Reorganizing the Practice: An Overview of a Busy Year

2016 Environment, Energy & Natural Resources Law Section Annual Meeting

LIVE • LIVE WEBCAST
Friday–Saturday, May 6-7, 2016
Renaissance Asheville Hotel, Asheville

CLE CREDIT: 6.5 Hours
Includes 1.0 Hour Substance Abuse/Mental Health

SUMMARY
On the heels of a major reorganization of the primary environmental agency in North Carolina, DEQ staff, private attorneys and environmental consultants present:

• A “State of the State” discussion (remotely led by Secretary Donald van der Vaart, N.C. Department of Environmental Quality)
• How House Bill 765 changed the risk-based remediation landscape in North Carolina
• Trends in measures and methodologies in proving real property damages
• Enforcement and defenses under wastewater permits
• An update of state and federal environmental developments
• Mental health presentation on compassion fatigue

The North Carolina Bar Association Foundation is accredited by the North Carolina State Bar as a provider of continuing legal education.
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2016 Environment, Energy & Natural Resources Law Section Annual Meeting
#455EVM and #455LWC | May 6-7, 2016

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Friday, May 6, 2016, 8:00a–12:00p

8:00a  Registration

8:40  Welcome and Introductions

8:45  State of the State Discussion
     Donald R. van der Vaart
     Secretary shares observations regarding key initiatives and issues at DEQ, which includes a chance for questions and discussion.

9:45  Wastewater Permits—Strict Liability, Force Majeure, Penalty Factors and Other Defenses
     Craig Bromby, H. Glenn Dunn and Daniel F. McLawhorn
     The panel discusses, among other things, the extent to which strict liability applies to spills and other unplanned releases from disposal systems, and how force majeure causes can be considered by DEQ in application of the eight factors applicable to civil penalties in light of the recent House of Raeford decision.

10:45  Break

11:00  Environmental Property Damages
     Richard E. Morton and Todd W. Billmire
     • Update in caselaw on trends in the measure of property damages
     • New methodologies for calculating real property damages being advanced by parties and their experts

12:00p  Adjourn
Saturday, May 7, 2016, 7:30a–12:30p

7:30a  **Family Breakfast**  
Open to all program participants and their families

8:30  **Expansion of Risk-Based Remediation Standards**  
**Robert R. Gelblum, Jay Osborne** and **Leonard C. Moretz**  
- Changes to make more Inactive Hazardous Sites eligible for risk-based remediation  
- Standards for releases from aboveground storage tanks and other sources  
- Impact of legislative changes on Brownfields program

10:00  **Break**

10:15  **Environment, Energy & Natural Resources Law Section Annual Meeting**  
**Theodore A. Feitshans**, North Carolina State University, Raleigh, presiding  
2015-2016 Section Chair

10:30  **State/Federal Caselaw and Legislative Update**  
**Daniel F. Smith** and **Matthew B. Tynan**  
- Update on other changes under House Bill 765 (2015) and other legislative/regulatory changes  
- Reorganization of DEQ  
- Case law update

11:30  **The Price We Pay as Professional Problem Solvers†**  
**Roger W. Rizk**  
A discussion that focuses on the condition of compassion fatigue, the brain science behind it, why and how lawyers may find themselves vulnerable to it, and how to mitigate it.

12:30p  **Adjourn**

†Indicates portion providing Substance Abuse/Mental Health credit

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**IN OUR BOOKSTORE NOW!**

**North Carolina Environmental Law Desk Manual**

**MANAGING EDITOR:** Grady L. Shields

Prepared by some of NC’s most recognized environmental practitioners, this resource provides a well-rounded foundation for the beginner and is also a useful reference tool for the experienced environmental practitioner. The manual addresses environmental laws relating to a wide range of hot topics, including:

- Agriculture/agribusiness
- Coastal regulation
- Air and energy
- Mining
- Waste and water
- Environmental impact statements
- NC Brownfields Program

For more information or to order, call the Bookstore at 800.228.3402 or visit www.ncbar.org/CLE and click on Publications.
Program Information

Planners
- Keith H. Johnson, Poyner Spruill LLP, Raleigh
- Ramona C. O’Bryant, Smith Moore Leatherwood LLP, Greensboro

Speakers
- Todd W. Billmire, Womble Carlyle Sandridge & Rice LLP, Charlotte
- Craig Bromby, Deputy General Counsel, Department of Environmental Quality, Raleigh
- H. Glenn Dunn, Poyner Spruill LLP, Raleigh
- Daniel F. McLawhorn, City of Raleigh City Attorney’s Office, Raleigh
- Leonard C. Moretz, Hart & Hickman PC, Raleigh
- Richard E. Morton, Womble Carlyle Sandridge & Rice LLP, Charlotte
- Jay L. Osborne, Assistant General Counsel, Department of Environmental Quality, Raleigh
- Roger W. Rizk, Ted A. Greve & Associates PA, Charlotte
- Daniel F. Smith, Brooks Pierce McLendon Humphrey & Leonard LLP, Greensboro
- Matthew B. Tynan, Brooks Pierce McLendon Humphrey & Leonard LLP, Greensboro
- Donald R. van der Vaart, Secretary, Department of Environmental Quality, Raleigh

Hotel Information
Contact hotel directly for reservations at the special NCBA room rate. Rates are based on availability and may sell out.

Renaissance Asheville Hotel
31 Woodfin Street, Asheville
Rate: $196
Reservations: 800.468.3571
Cut-off Date: April 8, 2016
Rate Code: North Carolina Bar Association

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“Good group of topics and speakers. Thanks for a great event!”

“The topics were timely and interesting.”

—Attendees, 2015 Environment, Energy & Natural Resources Section Annual Meeting