.00	17,226.06	17.85%	6,432.20	67,211.55	75,308.61
Net Income over Expense		(7,268.08)	(12,328.07)	0.00%		33,573.94	0.00%	30,355.30	(16,243.21)	13,161.39

NYSBA Committee/Section Profile Report

This report counts unique contacts. The data was last updated as of prior day.

Age Segment	Count	Percent	Valid Percent
24 and Under	10	1.0%	1.4%
25 to 35	119	11.7%	16.1%
36 to 45	106	10.4%	14.4%
46 to 55	99	9.7%	13.4%
56 to 65	192	18.8%	26.0%
66 and Over	212	20.8%	28.7%
X (no data)	281	27.6%	
Total	1019	100.0%	100.0%

51

Sexual Orientation	Count	Percent	Valid Percent
X (no data)	646	63.4%	
Heterosexual/Straight	313	30.7%	83.9%
Decline to Answer	48	4.7%	12.9%
Lesbian	5	0.5%	1.3%
Gay	2	0.2%	0.5%
Pansexual	2	0.2%	0.5%
Queer	2	0.2%	0.5%
Bisexual	1	0.1%	0.3%
Total	1019	100.0%	100.0%

Disability	Count	Percent	Valid Percent
X (no data)	544	53.4%	
No	409	40.1%	86.1%
Decline to Answer	54	5.3%	11.4%
Yes	12	1.2%	2.5%
Total	1019	100.0%	100.0%

Race/Ethnicity		Count	Percent	Valid Percent	Position		Count	Percent	Valid Percent
X (no data)		557	54.7%		X (no data)		621	60.9%	
White/Caucasian		408	40.0%	88.3%	Partner		182	17.9%	45.7%
Decline to Answer		23	2.3%	5.0%	Associate		59	5.8%	14.8%
Other		13	1.3%	2.8%	Managing Partner		36	3.5%	9.0%
Black or African American		8	0.8%	1.7%	Of Counsel		28	2.7%	7.0%
Asian/Pacific Islander		5	0.5%	1.1%	Solo Practitioner		26	2.6%	6.5%
Hispanic/Latinx		4	0.4%	0.9%	Staff Attorney		23	2.3%	5.8%
Asian/Pacific Islander;Black or African American;American Indian or Alaska Native;Other;White/Caucasian		1	0.1%	0.2%	Other		20	2.0%	5.0%
					Senior Associate		10	1.0%	2.5%
					General Counsel		6	0.6%	1.5%
					Judge		3	0.3%	0.8%
					Academic		1	0.1%	0.3%
					Administration		1	0.1%	0.3%
					Practice Management/ Technology		1	0.1%	0.3%
					Student		1	0.1%	0.3%
					Volunteer/Volunteer Leader		1	0.1%	0.3%

Total

1019100.0%100.0%

Office Size	Count	Percent	Valid Percent	Employment Status	Count	Percent	Valid Percent
X (no data)	484	47.5%		Unknown	864	84.8%	
7 One Hundred and greater	141	13.8%	26.4%	Full-Time Law Practice	84	8.2%	54.2%
1 Solo Practitioner	87	8.5%	16.3%	Unemployed	40	3.9%	25.8%
5 Twenty to 49	77	7.6%	14.4%	Retired	12	1.2%	7.7%
2 Two to Five	73	7.2%	13.6%	Full-Time Law Student	8	0.8%	5.2%
4 Ten to Nineteen	63	6.2%	11.8%	Part-Time Law Practice	8	0.8%	5.2%
6 Fifty to 99	58	5.7%	10.8%	Non-Law Related	3	0.3%	1.9%
3 Six to Nine	36	3.5%	6.7%				
Total	1019	100.0%	100.0%		1019	100.0%	100.0%

