

Key Environmental Issues in U.S. EPA Region 2

June 6, 2018

8:30 a.m.	Registration	1:00 p.m.	Lunch
8:50 a.m.	Welcome and Opening Remarks	1:45 p.m.	Keynote Address INTRODUCTION Eric Schaaf, U.S. EPA Region 2 SPEAKER Pete Lopez, Regional Administrator, U.S. EPA Region 2
9:00 a.m.	Panel 1: Climate and Air Pollution MODERATOR AND CLIMATE ISSUES Michael B. Gerrard, Professor and Director, Sabin Center for Climate Change Law, Columbia Law School NEW YORK ACTIONS Jared Snyder, New York State Department of Environmental Conservation NEW JERSEY ACTIONS Paul Baldauf, New Jersey Department of Environmental Protection	2:15 p.m.	The Commissioners Speak MODERATOR Marla Wieder, U.S. EPA Region 2 COMMISSIONERS Basil Seggos, Commissioner, New York State Department of Environmental Conservation Catherine R. McCabe, Acting Commissioner, New Jersey Department of Environmental Protection Tania Vazquez Rivera, President, Puerto Rico Environmental Quality Board, and Director, Department of Natural Resources Dawn Henry, Commissioner, Virgin Islands Department of Planning and Natural Resources Vincent Sapienza, Commissioner, New York City Department of Environmental Protection
10:15 a.m.	Break	3:30 p.m.	Break
10:30 a.m.	Panel 2: Cross-cutting Issues MODERATOR Eric Schaaf, U.S. EPA Region 2 REGION 2 CIVIL ENFORCEMENT UPDATE Paul Simon, U.S. EPA Region 2 REGION 2 CRIMINAL ENFORCEMENT UPDATE Patricia Hick, U.S. EPA Region 2 ENVIRONMENTAL JUSTICE Carol Ann Siciliano, U.S. EPA Office of General Counsel INFRASTRUCTURE Allison Hoppe, U.S. EPA Office of General Counsel	3:45 p.m.	Panel 4: Water Issues MODERATOR Tirza Wahrman Law Office of Tirza S. Wahrman, LLC WETLANDS JURISDICTION Phyllis Feinmark, U.S. EPA Region 2 COASTAL RESILIENCE Ginger Kopkash, New Jersey Department of Environmental Protection OFFSHORE WIND Nathanael Greene, Natural Resources Defense Council
11:45 a.m.	Panel 3: Contaminated Site Cleanup and Redevelopment MODERATOR William Sullivan, Scarinci Hollenbeck CERCLA/RCRA UPDATE Walter Mugdan, U.S. EPA Region 2 SITE REMEDIATION Mark J. Pedersen, New Jersey Department of Environmental Protection HURRICANE RECOVERY IN PUERTO RICO Hector Velez, EPA Region 2, Caribbean Disaster Recovery Coordinator	5:00 p.m.	Adjournment

KEY ENVIRONMENTAL ISSUES IN U.S. EPA REGION 2

June 6, 2018

Columbia Law School

Panel 1: Climate and Air Pollution

This panel will discuss changes in the regulation of greenhouse gases and conventional and toxic air pollutants at the federal and state levels. The first speaker will cover the actions of the Trump Administration with respect to the Clean Power Plan, motor vehicle emission standards, controls on methane emissions, and other aspects of greenhouse gas and climate change regulation. The second and third speakers will discuss regulatory developments in New York and New Jersey, respectively, including the status of the Regional Greenhouse Gas Initiative; controls on coal-burning power plants; construction of new renewable energy facilities, especially wind farms; controls on methane emissions; the Transportation and Climate Initiative; the United States Climate Alliance; implementation of the New Jersey Global Warming Response Act; and expansion of the infrastructure to charge electric vehicles.

Michael B. Gerrard is Andrew Sabin Professor of Professional Practice at Columbia Law School, where he teaches courses on environmental and energy law and directs the Sabin Center for Climate Change Law. He is also Chair of the Faculty of Columbia's Earth Institute. Before joining the Columbia faculty in January 2009, he was partner in charge of the New York office of Arnold & Porter; he is now Senior Counsel to the firm. He practiced environmental law in New York City full time from 1979 to 2008. He was the 2004-2005 chair of the American Bar Association's Section of Environment, Energy and Resources. He has also chaired the Executive Committee of the New York City Bar Association, and the Environmental Law Section of the New York State Bar Association.

Since 1986, Gerrard has written an environmental law column for the *New York Law Journal*. He is author or editor of thirteen books, two of which were named Best Law Book of the Year by the Association of American Publishers: *Environmental Law Practice Guide* (twelve volumes, 1992) and *Brownfields Law and Practice* (four volumes, 1998). Among his other books are *Global Climate Change and U.S. Law* (with Jody Freeman) (2d ed. 2014); *Climate Engineering and the Law: Governance and Liability for Solar Radiation Management and Carbon Dioxide Removal* (with Tracy Hester) (2018); and *Legal Pathways to Deep Decarbonization in the United States* (with John Dernbach) (forthcoming 2018).

