

ENVIRONMENTAL LAW & LITIGATION 101 FOR ELECTRIC UTILITIES

September 10, 2020
Online | Central Time

EUCI ONLINE COURSE

EUCI is pleased to offer this one-day course on our online interactive platform. Enjoy a valuable learning experience with a smaller impact on your time and at reduced cost. You will gain new knowledge, skills, and hands-on experience in just one day from the comfort of your remote location.



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OVERVIEW

This one-day course will offer a wide perspective on nine different environmental legal areas of interest for electric utilities. These topic areas affect a wide range of disciplines and personnel within a utility and will be a satisfying overview of up-to-date changes and status of rules affecting each topic area. The areas discussed as part of this course are: the Clean Air Act, Climate Change and Greenhouse Gas Regulation, Clean Water Act, National Environmental Policy Act and Endangered Species, Solid and Hazardous Waste Management, Spill and Release Notifications, Agency Enforcement, Environmental Tort Litigation and Environmental Citizen Suits, and Emergency Planning and Community Right to Know and Release Notification.

Those last three topics are of interest to individuals as they can impact all the other areas discussed. Agency enforcement will address the regulatory and statutory enforcement authority of EPA and DOJ of the various rules while the Tort Litigation and Citizen Suits will review what a utility should know in these situations and wrapping up the day, the Emergency Planning and Community Right to Know section covers what a utility needs to know in regards to the reporting and sharing of information regarding chemicals and toxic substances on their sites.

Attendees to this course will walk away with a better understanding of the issues and challenges within these nine environmental law areas as they apply to electric utilities and their operations.

LEARNING OUTCOMES

- Review the history and current components of the Clean Air Act
- Discuss greenhouse gas regulation in the United States and the correlation to climate change
- Detail the various components that make up the Clean Water Act and their effect on electricity production
- Review the updated Endangered Species Act and in-progress revisions to the National Environmental Policy Act
- Engage in a review of solid and hazardous waste management issues for utilities
- Cover in detail the spill and release reporting requirements for utilities under the Toxic Substances Control Act (TSCA)
- Address the regulatory and statutory enforcement authority of the EPA and DOJ in these matters
- Discuss claims insights and defense opportunities within Environmental Tort Litigation and Environmental Citizen Suits
- Review the scope of and critical information within the Emergency Planning and Community Right to Know (EPCRA)

IACET CREDITS



EUCI has been accredited as an Authorized Provider by the International Association for Continuing Education and Training (IACET). In obtaining this accreditation, EUCI has demonstrated that it complies with the AN-SI/IACET Standard which is recognized internationally as a standard of good practice. As a result of their Authorized Provider status, EUCI is authorized to offer IACET CEUs for its programs that qualify under the AN-SI/IACET Standard.

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INSTRUCTIONAL METHODS

Case Studies, PowerPoint presentations, and group discussion will be used in this event.

AGENDA

THURSDAY, SEPTEMBER 10, 2020 - CENTRAL TIME

9:00 – 9:15 am

Log In

9:15 – 10:05 am

Clean Air Act Overview

This presentation will review the most important requirements under the Clean Air Act and what utilities should know on a day-to-day basis. A detailed overview and status of the components will include Mercury and Air Toxic Standards (MATS), Clean Power Plant, Affordable Clean Energy and more.

Michael J. Nasi, Partner - Environmental & Legislative Practice Group, Jackson Walker L.L.P.

10:05 – 10:50 am

Climate Change and Greenhouse Gas Regulation (GHG)

This session will cover greenhouse gas regulation in the United States, including regulation under the Clean Air Act, state regulation, and efforts through the courts to force regulation. The session will cover relevant history, the current state of greenhouse gas regulation, and where we can expect to be headed in the future.

Allison Wood, Partner, McGuireWoods

10:50 – 11:00 am

Morning Break

11:00 – 11:45 am

Clean Water Act

This presentation will explain the various components that make up the Clean Water Act and what utilities should know. Topics covered will be: NPDES permitting, CWA section 401 certification, NWP 12 issues, ELGs, and Citizen Suits and enforcement issues.

Nash Long, Partner, Hunton Andrews Kurth LLP

11:45 am – 12:20 pm

National Environmental Policy Act and Endangered Species

This discussion will describe the key aspects of NEPA and the Endangered Species Act. The Endangered Species Act regulations were recently updated and revisions to the National Environmental Policy Act are underway, and this session will cover these changes and review the implications for utility projects and permitting. This session also will discuss recent court decisions relating to ESA and NEPA requirements for utility projects, and specifically pipeline.