7

Practice Setting	Count	Percent	Valid Percent	Years Admitted to Practice	Count	Percentage	Valid Percent
X (no data)	469	46.03%		0 (Less than 1)	20	1.96%	2.7%
Law Firm/Private Practice	394	38.67%	71.64%	01 to 03	40	3.93%	5.5%
Government	60	5.89%	10.91%	04 to 05	29	2.85%	4.0%
Business/Corporation (In-House)	43	4.22%	7.82%	06 to 07	25	2.45%	3.4%
Miscellaneous/Other	21	2.06%	3.82%	08 to 014	99	9.72%	13.5%
Non-Profit/Public Interest	19	1.86%	3.45%	15 to 19	58	5.69%	7.9%
Educational Institution	8	0.79%	1.45%	20 and more	462	45.34%	63.0%
Court System	5	0.49%	0.91%	No Admit Date	286	28.07%	
Total	1019	100.00%	100.00%		1019	100.00%	100.0%

Type	NYSBA Membership Status		Community Group Name		Membership Type		Time Period
Section	<div> <div>▼</div> <div>All</div> </div>	<div> <div>▼</div> <div>Environmental & Energy ...</div> </div>			<div> <div>▼</div> <div>All</div> </div>		<div> <div>▼</div> <div>As of Prior Month</div> </div>
Top Practice Interests		Count	Percent	Valid Percent	Top Law Schools		
					Count	Percent	
X (no data)		431	44.9%		130	12.8%	
Environmental Law		148	15.4%	28.0%	105	10.3%	
Real Property Law (General)		96	10.0%	18.2%	100	9.8%	
Public Utilities		59	6.2%	11.2%	56	5.5%	
Municipal Law		46	4.8%	8.7%	46	4.5%	
Environmental & Energy (General)		31	3.2%	5.9%	37	3.6%	
Zoning, Planning & Land Use		23	2.4%	4.4%	35	3.4%	
Litigation & Trials (General)		21	2.2%	4.0%	35	3.4%	
Business & Corporate (General)		11	1.1%	2.1%	33	3.2%	
Torts & Insurance (General)		11	1.1%	2.1%	32	3.1%	
Business Organizations/Corporate Structure		10	1.0%	1.9%	30	2.9%	
Vehicle, Traffic, and Transportation Law		9	0.9%	1.7%	29	2.8%	
Alternative Dispute Resolution (General)		8	0.8%	1.5%	28	2.7%	
Government (General)		7	0.7%	1.3%	23	2.3%	
Personal or Property Injury		7	0.7%	1.3%	23	2.3%	
International (General)		6	0.6%	1.1%	20	2.0%	
Contracts (General)		5	0.5%	0.9%	17	1.7%	
Diversity, Inclusion & Civil Rights (General)		5	0.5%	0.9%	17	1.7%	
General/Multidisciplinary Practice (General)		5	0.5%	0.9%	17	1.7%	
Intellectual Property Law (General)		5	0.5%	0.9%	11	1.1%	
Social Security Law		5	0.5%	0.9%			
Women and the Law		5	0.5%	0.9%			
Total		959	100.0%	100.0%	824	80.9%	

Total Section Members

1019

Type

Section

Community Group Name

Environmental & Energy Law S...

▼

NYSBA Membership Status

All

▼

Time Period

As of Prior Month

Judicial District	Count	Percent	Valid Percent
01	165	16.2%	16.2%
02	32	3.1%	3.1%
03	132	13.0%	13.0%
04	20	2.0%	2.0%
05	37	3.6%	3.6%
06	13	1.3%	1.3%
07	31	3.0%	3.0%
08	58	5.7%	5.7%
09	114	11.2%	11.2%
10	70	6.9%	6.9%
11	31	3.0%	3.0%
12	5	0.5%	0.5%
13	4	0.4%	0.4%
99	307	30.1%	30.1%
Total	1019	100.0%	100.0%

