



Thursday, October 14, 2021

8 a.m. to 2:15 p.m. ET

Virtual Platform

Agenda

8 a.m. **Opening Session**

8:30 a.m. **Welcoming Remarks by Moderator**

– *Kevin Sunday, Director of Government Affairs, Pennsylvania Chamber of Business and Industry*

8:40 a.m. **Overview of SRBC Water Use Mitigation Grant Program**

- *John W. Balay, P.E., P.H., Manager, Planning & Operations, Susquehanna River Basin Commission*
- *Andrew J. Gavin, Deputy Executive Director, Susquehanna River Basin Commission*

- An overview of the Susquehanna River Basin Commission’s new Consumptive Use Mitigation Grant Program, which presents a unique opportunity to fund innovative water supply, water conservation and reuse, as well as water quality and environmental improvement projects undertaken by water users. This will help to offset consumptive water use and ensure the most efficient use of the basin’s water resources, especially when faced with drought conditions. Mitigation Rule insights will be highlighted.

9:15 a.m. **Navigating Net Zero Commitments**

- *Josh Ennis, PE, Assistant General Manager, National Fuel Gas Company*
- *Wendy Merz, Principal Consultant, Trinity Consultants*

- The growing shift toward “decarbonization” and “net-zero carbon commitment” has investors pressuring companies to develop a climate strategy as part of environmental, social, and governance (ESG) disclosure practices. The new Administration has re-committed the U.S. to the Paris Climate Agreement, and 24 states along with the District of Columbia have established economy-wide GHG emission reduction targets. We will discuss:
 - o Key drivers for companies to develop comprehensive GHG footprints and metrics
 - o Strategies to increase transparency in reporting and disclosure practices
 - o Tips to publicly commit GHG targets and net zero emissions aspirations
 - o Practical roadmap for quantifying Scope 1, 2 and 3 GHG emissions, as well as benchmarking emissions and establishing GHG reduction targets

10:15 a.m. **Break and Sponsor Showcase**

10:45 a.m. **Learning Tracks — Choose from the following two sessions:**

WATER ISSUES	RESIDUAL WASTE
<p>Hot Topics in Water Law: Regulatory Issues Affecting Permitting and Compliance</p> <ul style="list-style-type: none"> – <i>Lisa M. Brudery, Esq., Shareholder, Babst Calland</i> • We will discuss recent key federal and Pennsylvania water law developments that will affect regulatory permitting and compliance. • Latest definition of “water of the United States,” industrial stormwater compliance, drinking water and spill prevention and response 	<p>Residual Waste Compliance Strategies</p> <ul style="list-style-type: none"> – <i>Robert Burns Jr, Shareholder, Buchanan Ingersoll & Rooney, P.C.</i> • Unique to Pennsylvania, complying with the Residual Waste Law is one of the most confusing environmental laws for PA companies to understand • Definitions of waste, beneficial use and what types of companies must comply, including a review of permits

<ul style="list-style-type: none"> • Updates on case law and guidance regarding discharges to groundwater that reach surface water, as well as new water-related federal and state guidance. 	<ul style="list-style-type: none"> • Recordkeeping requirements including Forms 25R and 26R • Strategies to store, process, transport and dispose of residual waste • Brief update on the Clean Fill compliance
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11:45 a.m. **Lunch and Sponsor Showcase**