He received his B.A. from Columbia University and his J.D. from NYU Law School.

Jared Snyder is Deputy Commissioner for Air Resources, Climate Change & Energy at the New York State Department of Environmental Conservation. In that capacity, he oversees New York's development and implementation of clean air programs and climate change strategies,

including programs to build resilience to climate change and to reduce greenhouse gas emissions. He represents the Department in multistate climate and air quality initiatives, including the Regional Greenhouse Gas Initiative and the Transportation and Climate Initiative, and in statewide energy planning efforts. He is currently Treasurer of RGGI Inc.; he represents New York on the Ozone Transport Commission and The Climate Registry; and he has served as Co-chair of the International Carbon Action Partnership. Prior to joining DEC in 2007, he managed air and climate litigation in the New York Attorney General's office, and he worked for the U.S. Department of Justice handling environmental enforcement matters from 1990-95. Mr. Snyder has a B.A. in economics from Cornell University and a J.D. from Harvard Law School.

Paul E. Baldauf, P.E. is the Assistant Commissioner of Air Quality, Energy and Sustainability at the New Jersey Department of Environmental Protection. As the Assistant Commissioner he manages two divisions devoted to air quality (regulation, planning, and monitoring), nuclear engineering, environmental radiation, x-ray compliance, and energy and sustainability. He holds a B.S. degree in mechanical engineering from Pennsylvania State University, a M.S. degree in civil and environmental engineering from Rutgers University, and a M.A. degree in homeland security studies from the Naval Postgraduate School. Mr. Baldauf is also a licensed professional engineer in the states of New Jersey, New York, and Pennsylvania.

Materials

Executive Order 13783, Promoting Energy Independence and Economic Growth (March 28, 2017)

<https://www.whitehouse.gov/presidential-actions/presidential-executive-order-promoting-energy-independence-economic-growth/>

Dena P. Adler, US. Climate Change Litigation in the Age of Trump: Year One (Sabin Center for Climate Change Law, February 2018)

<http://columbiaclimatelaw.com/files/2018/02/Adler-2018-02-U.S.-Climate-Change-Litigation-in-the-Age-of-Trump-Year-One.pdf>

Sabin Center for Climate Change Law, Climate Deregulation Tracker
<http://columbiaclimatelaw.com/resources/climate-deregulation-tracker/>

Northeast and Mid-Atlantic States Seek Public Input As They Move Toward a Cleaner Transportation Future (November 13, 2017)

<https://www.transportationandclimate.org/northeast-and-mid-atlantic-states-seek-public-input-they-move-toward-cleaner-transportation-future>

United States Climate Alliance, 2018 Strategy

<https://static1.squarespace.com/static/5a4cfbfe18b27d4da21c9361/t/5ae78b13575d1fcb77a45615/1525123859959/2018+USCA+Strategy+-+Final+Public+.pdf>

New York Department of Environmental Conservation et al., Methane Reduction Plan (May 2017)

https://www.dec.ny.gov/docs/administration_pdf/mrpfinal.pdf

New York Department of Environmental Conservation, New York State Petition for a Finding Pursuant to Clean Air Act Section 126(b) (March 2018)
https://www.dec.ny.gov/docs/air_pdf/sips126petition.pdf

Regional Greenhouse Gas Initiative, Summary of RGGI Model Rule Updates (December 19, 2017)
https://www.rggi.org/sites/default/files/Uploads/Program-Review/12-19-2017/Summary_Model_Rule_Updates.pdf

Regional Greenhouse Gas Initiative, RGGI 2016 Program Review: Principles to Accompany Model Rule Amendments (December 19, 2017)
https://www.rggi.org/sites/default/files/Uploads/Program-Review/12-19-2017/Principles_Accompanying_Model_Rule.pdf

New Jersey P.L. 2007, Chapter 112 – An Act concerning the reduction of greenhouse gases
<http://www.nj.gov/dep/aqes/docs/gw-responseact-07.pdf>

New Jersey, Chapter 340 – An act concerning the reduction of greenhouse gas emissions
http://www.njleg.state.nj.us/2006/Bills/PL07/340_.pdf

New Jersey, Executive Order No. 7 – concerning Global Warming Response Act and related matters (January 29, 2018)
<http://nj.gov/infobank/eo/056murphy/pdf/EO-7.pdf>
U.S. Department of Energy, Alternative Fuels Data Center
<https://www.afdc.energy.gov/>

Panel 2: Cross-cutting issues

The Cross-cutting Issues panel will provide an overview of developments in USEPA's civil and criminal enforcement programs with a focus on recent noteworthy cases. The panel will also cover legal developments in the field of infrastructure, including FAST-41, the One Federal Decision framework and NEPA implications. Finally, the panel will review recent developments in Environmental Justice, including a discussion of USEPA's most recent Environmental Justice report and its focus on demonstrating tangible results in minority, low-income, tribal, and indigenous communities.