Top 20 City Concentration	Count	Percent	Valid Percent
New York/ NY	170	25.0%	28.7%
Albany/ NY	107	15.7%	18.1%
X (no data)	88	12.9%	
White Plains/ NY	62	9.1%	10.5%
Buffalo/ NY	48	7.1%	8.1%
Syracuse/ NY	38	5.6%	6.4%
Brooklyn/ NY	32	4.7%	5.4%
Rochester/ NY	26	3.8%	4.4%
Washington/ DC	23	3.4%	3.9%
Astoria/ NY	7	1.0%	1.2%
Garden City/ NY	7	1.0%	1.2%
Uniondale/ NY	7	1.0%	1.2%
/ NY	6	0.9%	1.0%
Glens Falls/ NY	6	0.9%	1.0%
Melville/ NY	6	0.9%	1.0%
Morristown/ NJ	6	0.9%	1.0%
Newark/ NJ	6	0.9%	1.0%
Bronx/ NY	5	0.7%	0.8%
Ithaca/ NY	5	0.7%	0.8%
Latham/ NY	5	0.7%	0.8%
Newburgh/ NY	5	0.7%	0.8%
Poughkeepsie/ NY	5	0.7%	0.8%
Riverhead/ NY	5	0.7%	0.8%
Saratoga Springs/ NY	5	0.7%	0.8%
Total	680	100.0%	100.0%

NYSBA Membership Status

All



Time Period



As of Prior Month

NYSBA Section Count Comparisons

Community Group Name	Count
Young Lawyers Section	4088
Trusts & Estates Law Section	3719
Real Property Law Section	3479
Business Law Section	2452
Elder Law & Special Needs Section	2253
Family Law Section	1944
50+ Section	1823
Commercial & Federal Litigation Section	1700
Tax Section	1603
International Section	1506
Trial Lawyers Section	1430
Torts, Insurance, & Compensation Law Section	1395
Dispute Resolution Section	1390
Labor & Employment Law Section	1368
Corporate Counsel Section	1331
Intellectual Property Law Section	1326
Entertainment, Arts & Sports Law Section	1323
Criminal Justice Section	1240
Women in Law Section	1163
Local and State Government Law Section	1042
Environmental & Energy Law Section	1019
General Practice Section	923
Health Law Section	873
Antitrust Law Section	528
Cannabis Law Section	456
Judicial Section	296
LGBTQ Law Section	249
Food, Drug & Cosmetic Law Section	115



Join/Renew



Save the Dates

Wednesday, January 17, 2024

1:30 p.m. - 3:00 p.m. Executive Committee Meeting
3:00 p.m. – 3:45 p.m. Committee Meetings 4:00 p.m.
– 5:30 p.m. Agency Update
5:30 p.m. – 7:00 p.m. Reception
New York Hilton Midtown, New York, NY

Thursday, January 18, 2024

8:30 a.m. – 12:30 p.m. CLE Program
New York Hilton Midtown, New York, NY

1:00 p.m. – 2:00 p.m. Lunch at Mastro's
Mastro's Steakhouse

Registration Opening Soon

From: [Miriam E. Villani](#)
To: [Cinamon, Aliza \(acinamon@proskauer.com\)](#); [Tollin, Howard M. \(HTollin@sterlingrisk.com\)](#); [Sinkman, Matthew J.; Stout, Robert; Drew Gamils](#)
Cc: [Jaysimpsonnyc@gmail.com](#); [josullivan@bsk.com](#); [Jasiewicz, Amy](#); [yhennessey@barclaydamon.com](#); ["Hecker, Michael"](#); [akendall@nyenvlaw.com](#); [Steve Russo](#)
Subject: 2023 Professor William R. Ginsberg Memorial Essay Contest
Date: Saturday, September 9, 2023 3:17:08 PM
Attachments: [image001.png](#)

Good afternoon, Essay Contest Judges.

Thank you for your excellent work judging the entries to the 2023 Professor William R. Ginsberg Memorial Essay Contest. After receiving all the scores, I determined the winners.