12:15 p.m. **Learning Tracks — Choose from the following two sessions:**

WATER ISSUES	CONSTRUCTION PERMITTING
<p>Wetland and Aquatic Resource Permitting Regulations</p> <ul style="list-style-type: none"> – <i>Todd D. Kantorczyk, Partner, Manko Gold Katcher Fox LLP</i> – <i>Diana A. Silva, Partner, Manko Gold Katcher Fox LLP</i> • On December 5, 2020, the Environmental Quality Board published a proposed rulemaking to amend the PA DEP’s Chapter 105 regulations, which are the Commonwealth’s wetland and aquatic resource permitting regulations. These are the most substantive revisions to Chapter 105 in 30 years. • Many of the proposed changes will place additional requirements on obtaining the necessary approvals for affected activities. • In addition, a primary wetland permitting vehicle used to obtain approvals under the federal Clean Water Act and the 105 program was set to change on July 1, 2021. Also, the United States Army Corps of Engineers recently announced modification and reissuance of 12 nationwide permits, plus the issuance of four new general permits • The speaker will review all of these sweeping changes, and provide insights for companies to understand which activities will impact wetland and streams such as real estate development and linear projects including pipelines and roads, how to receive the necessary approvals, as well as the enforcement in this area. 	<p>Environmental Permitting for Construction and Warehouse Development Projects: Tips for Avoiding Regulatory Pitfalls and Obtaining Timely Permits</p> <ul style="list-style-type: none"> – <i>John Dixon, Attorney, Saul Ewing Arnstein & Lehr</i> • Warehousing development and construction projects have boomed throughout PA in the last decade, largely driven by the growth of e-commerce. • Complex environmental regulations create uncertainty for businesses. Environmental permitting pitfalls and communication issues with regulatory agencies can quickly take the “wind out of the sails” of project development. • We will discuss issues relating to warehouse development and general construction projects, provide tips for navigating legal obligations and permitting compliance associated with these projects.

1:15 p.m. **Break and Sponsor Showcase**

1:30 p.m. **The Inspector is Not Your Friend; What to Expect When the Inspector Calls**

- *Scott Dismukes, Member, Co-Chair — Energy Group, Eckert Seamans*
- *Michelle Skjoldal, Member, Eckert Seamans*
- Inspections continued throughout the pandemic, and now that mandatory pandemic requirements are lifted, we anticipate that inspections will be rapidly increased. We will discuss:
 - o How, what and whom to train and prepare for environmental inspections including virtual inspections
 - o How to manage and conduct the inspection
 - o How to prudently follow up on inspections in an effort to reduce the potential for an enforcement action or fine
 - o A brief discussion of case studies/stories of the consequences

2:15 p.m. **Adjourn**

About the Speakers



John W. Balay

John W. Balay is the Manager of the Planning and Operations Program at the Susquehanna River Basin Commission, headquartered in Harrisburg, PA. The SRBC is a federal-interstate compact commission charged with managing the water resources of the Susquehanna basin. In his capacity, Mr. Balay is responsible for overseeing a variety of water resources planning and management initiatives including flood coordination & mapping, drought monitoring and coordination, hydrologic modeling, consumptive use mitigation, water availability studies, and instream flow protection. Prior to joining the Commission in 2007, Mr. Balay worked for KCI Technologies, Inc., a private engineering consulting firm based in Hunt Valley, Maryland. At KCI, he conducted a variety of water resource investigations with a specialized focus on fluvial geomorphic assessments, hydrologic and hydraulic modeling, and natural channel design and construction projects. Mr. Balay graduated from Elizabethtown College in 1999 with a B.S. degree in Environmental Science, acquired a M.S. degree in Geoenvironmental Science from Shippensburg University in 2005, and received a M.S. degree in Water Resources and Environmental Engineering from Villanova University in 2015. Mr. Balay has been a certified Professional Hydrologist with the American Institute of Hydrology since 2010 and has been licensed as a Professional Engineer by the Commonwealth of Pennsylvania since 2017.



Andrew J. Gavin

Andrew J. Gavin was appointed Deputy Executive Director of the Susquehanna River Basin Commission following 14 years of service with the Commission. His primary responsibilities include oversight for the Commission's technical programs, including Monitoring and Protection, Planning and Operations, Compliance and Enforcement, and Project Review. Additionally, Mr. Gavin assists the Executive Director in the development and effectuation of plans, policies, and projects relating to the development, management, and conservation of the water resources of the SRBC. Prior to working for the Commission, he held positions with a U.S. Department of Energy research consortium and the U.S. Geological Survey. Mr. Gavin holds a M.S. from Northern Arizona University in Geology and a B.A. from The College of Wooster in Geology.