Eric Schaaf has served as the Regional Counsel for EPA, Region 2 since June 2002. In March 1997, Eric was named Deputy Regional Counsel; prior to that, he served for over 10 years as Chief of the New York/Caribbean Superfund Branch where he was responsible for all legal aspects of the Superfund program in New York, Puerto Rico and the Virgin Islands. Eric has served on or chaired numerous Region 2 or national workgroups on topics related to various legal counseling and enforcement issues. A graduate of Fordham University School of Law, Eric taught an introductory Environmental Law course there for several years as a member of the

Adjunct Faculty. Before coming to EPA, Eric was an associate at the law firm of Cahill Gordon & Reindel in New York where he participated in both general litigation and corporate practice.

Paul Simon is the Deputy Regional Counsel of the U.S. Environmental Protection Agency (EPA), Region 2. In that capacity, he works closely with the Regional Counsel in the management and direction of the Office of Regional Counsel (ORC), an office of approximately 80 lawyers who provide legal support for Region 2's implementation and enforcement of the Clean Air Act, Clean Water Act, Solid Waste Disposal Act, the federal Superfund law, and a number of other federal environmental statutes. Paul helps to set priorities, strategies and goals for the office and provides guidance to and oversight of the office's work units.

In 2011-2012, Paul did a stint as EPA Region 2's senior policy advisor on climate change issues. In 2009, he served on a 4-month detail in EPA Headquarters as the Acting Deputy Director of the Office of Ground Water and Drinking Water. He is a 2009 graduate of EPA's Senior Executive Service Candidate Development Program.

Before becoming Deputy Regional Counsel in 2005, Paul was the Chief of ORC's New York/Caribbean Superfund Branch, and as such, managed that branch's judicial and administrative enforcement efforts concerning hundreds of Superfund sites in New York, Puerto Rico and the Virgin Islands. Paul joined EPA in 1985 as a staff attorney, and became a first-line supervisor in 1989. Before coming to EPA, Paul was a litigation attorney with the Pennsylvania Department of Environmental Resources.

Paul earned his law degree from the University of Pennsylvania Law School and his B.A. from Harvard University.

Carol Ann Siciliano is the Associate General Counsel of the Cross-Cutting Issues Law Office, within the Office of General Counsel of the U.S. Environmental Protection Agency. She oversees three practice groups, one of which focuses on the Administrative Procedure Act and other legal issues associated with informal rulemaking. Carol Ann also directs attorneys with expertise in international environmental law, NEPA, environmental justice and Indian Law. Carol Ann serves as EPA's representative to the Administrative Conference of the United States, which provides wide-ranging recommendations to Agencies and the U.S. Congress on emerging administrative law and rulemaking issues. Carol Ann also co-chairs EPA's Environmental Justice Permitting Initiative and works actively with EPA's National Environmental Justice Advisory Council. Finally, Carol Ann has participated in numerous workshops with government officials in China to discuss environmental governance and rule of law, with an emphasis on public participation in administrative decision-making.

A member of the American Bar Association, Carol Ann served on the Council of the ABA's Section on Administrative Law and Regulatory Practice. For several years, she also co-chaired the ABA's annual Administrative Law Conference and has appeared on numerous panels relating to administrative law. Carol Ann is member of the Senior Executive Service and began her EPA career in 1990 in the Office of General Counsel's Water Law Office. She obtained her JD from Fordham Law School and her undergraduate degree from Princeton University.

Allison Hoppe is an attorney in EPA Office of General Counsel's Cross-Cutting Issues Law Office, where she primarily focuses on National Environmental Policy Act and federal Indian law work. She received her J.D. from Cornell Law School in 2016, and her B.A. from the State University of New York at Geneseo in 2013. Allison was born and raised in the Hudson River Valley and was introduced to her passion for protecting human health and the environment through learning about and spending time on the Hudson.

Materials

FY 2018-2022 EPA Strategic Plan (February 12, 2018)

<https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf>

EPA, Office of Enforcement and Compliance Assurance, National Program Manager (NPM) Guidance, Fiscal Years 2018-2019 (September 29, 2017)

<https://www.epa.gov/sites/production/files/2017-10/documents/fy18-19-oeca-npm-guidance.pdf>

EPA, Office of Enforcement and Compliance Assurance, Interim OECA Guidance on Enhancing Regional-State Planning and Communication on Compliance Assurance Work in Authorized States (January 22, 2018)

<https://www.epa.gov/sites/production/files/2018-01/documents/guidance-enhancingregionalstatecommunicationoncompliance.pdf>

Jeffrey H. Wood, U.S. Department of Justice, Memorandum to ENRD Section Chiefs and Deputy Section Chiefs, Enforcement Principles and Priorities (March 12, 2018)