- The first-place entry is "The Feasibility and Challenges of Converting Retiring Coal Plants into Nuclear Plants"
- The second-place entry is: "Climate Change: Decarbonizing New York City from the Bottom Up"
- The third-place entry is: "Marine Wildlife Considerations for a Convention Governing Floating Offshore Wind Turbines"

After the winning essays were determined, I opened the "virtual sealed envelope" that had been furnished to me by the Bar Association staff containing the names of the entrants. We had 9 entrants: 4 from Columbia, 3 from Pace, 1 from Albany, and 1 from CUNY.

- The first-place winner, Celeste Fleetwood (Columbia) for "The Feasibility and Challenges of Converting Retiring Coal Plants into Nuclear Plants", will receive the \$1,000.00 prize;
- The second-place winner, Caroline Chen (Pace) for "Climate Change: Decarbonizing New York City from the Bottom Up", will receive the \$500.00 prize; and
- The third-place winner, Elizabeth Schanz (Albany) for "Marine Wildlife Considerations for a Convention Governing Floating Offshore Wind Turbines", will receive the \$250.00 prize.

I've written to all winning and losing entrants informing them of the contest's outcome, and inviting the winners to the Section's Fall Meeting. I have copied Jay Simpson, the Editor-In-Chief, on this email and ask that he consider the entries for publication in *The New York Environmental Lawyer*. I have copied Julia O'Sullivan on this email as well and ask that she, as Budget Officer, coordinate the processing of the prize checks.

Thank you all, once again, for your work as judges. Thanks also to Amy Jasiewicz for her assistance with collection and organization of the essays.

Regards, M

Miriam E. Villani
Counsel

September __, 2023

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

We are submitting this letter on behalf of the Environmental and Energy Law Section and the Municipal Law Section of the New York State Bar Association and the Environmental Law Committee of the Association of the Bar of the City of New York.

As you are aware, the Inflation Reduction Act (“IRA”) presents enormous opportunities for municipalities, school districts and other local organizations around the State to secure federal grants for projects designed to mitigate and adapt to climate change. These grants could provide significant assistance to our communities in implementing clean energy projects, reducing air pollution, providing cooling centers and developing the infrastructure needed to protect against flooding and other risks posed by the changing climate. Many billions of dollars are earmarked under the IRA for these and other purposes nationwide, including: \$65 billion for clean energy and energy efficiency projects; \$21 billion for remediation and reduction of legacy pollution; and \$55 billion for the development of water-related infrastructure projects. These funding opportunities are particularly welcome because under federal policy a substantial portion -- some 40 percent -- of the benefit to be derived from these funds is to be directed to disadvantaged communities.

However, major challenges confront our local communities in capitalizing on these opportunities, because many do not have the resources or experience needed to assure that they are aware of grant announcements as they arise or can prepare successful applications and administer grant monies once the projects they propose have been approved.

The Environmental Protection Agency (“EPA”) has taken some steps towards addressing such concerns. For instance, EPA has appointed and provided substantial funding to WE ACT For Environmental Justice (“WE ACT”) to serve as a “Thriving Communities Technical Assistance Center” to assist local entities in our region in navigating the grant programs. However, much of the funding now available will lapse in a few years, so a great deal of information, training and other assistance must be provided to a multiplicity of local entities in a very short time.

The State and City Bar Associations have a long track record of holding events to educate the legal profession and the general public on matters pertaining to environmental and municipal law. Drawing on our experience and resources, we would be pleased to work with the involved State officials to organize one or more conferences, webinars or round table events aimed at providing our local communities with the information and tools they need to participate successfully in the IRA programs. We have had preliminary conversations with WE ACT, the Association of Towns and [insert other organizations] and they have expressed an interest in co-sponsoring this effort.

We would appreciate the opportunity to meet with the appropriate officials in your administration to plan this outreach initiative. Thank you.