Wendy Merz

Wendy Merz is a principal consultant with Trinity Consultants in Philadelphia. She has 21 years of environmental consulting experience focusing in air quality and has worked across a broad range of industrial sectors. In the past year, she has worked with several clients in energy-intensive sectors develop GHG reduction targets. Ms. Merz has a B.S. in Chemical Engineering from Lehigh University and a M.S. in Environmental Engineering from University of Cincinnati.



Lisa M. Bruderly, Esq.

Lisa M. Bruderly is a Shareholder and Chair of Babst Calland's nationally-recognized Environmental Section. For more than 20 years, she has focused her legal practice on assisting clients with water law issues pertaining to NPDES permitting, wastewater, stormwater, streams/wetlands, drinking water and spill prevention and response. Prior to law school, she graduated from Penn State with a B.S. in Environmental Resource Management and worked as an environmental consultant for three years, and as an in-house Environmental Auditor/Project Manager for a natural gas transmission company for six years.



John R. Dixon

John Dixon is an Attorney with the law firm of Saul Ewing Arnstein & Lehr LLP, where he represents clients in matters involving environmental regulation and litigation, including government enforcement proceedings. Mr. Dixon helps clients navigate state and federal environmental laws in order to obtain and defend environmental permits for their projects. His understanding of the compliance challenges clients face is informed by his former role as Assistant Counsel to the Pennsylvania Department of Environmental Protection and the Pennsylvania Environmental Hearing Board. Immediately prior to joining Saul Ewing Arnstein & Lehr, Mr. Dixon was Assistant Counsel with DEP's Southcentral Regional Office. While there, he was responsible for counseling several DEP programs and also represented the agency in proceedings before the EHB, Commonwealth Court, and Courts of Common Pleas.



Robert Burns, Jr.

Robert Burns, Jr. is a shareholder with the law firm of Buchanan Ingersoll & Rooney, P.C., where he is a member of the firm's Energy, Environmental and Natural Resources Section. He focuses his practice on environmental law and its intersections with coal, oil and gas, and other natural resources, development and construction, lending and other commercial transactions, environmental compliance and remediation, and litigation. As part of his energy practice, he has advised coal mining companies regarding their leasing programs, various transactions, as well as challenges to their environmental permits and leases under state laws and regulations and under the National Environmental Policy Act. He regularly advises clients regarding environmental permitting and regulatory requirements, as well as environmental risks and disputes. He has also worked extensively with lenders to the oil and gas and coal industries, addressing real estate and environmental matters. Mr. Burns earned a B.S. in aerospace engineering and a B.A. in English from the Virginia Polytechnic Institute and State University in 1991. He received a M.S. in Environmental Engineering from Marshall University in 2000, a J.D. from the West Virginia University College of Law in 1994, and is certified as an accredited professional under the Leadership in Energy and Environmental Design standard issued by the U.S. Green Building Council.



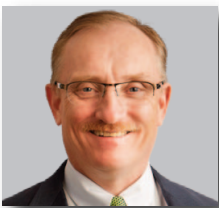
Todd D. Kantorczyk

Todd Kantorczyk is a Partner with the environmental law firm of Manko Gold Katcher and Fox LLP. He has extensive experience advising clients on complex issues related to regulatory compliance, litigation, and transactional matters, particularly in the areas of wetlands and stormwater permitting, chemical regulation, air, climate change, and energy. Mr. Kantorczyk's practice has included matters related to chemical regulation under the Toxic Substances Control Act, as well as natural gas production in the Marcellus Shale Region and associated infrastructure development, including cutting-edge issues affecting the regulation of upstream and midstream natural gas operations under federal and state air quality and water resource programs. He serves as the firm's liaison to the Marcellus Shale Coalition and is an active participant in that group's Air Quality subcommittee. Mr. Kantorczyk has frequently lectured and written on issues related to wetlands and stormwater permitting, evolving chemical regulation, natural gas production, climate change and air related issues for *The Legal Intelligence*, the Pennsylvania Bar Institute, the Philadelphia Lawyer, and other publications and organizations.