<https://www.justice.gov/enrd/page/file/1043731/download>

The Attorney General, Prohibition on Settlement Payments to Third Parties (June 5, 2017)

<https://www.justice.gov/opa/press-release/file/971826/download>

Jeffrey H. Wood, U.S. Department of Justice, Memorandum to ENRD Deputy Assistant Attorneys General and Section Chiefs, Settlement Payments to Third Parties in ENRD Cases (January 9, 2018)

<https://www.justice.gov/enrd/page/file/1043726/download>

The White House, Legislative Outline for Rebuilding Infrastructure in America (February 2018)

<https://www.whitehouse.gov/wp-content/uploads/2018/02/INFRASTRUCTURE-211.pdf>

Fixing America's Surface Transportation Act, Subchapter IV – Federal Permitting Improvement
42 U.S.C. Sec. 4370m et seq.

<http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter55/subchapter4&edition=prelim>

Executive Order 13807, Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects (August 15, 2017)

<https://www.federalregister.gov/documents/2017/08/24/2017-18134/establishing-discipline-and-accountability-in-the-environmental-review-and-permitting-process-for>

WIFIA Program (Water Infrastructure and Innovation Act) Fact Sheet

<https://www.epa.gov/sites/production/files/2017-08/documents/wifia-2-onepager-508-1-web-final2.pdf>

Panel 3: Contaminated Site Cleanup

This panel will discuss the status of the implementation of the Comprehensive Environmental, Response and Compensation Act (CERCLA, or the Superfund Program), especially the status of major sediment sites and sites with groundwater contamination; contents and implementation of the EPA Strategic Plan; EPA's revisions to the financial responsibility rules; the addition of sub-surface intrusion to the Hazard Ranking System; the Groundwater Remedy Completion Strategy; regulation of emerging contaminants, such as PFAS; caselaw developments concerning National Priorities List listings, statute of limitations, federal tort claims, owner liability, arranger liability, and apportionment or allocation of liability. There will also be discussion of New Jersey's site remediation program, its remedial action permitting, its enforcement initiatives, its municipal ticketing program, potential amendments to the Site Remediation Reform Act, its new rules on heating oil tank system remediation. Another topic will be EPA's efforts to remediate conditions in Puerto Rico after Hurricane Maria.

William C. Sullivan, Jr. is an attorney with Scarinci Hollenbeck. Mr. Sullivan's practice includes the representation of clients with respect to a wide variety of land use and redevelopment projects, energy infrastructure projects, environmental permitting and compliance, site remediation, and related litigation. He has represented private developers on significant development and redevelopment projects throughout northern New Jersey, in communities such as Hackensack, Ridgefield, Teterboro, Woodland Park, Harrison, Kearny, Linden, Newark and the Oranges. For example, he served as the primary permitting counsel for a \$1 billion regional, private energy transmission project in Bergen and Hudson Counties, and he served as the land use and permitting counsel for the John Theurer Cancer Center at Hackensack University Medical Center.

Mr. Sullivan also has a specialized expertise related to projects subject to the land use permitting jurisdiction of the New Jersey Sports and Exposition Authority (formerly the New Jersey Meadowlands Commission), which controls the development of property in all or portions of fourteen municipalities in the Meadowlands region, using legal criteria distinct from any other municipalities in the State. Mr. Sullivan has obtained approvals for multiple commercial and industrial projects in this region.

Walter Mugdan is Acting Deputy Regional Administrator of EPA Region 2. He has served since 2008 as Director of the Emergency & Remedial Response Division for EPA Region 2, where he manages a staff of about 220 remedial project managers, on-scene coordinators, hydrologists, risk assessors and others. The Division is responsible for implementing the "Superfund" hazardous waste site cleanup, emergency response and brownfields programs in the Region (which covers New York, New Jersey, Puerto Rico and the U.S. Virgin Islands). Previously, Mr. Mugdan served from 2002-2008 as Director of the Division of Environmental Planning & Protection for EPA Region 2, where he headed a staff of about 180 engineers, scientists and planners responsible for the air, water, hazardous waste, environmental assessment and pollution prevention programs in the region.

From 1995 - 2002, Mr. Mugdan served as Regional Counsel for Region 2, where he headed a staff of about 80 attorneys. Prior to that, he served as Deputy Regional Counsel for ten years. He joined EPA Region 2 in 1975 as a staff attorney, and subsequently served in various supervisory positions in the Office of Regional Counsel, including as Chief of units responsible for the Clean Air Act, Superfund, RCRA, TSCA and FIFRA.

In 1998 Mr. Mugdan spent eight months on a detail as Director of Region 2's Division of Enforcement and Compliance Assistance, heading the Region's staff of about 150 field inspectors and technical enforcement personnel.