Respectfully Submitted,

Environmental and Energy Law Section – NYSBA
Local and State Government Law Section - NYSBA
Environmental Law Committee - NYCBA

**New York State Bar Association
Environmental & Energy Law Section
Superfund/Brownfield Program Update 2023**

Tuesday, December 5, 2023

4.5 MCLE Credits
4.5 Areas of Professional Practice

<https://nysba.org/events/superfund-brownfield-program-update-2023/>

The Environmental & Energy Law Section will present a timely virtual conference on the New York State brownfield and federal Superfund programs. Our outstanding faculty of governmental officials, attorneys and consultants will review recent developments in both programs, including the much anticipated changes to Part 375 of NYSDEC's regulations. There will also be a panel discussing current issues in environmental insurance and an update on recent case law involving Superfund and brownfield issues.

This program is transitional and is suitable for all attorneys including those newly admitted.

Agenda

9:00 a.m. – 9:10 a.m.

Welcome Remarks

Program Co-Chairs:

David J. Freeman, Esq.
Gibbons P.C.
New York, NY

Lawrence P. Schnapf, Esq.
Schnapf LLC
New York, NY

Amy L. Reichhart, Esq.
Lippes Mathias LLP
Buffalo, NY

9:10 a.m. – 10:10 a.m.

Update on New York State Brownfield Cleanup Program

Panel Chair:

Amy L. Reichhart, Esq.
Lippes Mathias LLP
Buffalo, NY

Speakers:

Michael C. Murphy, Esq.
Associate Attorney, Office of General Counsel
New York State Department of Environmental
Conservation
Albany, NY

Jennifer Gillen
Vice President, Environmental Operations Manager
LaBella Associates
Rochester, NY

Julia Martin, Esq.
Bousquet Holstein PLLC
Syracuse, NY

1.0 MCLE Credit in Areas of Professional Practice

10:10 a.m. – 11:10 a.m.

Superfund Update**Panel Chair:**

David J. Freeman, Esq.
Gibbons P.C.
New York, NY

Speakers:

Marla E. Wieder, Esq.
United State Environmental Protection Agency
Region #2
New York, NY

Yueh-Ru Chu, Esq.
New York State Office of the Attorney General
New York, NY

Jeffrey C. Stravino, Esq.
Hodgson Russ LLP
Buffalo, NY

1.0 MCLE Credit in Areas of Professional Practice

11:10 a.m. – 12:10 a.m.

Part 375

Panel Chair:

Lawrence P. Schnapf, Esq.
Schnapf LLC
New York, NY

Speakers:

Leia D. Schmidt, Esq.
New York State Department of Environmental
Conservation
Albany, NY

Michael C. Burke
Principal/Vice President
Langan Engineering & Environmental Services
Jersey City, NJ

Linda R. Shaw, Esq.
Knauf Shaw LLP
Rochester, NY

1.0 MCLE Credit in Areas of Professional Practice

12:10 p.m. – 1:30 p.m.

Lunch

Keynote Speaker:

Andrew Guglielmi, Esq.
Chief, Division of Environmental Remediation
New York State Department of Environmental
Conservation

1:30 p.m. – 2:30 p.m.

Environmental Insurance

Panel Chair:

Howard Tollin, Esq.
Sterling Risk
Woodbury, NY

Speakers:

Jill Richardson, Esq
Cole Schotz, PC
Hackensack, NJ

Sami B. Groff, Esq.
Nixon Peabody LLP
Melville, NY

1.0 MCLE Credit in Areas of Professional Practice

2:30 p.m. – 3:00 p.m.