Andrea W. Wortzel, Troutman Sanders

12:20 – 1:00 pm

Lunch Break

1:00 – 1:45 pm

Solid and Hazardous Waste Management

This discussion will cover a wide scope of topics within solid and hazardous waste management to include: scope of RCRA, differences from CERCLA, solid wastes, hazardous wastes, defining solid and hazardous wastes, requirements for hazardous waste management, treatment, storage and disposal requirements and RCRA citizen suits.

David Meezan, Partner, Kazmarek Mowrey Cloud Laseter

1:45 – 2:20 pm

TSCA Spill and Release Notifications

This presentation will cover spill and release reporting requirements for utilities under the Toxic Substances Control Act (TSCA). We will discuss what releases these requirements apply to, to what agencies the information should be reported, and what are some best practices in this area.

Rachel Roberts, Associate, Beveridge & Diamond PC

2:20 – 2:30 pm

Afternoon Break

AGENDA

THURSDAY, SEPTEMBER 10, 2020 - CENTRAL TIME (CONTINUED)

2:30 – 3:00 pm

Agency Enforcement: Law and Strategies

This discussion will be addressing the regulatory and statutory enforcement authority of U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ), the ability to request information and the related duties to respond, the various types of enforcement actions (administrative, civil, and criminal) and strategies in responding to each, and the fines and penalties associated with the enforcement authorities.

E. Blaine Rawson, Shareholder at Ray, Quinney & Nebeker

3:00 – 3:45 pm

Environmental Tort Litigation and Environmental Citizen Suits: Claims and Defenses

We will review and discuss an overview of civil litigation, torts, nuisance, negligence, trespass, strict liability, causation, experts, Citizen Suits, class actions and mass torts and damages and injunctive relief

Douglas A. Henderson, Partner, King & Spalding, LLP

3:45 – 4:20 pm

Emergency Planning and Community Right to Know (EPCRA) and Release Notification

This discussion will review the scope of EPCRA while covering the following topics: EPA notification requirements, release reporting and notification, 15-minute rule, EPCRA enforcement, state requirements, permit notifications and EPCRA best practices

Emily C. Gerhardt, Senior Counsel, Environmental Policy and Litigation, Southern Company

4:20 – 4:30 pm

Wrap Up

ONLINE COURSE DELIVERY & PARTICIPATION DETAILS

We will be using Microsoft Teams to facilitate your participation in the upcoming event. You do not need to have an existing Teams account in order to participate in the broadcast – the online course will play in your browser and you will have the option of using a microphone to speak with the room and ask questions, or type any questions in via the chat window and our online administrator will relay your question to the instructor.

- You will receive a meeting invitation which will include a link to join the meeting.
- Separate meeting invitations will be sent for the morning and afternoon sessions of the online course.
 - You will need to join the appropriate meeting at the appropriate time.
- If you are using a microphone, please ensure that it is muted until such time as you need to ask a question.
- The remote meeting connection will be open approximately 30 minutes before the start of the online course. We encourage you to connect as early as possible in case you experience any unforeseen problems.

REQUIREMENTS FOR SUCCESSFUL COMPLETION

You must be logged in for the entire presentation and send in the evaluation after the online course is completed.

COURSE RECORDING

A recording of this program will be available for three days from either the end of the program (or three days from the date of purchase, if you purchase the recording after the session ends). It is presented in four-hour sessions and can be watched an unlimited number of times for three days (for the registrant). There is no additional cost beyond the registration fee.

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SEPTEMBER 10, 2020: US \$795 (Single Connection)

PACK OF 5 CONNECTIONS: US \$3,575

PACK OF 10 CONNECTIONS: US \$5,965

Online Course Delivery & Participation Details

See page 4 for information

How did you hear about this event? (direct e-mail, colleague, speaker(s), etc.)

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CREDIT CARD INFORMATION

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Billing State

Exp. Date

Security Code (last 3 digits on the back of Visa and MC or 4 digits on front of AmEx)

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OR Enclosed is a check for \$ _____ to cover _____ registrations.

Substitutions & Cancellations

Your registration may be transferred to a member of your organization up to 24 hours in advance of the event. Cancellations must be received on or before July 17, 2020 in order to be refunded and will be subject to a US \$195.00 processing fee per registrant. No refunds will be made after this date. Cancellations received after this date will create a credit of the tuition (less processing fee) good toward any other EUCI event. This credit will be good for six months from the cancellation date. In the event of non-attendance, all registration fees will be forfeited. In case of course cancellation, EUCI's liability is limited to refund of the event registration fee only. For more information regarding administrative policies, such as complaints and refunds, please contact our offices. EUCI reserves the right to alter this program without prior notice.