Mr. Mugdan has authored numerous articles on environmental law and regulation. He is a frequent speaker and lecturer on these subjects. From 1991 to 1997 he was an Adjunct Professor at Pace University Law School, where he taught a course on Superfund law; and since 1992 Mr. Mugdan has been the Director of the U.S. EPA's annual week-long Trial Advocacy Institute.

Mark J. Pedersen is Assistant Commissioner of the Site Remediation and Waste Management Program of the New Jersey Department of Environmental Protection. In this capacity, his primary responsibilities are to oversee the remediation of contaminated sites in New Jersey and to further the implementation of the Licensed Site Remediation Professional Program.

Mr. Pedersen has more than 27 years of experience with the Department of Environmental Protection, which includes service in the Site Remediation Program as the Director of the Office of Brownfield Development, Bureau Chief of Industrial Site Remediation and Bureau Chief of Site Remediation's Enforcement and Compliance program. Mr. Pedersen had a lead role in implementing many of the transformational initiatives within the Site Remediation Program. Most recently, from 2010 to 2013, Mr. Pedersen served as the Director of Land Use Regulation, where he was responsible for the direct oversight of land use permitting programs, including Coastal Area Facility Review Act (CAFRA), Waterfront Development, Wetlands and Flood Hazard Area permits. He has worked closely with the Governor's Office of Recovery and Rebuilding and the Federal Emergency Management Agency (FEMA) to facilitate recovery efforts and rebuilding of New Jersey's coastal areas in the aftermath of Superstorm Sandy.

Hector L. Velez Cruz is the team leader of the Office of Regional Counsel - Caribbean Team of the U.S. Environmental Protection Agency, Region 2. He has been working as an EPA multi-

media program attorney for twenty years in enforcement and in providing legal advice and support to management of programs across EPA-Region 2 offices in New York, New Jersey, Puerto Rico and the U.S. Virgin Islands.

During his tenure in EPA, Mr. Vélez has negotiated, settled, and where necessary, litigated administrative enforcement actions against both private and public entities and has provided litigation and negotiation assistance to the U.S. Department of Justice in civil judicial cases. He also works and leads several EPA climate change, energy and sustainability initiatives in Puerto Rico. Currently serving as the EPA Region 2 Caribbean Disaster Recovery Officer addressing response and recovery matters related with the impacts of hurricanes Irma and María in Puerto Rico and the U.S. Virgin Islands.

Mr. Velez has a bachelor's degree in business administration from the University of Puerto Rico, obtained his Juris Doctor degree from the Inter American University of Puerto Rico School of Law, and has an LLM in Environmental Law from the Vermont Law School.

Materials

U.S. Government Accountability Office, Superfund Sediment Sites: EPA Considers Risk Management Principles but Could Clarify Certain Procedures (September 2016)
<https://www.gao.gov/assets/680/679957.pdf>

EPA, FY 2018-2022 EPA Strategic Plan (February 12, 2018)
<https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf>

EPA, Addition of a Subsurface Intrusion Component to the Hazard Ranking System, *Federal Register*, January 9, 2017
<https://www.gpo.gov/fdsys/pkg/FR-2017-01-09/pdf/2016-30640.pdf>

EPA, Superfund Task Force Recommendations (July 25, 2017)
https://www.epa.gov/sites/production/files/2017-07/documents/superfund_task_force_report.pdf

Edward McTiernan & Kerry A. Dziubek, "Has New Jersey's Site Remediation Reform Act Ushered in a Dramatic Expansion of Spill Act Liability?" (Arnold & Porter, March 15, 2017)
<https://www.arnoldporter.com/en/perspectives/publications/2017/03/has-new-jerseys-site-remediation-reform-act>

EPA, Hurricane Maria Response
https://response.epa.gov/site/site_profile.aspx?site_id=12403

Keynote Address: Pete Lopez, Regional Administrator, U.S. EPA Region 2

Pete Lopez serves as the Regional Administrator for EPA Region 2. His responsibilities include overseeing the states of New York and New Jersey, Commonwealths of Puerto Rico and the US Virgin Islands, and eight tribal nations.

Prior to joining EPA Region 2, Mr. Lopez served as a Member of the New York State Assembly, where he served for over 10 years and 6 terms. During this time, Mr. Lopez successfully addressed flood recovery issues; helped create jobs; and both supported and advocated for children, families, teachers, schools, businesses, family farms and more.

Prior to his term as Assemblyman, Mr. Lopez served with the NYS Senate and was elected as a Village Trustee. While pursuing his Master's, Pete continued his full-time work with the NYS Legislature as the Associate Director of the Senate Agriculture Committee, Assistant Director of the Legislative Commission on Rural Resources, District Office Director, and Executive Assistant. Simultaneously, Pete was elected to additional local offices including Town Councilman and Town Supervisor/County Legislator. During this period, Pete was appointed to the New York Statewide Transportation Advisory Committee and the Association of Towns' Statewide Legislative Advisory Committee. After 21 years of service to the State Legislature and 12 years as a local official, Pete was elected as the County Clerk prior to becoming a NYS Assemblyman.