Case Law Update

Speaker:

Kelly A. Sprague, Esq.
Nixon Peabody LLP
Albany, NY

0.5 MCLE Credits Areas of Professional Practice

Adjournment

EJ COMMITTEE NEWSLETTER

NEW YORK STATE BAR ASSOCIATION

September 2023

EVENTS & MEETINGS

- **September 18, 2023 | 5:30 PM EST**
The Role of Lawyers and Bar Associations
in Combating Climate Change
New York City Bar Association – In Person
[Register here](#)
- **September 19, 2023 | 2:00 PM EST**
FEMA Appeals Process / Beginner's Guide
Probono.net – Webinar
[Register here](#)
- **September 21, 2023 | 12:30 PM EST**
EJ Committee Meeting – *Link to follow*
- **September 26 - 27, 2023**
NYSBA EELS 2023 Fall Meeting - In Person
The Sagamore Resort, Bolton, NY
[Register here](#)

LITIGATION & LEGISLATION

- The long awaited but historically favorable ruling in [Held v. Montana](#) demonstrates the transformational power of state constitutional environmental protections. In sum, the state can no longer ignore the cumulative impacts of GHG emissions and climate change when permitting fossil fuel projects.
- A pair of important bills remain with the Parks Committee at the New York City Council - [Int 1065-2023](#) and [Int 1066-2023](#). These bills aim to create an Urban Forest Master Plan and make tree canopy and vegetation part of the city's long-term sustainability planning.

"We've seen time and time again throughout history the failure of "solutions" that don't factor in the true lived experience of those experiencing the issue."
– Catherine Coleman Flowers



Autumn Sunrise - New York County, New York

DID YOU KNOW?

- [Climate Week NYC](#) is September 17 - 24, 2023. This annual event, in partnership with the United Nations General Assembly, will present about 400 programs and activities across New York City (virtual and in person), and will feature major announcements, discussions, and interviews with international leadership from business, government, and the climate community. This year's theme is "We Can. We Will."
- Our EJ Committee's participation in the [2023 NYSBA EELS Fall Meeting](#) includes a remarkable panel not to be missed – "*Environmental Justice in the Adirondacks: Exploring Equity, Inclusion and Safety in the Great Outdoors*." The program will be moderated by our exceptional Co-Chair Jose Almanzar with speakers Senator Zellnor Myrie, NYS Senate 20th District and Benita Law-Diao, Adirondack Park Agency Board Member.
- Another monumental climate-change case could force countries to do more. A Grand Chamber Hearing in [Duarte Agostinho and Others v. Portugal and 32 Other States](#) is scheduled for September 27, 2023 before the [European Court of Human Rights](#) in Strasbourg, France. The allegations include violations of human rights by the respondent countries for failing to take sufficient action on climate change. The lawsuit also seeks an order requiring these countries to take more ambitious action.
- The [inequalities of environmental injustice](#) continue to be a prevalent issue mainly because of social misinformation and misperceptions that climate change is affecting all communities in the same manner. According to two recent national-level studies summarized in "[Public recognition of climate change inequities within the United States](#)" - only about 1/3 of the US adult population believes that the most vulnerable communities are being disproportionately affected by climate-driven disasters and consequences. The percentage was even lower when race was referenced in the inquiry.

Environmental Justice Committee | Environmental & Energy Law Section
New York State Bar Association
Co-Chair – Jose A. Almanzar, Esq. | jose.almanzar@hklaw.com
Co-Chair – Ivonne Norman, Esq. | ivonnecnorman@gmail.com



Join/Renew



Wednesday, November 1, 2023
8:30 a.m. – 1:00 p.m.
Hyatt Place Buffalo-Amherst

[REGISTER NOW](#)

Topics include:

- Intro to WNY Environmental History
- Green Amendment/Cumulative Impacts Legislation: Practical Impacts
- Due Diligence Best Practices
- Cross Border Environmental Practice

Faculty

John T. Kolaga, Esq., Rupp Pfalzgraf, LLC

Colin M. Knoer, Esq., The Knoer Group, PLLC

Lindsey Haubenreich, Esq., Phillips Lytle

Matt Gardner, B Sc and LLB, Willms & Shier Environmental Lawyers LLP (Toronto, Ontario, Canada)

Michael J. Hecker, Esq., Hodgson Russ LLP