Pete graduated with honors from Schoharie Central School District, State University of New York (SUNY) Cobleskill, and SUNY Albany. He holds a Bachelor's Degree in Public Affairs with a concentration in Environmental Studies and a Master's Degree in Public Administration.

The Commissioners Speak

Moderator

Since 1995, **Marla E. Wieder** has served as an Assistant Regional Counsel with the U.S. Environmental Protection Agency, Region 2, negotiating the cleanup of major hazardous waste sites in New York and the Caribbean. Since 2013, she has also served as a part-time Regional Criminal Enforcement Counsel. She has received numerous awards for her efforts including 3 gold and 3 bronze medals from EPA for her work on the Motors Liquidation Company (f/k/a General Motors (GM) Corporation) Bankruptcy, the Hudson River PCBs Superfund Site, and other sites. From 2000 through 2011, she served as an adjunct professor at Pace University School of Law where she taught a course concerning the law of hazardous waste management and remediation; she has also assisted with the U.S./Brazil Comparative Environmental Law Course and the Brazil-American Institute for Law and Environment (BAILE) since 2002. In 2007, she served as Visiting Co-Director of the Environmental Law Program at Pace. Prior to these positions, she worked for the New York State Department of Environmental Conservation in Region 3.

Ms. Wieder is Incoming Chair of the New York State Bar Association's (NYSBA's) Environmental & Energy Law Section (EELS) and was formerly the co-Chair of EELS's Solid Waste Committee.

Basil Seggos was appointed Commissioner of the New York State Department of Environmental Conservation by Governor Andrew Cuomo, and has served in this role since 2015, leading an agency of nearly 3,000 professionals. As Commissioner, he oversees programs that promote a

clean, healthy and accessible environment, including: protecting and restoring New York's air, lands and waters, combatting climate change, enforcing State environmental laws and regulations, responding to natural and man-made disasters, and supporting world-class outdoor recreation on state lands and waters, including hunting, fishing, hiking and paddling.

In addition to leading DEC, Commissioner Seggos advises the Governor on environmental policy and issues. He also serves on a variety of boards, including the Adirondack Park Agency (APA), Delaware River Basin Commission, the Great Lakes Commission, Hudson River Park, the NYS Environmental Facilities Corporation (EFC), the NYS Drinking Water Quality Council, the New York State Energy and Research Development Authority (NYSERDA), the Olympic Regional Development Authority (ORDA), the Susquehanna River Basin Commission, NYS Energy Planning Board, and others.

Prior to becoming DEC Commissioner, Seggos served as the Deputy Secretary for the Environment for the Governor, where he counseled the Governor on environmental policy and the operations of New York's environmental agencies, including DEC, the Office of State Parks, Recreation and Historic Preservation, EFC and the APA, and was a liaison to the State Legislature on environmental issues and legislation.

Before his career in State government, Seggos served as Vice President of Business Development at Hugo Neu Corporation, a clean tech private equity company; Chief Investigator and Attorney for Riverkeeper; Associate at the Natural Resources Defense Council (NRDC); and legal clerk at the White House.

Seggos graduated with a B.A. from Trinity College in 1996, and earned his law degree from Pace University in 2001, where he received the Environmental Law award and Alumni Achievement award. He is a Captain in the U.S. Army Reserve.

Catherine R. McCabe is Acting Commissioner of the New Jersey Department of Environmental Protection. Immediately prior to assuming this position on January 22, 2018, she served as U.S. Environmental Protection Agency Deputy Region 2 Administrator in New York City. In that position, she assisted the regional administration in overseeing operations and regional implementation of all EPA programs in New Jersey, New York, Puerto Rico and the U.S. Virgin Islands. She also served as Acting EPA Administrator and Acting Region 2 Administrator in 2017, and was a long-time member of the EPA's Executive Management Council.

From 2011 to 2014, McCabe served as a judge on the EPA's Environmental Appeals Board, and from 2005 to 2011 she served as Deputy Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance. She joined the EPA after 22 years with the U.S. Department of Justice, where she served in various positions. She was a manager and trial attorney in the Environment and Natural Resources Division, including Deputy Chief of the Environmental Enforcement Section, Assistant Chief in the Natural Resources Section, and Senior Counsel in the Policy, Legislation and Special Litigation Section.

Before joining federal service, McCabe was an Assistant Attorney General for the State of New York, and was associated with the law firm of Webster and Sheffield in New York City.

McCabe earned a law degree from Columbia Law School and a bachelor's degree in Environmental Science from Barnard College. She also studied environmental science at Columbia University's Graduate School of Arts and Sciences.

Tania Vazquez Rivera is Secretary of the Puerto Rico Department of Natural and Environmental Resources, and Executive Director of the Environmental Quality Board. Prior to her current position, she worked in the private sector as a lawyer for multinational corporations and non-profit organizations. During this time, she specialized in the practice of environmental, construction, administrative, corporate and contract laws. She previously worked in the Puerto Rico Infrastructure Finance Authority, (PRIFA), as Executive Deputy Director and Director of the Legal Department. As second in command of this agency, she was responsible for providing financial and administrative assistance and counseling to the Executive Director for the development and financing of infrastructure facilities on the island originated by public corporations, government agencies and municipalities, in addition to strategically leading the management of the \$1.7 trillion construction program of the Authority. As director of PRIFA's legal department, she provided legal advice on issues related to the environment, construction, administration and contracts, while supervising the 10-member department.

At the Department of Natural and Environmental Resources, she served as Sub-Secretary, where she developed contract policies and procedures that resulted in a 70% improvement in efficiency and resource management. She directly supervised the special aids' work and managed the organization and logistics of over 1,000 employees. Prior to her appointment as Sub-Secretary, she led the Office of Legal Affairs, where she represented the Department in all legal matters, including judicial disputes, administrative procedures, permits and endorsements. In addition, she developed administrative policies and procedures of the Department, while supervising a team of 25 people.

She holds a bachelor's degree in Labor Relations from the University of Puerto Rico, Rio Piedras Campus, and a J.D. from the Inter-American University of Puerto Rico Law School.

Dawn Henry is Commissioner of the Virgin Islands Department of Planning and Natural Resources, a position to which she was appointed by Governor Kenneth Mapp in 2015. For the prior ten years she served three commissioners at DPNR as legal counsel to the Division of Environmental Protection. She was in private law practice in St. Thomas from 1994 to 1997, and served as law clerk to Judge Henry C. Smock of the Territorial Court of the Virgin Islands. She holds a B.A. and a J.D. from the University of Oklahoma.

Vincent Sapienza is Commissioner of the New York City Department of Environmental Protection. Since joining DEP in 1983, he has dedicated his career to protecting and improving New York City's critical water infrastructure. Prior to his current role, Mr. Sapienza served in two senior positions within the agency, leading the Bureau of Wastewater Treatment from 2009 through 2014, and then heading the Bureau of Engineering, Design and Construction until June

2016. He then served as Acting Commissioner until his appointment by Mayor Bill De Blasio as DEP Commissioner on October 3, 2017.

Sapienza is a New York State Licensed Professional Engineer and holds a B.S. from Columbia University and an MBA from Hofstra University's School of Business.

Materials

New York – Proposed regulation, CO2 Performance Standards for Major Electric Generating Facilities, 6 NYCRR Part 251

<https://www.dec.ny.gov/regulations/113544.html>

New York – Regulatory Impact Statement Summary Parts 251 and 200

<https://www.dec.ny.gov/regulations/113536.html>

New York – Projected Sea-level rise – Express terms, 6 NYCRR Part 490

<https://www.dec.ny.gov/regulations/103877.html>

New York – Community Risk and Resiliency Act summary

<https://www.dec.ny.gov/energy/104113.html#Projections>

New York State Climate Action Plan Interim Report – Executive Summary

https://www.dec.ny.gov/docs/administration_pdf/irexecsumover.pdf

New Jersey Climate Action Plan – updated February 2018

http://www.sustainablejersey.com/actions-certification/actions/?type=1336777436&tx_sjcert_action%5BactionObject%5D=26&tx_sjcert_action%5Baction%5D=getPDF&tx_sjcert_action%5Bcontroller%5D=Action&cHash=76e0b9dc3159b578d21ae6b5e9e1a727

New Jersey Governor Phil Murphy notification of rejoining Regional Greenhouse Gas Initiative

http://www.nj.gov/dep/newsrel/2018/18_0016.htm

Phil Murphy for Governor, Building a Clean Energy Economy

<https://www.murphy4nj.com/issue/building-a-clean-energy-economy/>

Panel 4: Water Issues

This panel will discuss administrative and judicial actions affecting the jurisdictional scope of the Clean Water Act, in particular the status of the Waters of the United States rule and the “Final Applicability Rule” and related litigation; the current meaning of “navigable waters”; efforts by the State of New Jersey to maintain coastal resilience, especially in the wake of Hurricane Sandy; the NJFRAMES program; the Regional Resilience Planning Grant Program;

efforts to update the FEMA flood maps to reflect sea level rise; and the proposed construction of offshore wind farms off Long Island.

Tirza Wahrman is a solo practitioner with the Law Office of Tirza S. Wahrman in Princeton Junction, New Jersey, and is a court-qualified mediator. She is also on the mediation roster of the American Arbitration Association. Previous to opening her own practice, Tirza served as a Deputy Attorney General, and represented New Jersey DEP and the Board of Public Utilities in a range of environmental litigation and regulatory matters. Before joining the State, she was of counsel at Lowenstein Sandler, P.C. Tirza's articles on environmental policy and law have been published in the Duke Environmental Law and Policy Review and the Seton Hall Law Review. She is a member of the board of Clean Water Action New Jersey and serves as a commissioner on the West Windsor Environmental Commission. She is a Phi Beta Kappa graduate of Barnard College and Yale Law School. She is admitted to the Bars of New Jersey and New York.

Phyllis Feinmark is Chief of the Water and General Law Branch in USEPA's Office of Regional Counsel in New York City. She concentrates her practice in the fields of wetlands law and regulation, dredge material disposal, and NPDES compliance and counseling. For over thirty years, Ms. Feinmark has worked extensively in the field of wetland permitting and regulation in the New York/New Jersey area, and was instrumental in the EPA approval of the New Jersey-assumed wetlands program. Additionally, for more than twenty years, Ms. Feinmark has worked on dredge material disposal issues relating to the Port of New York and New Jersey, earning EPA's highest honor for her work on the de-designation of the Mud Dump Site and creation of the Historic Area Remediation Site. Before coming to EPA, Ms. Feinmark was employed for five years as an Assistant District Counsel at the US Army Corps of Engineers, New York District, where she worked primarily on wetlands regulation and enforcement. Prior to moving to the New York area, Ms. Feinmark resided in Sweden, where she was a research fellow in risk assessment at the Royal Swedish Academy of Sciences and an environmental consultant to the Swedish Department of Agriculture. She earned her J.D. with general honors from George Washington University National Law Center, and her B.A. with general honors from Johns Hopkins University. She is admitted to the bars of Maryland and the District of Columbia.

Ginger Kop'Kash graduated from Stockton University with a B.S. in Environmental Science in 1987. She is currently an Assistant Commissioner at the New Jersey Department of Environmental Protection overseeing Land Use Management. She has spent more than twenty-nine years working for the Department reviewing development applications and their potential impact on environmentally sensitive areas such as wetlands and floodplains. She was a manager for ten years at the Division of Land Use Regulation overseeing the Division's IT operations and managed the development of Division's on-line permitting system. She developed the State's Wetland Mitigation program heading the Department's Wetland Mitigation Unit for 15 years. She has lead the Department's Land Use Rule team, overseeing changes to the Flood Hazard Area Control Act, Coastal Zone Management and Freshwater Wetland Protection Act Rules. In her current position, she continues to steer the Department's processing of land use permits, the development of resiliency strategies for our coastal towns, the development of nature based solutions for stabilization of our shoreline and the State's Coastal Zone Management program.

Nathaniel Greene is the director of renewable energy at the Natural Resources Defense Council. He is responsible for coordinating NRDC's work on renewable fuels and power. Mr. Greene joined NRDC in 1992 after receiving his Bachelor of Arts Degree in Public Policy from Brown University. He worked two years before getting a Master of Science Degree in Energy Resources from University of California Berkeley and returned to NRDC in 1996. He has worked there since. He has particular expertise in clean energy technologies including wind, solar and biomass energy, fuel cells, combined heat and power and energy efficiency, and in regulations and policies to promote these technologies. For the last decade he has been focusing on assessing the sustainable potential of biofuels and biopower and developing policies to advance them.

Materials

Department of Defense and EPA, Definition of "Waters of the United States" – Addition of an Applicability Date to 2015 Clean Water Rule, 83 Fed.Reg. 5200 (February 8, 2018)
https://www.epa.gov/sites/production/files/2018-02/documents/2018-02429_0.pdf

New Jersey Department of Community Affairs, National Disaster Resilience Grant
<http://www.renewjerseystronger.org/communities/national-disaster-resilience-grant/>

Adaptation Clearinghouse, New Jersey Fostering Regional Adaptation Through Municipal Economic Scenarios (NJ FRAMES)
<http://www.adaptationclearinghouse.org/resources/new-jersey-fostering-regional-adaptation-through-municipal-economic-scenarios-nj-frames.html>

New York State Energy Research and Development Authority, New York State Offshore Wind Master Plan: Charting a Course to 2,400 Megawatts of Offshore Wind Energy
<https://www.nysed.gov/-/media/Files/Publications/Research/Biomass-Solar-Wind/Master-Plan/Offshore-Wind-Master-Plan.pdf>

Information Regarding New York CLE Credits:

Columbia Law School has been certified by the New York State Continuing Legal Education (CLE) Board as an Accredited Provider of CLE programs. Under New York State CLE regulations, this live transitional and non-transitional CLE Program will provide 7.5 credit hours that can be applied toward the Areas of Professional Practice requirement. This CLE credit is awarded only to New York attorneys for full attendance of the Program in its entirety. Attorneys attending only part of the program may be eligible for partial credit. Attendance is determined by an attorney's sign-in and sign-out, as shown in the Conference registers. On final sign-out, attorneys should also submit their completed Evaluation Form, provided at the Conference. Please note the NYS Certificates of Attendance will be sent to the email address as it appears in the register unless otherwise noted there.

New Jersey CLE Board approval is pending for this live program.