Diana A. Silva

Diana Silva is a Partner with the environmental law firm of Manko Gold Katcher and Fox LLP where she concentrates her practice in environmental litigation, including statutory contribution and cost recovery actions, toxic tort claims, contractual disputes, and administrative enforcement actions. She also counsels clients on environmental regulatory compliance matters, as well as permitting related to land development issues. A *Magna Cum Laude* graduate of Drexel University's Thomas R. Kline School of Law, she served as a teaching assistant for Civil Procedure and the Academic Skills program. She was also a member of the *Drexel Law Review*, publishing an article regarding land banking and urban redevelopment issues. She returned to Drexel as an adjunct professor where she currently teaches Toxic Torts Litigation. Ms. Silva is a founding member of Drexel University's Thomas R. Kline School of Law Inn of Court, serving as the Inn's treasurer. During law school, Ms. Silva participated in Drexel's co-op program and worked in Exelon's legal department, a leading national energy company and the parent of multiple local electric utilities, including southeastern Pennsylvania's PECO. She is fluent in Spanish and Portuguese.



Scott R. Dismukes

Scott Dismukes is a Member of the law firm Eckert Seamans, where he has nearly 30 years of experience in environmental litigation and counseling. As co-chair of the firm's Energy Group and member of the Environmental Group, he provides litigation compliance and environmental business counseling to industrial, municipal, and manufacturing clients under all federal and numerous state environmental laws. He also provides non-utility regulatory counsel and defense for a number of energy and energy-related companies. Mr. Dismukes helps companies with strategic business planning as it relates to meeting their environmental obligations. He takes pleasure in working on some of the more complex matters in environmental law and the balance between science and law in his practice. He often works with national science and engineering experts to find creative, effective, and practical solutions to compliance and permitting challenges. He also has significant experience in oil and gas pipelines and environmental due diligence in support of mergers and acquisitions and has done extensive work on economic benefit and ability to pay issues. Previously, Mr. Dismukes was an assistant regional counsel for the U.S. Environmental Protection Agency, Region V, where he conducted enforcement actions pursuant to numerous federal regulatory agencies



Michelle Skjoldal

Michelle Skjoldal is a Member of the law firm Eckert Seamans, where she represents a variety of clients facing environmental and energy related enforcement, compliance, and litigation matters, and delivers valuable client counseling on regulatory issues and due diligence in transactions. She has extensive experience negotiating permit conditions, advising clients on managing compliance risks, and negotiating with local, state, and federal agencies in enforcement matters. Ms. Skjoldal has represented developers and municipalities in litigation involving water permits and sewage facility planning; counseled corporations in environmental due diligence matters in real estate and corporate transactions involving multiple sites; and represented clients in self-implementing cleanups. She has handled matters across all environmental programs, including water, waste, air and land. At the state level, Ms. Skjoldal often represents clients in matters before the Pennsylvania Department of Environmental Protection, the Pennsylvania Public Utility Commission, the Delaware Department of Natural Resources and Environmental Control, and other state agencies. At the federal level, she has represented clients in matters before the United States Environmental Protection Agency, Federal Energy Regulatory Commission, National Highway Traffic Safety Administration and other regulatory agencies. Previously, Ms. Skjoldal was an environmental attorney at the Harrisburg office of a large Philadelphia-based law firm. Prior to that, Michelle served as an Assistant Attorney General within the Environmental Unit of the Delaware Department of Justice, representing DNREC in a variety of matters.

Josh Ennis, PE

Josh Ennis is the Assistant General Manager for the National Fuel Gas Company. He oversees the Environmental, Air Quality & GHG Programs for natural gas gathering, transmission & storage and distribution. His responsibilities include Federal and State permitting for new facilities and continual compliance for existing facilities, as well as corporate sustainability reporting and climate policy. He holds his Bachelor's degree in Environmental Systems Engineering from Penn State University and is a licensed Professional Engineer in Texas, New York and Pennsylvania.

Continuing Education Credits

PE and PG Credits

This program is eligible for **4 PDHs** under the State Board for Professional Engineers, Land Surveyors and Geologists. Registrants should keep a copy of their Certificate of Attendance and a sheet that will be distributed within one day of attending the conference that highlights the subjects covered, that they can submit to the Board.

CLE Credits

This program has been approved by the PA Continuing Legal Education Board for **4 hours of environmental law, practice and procedure CLE credits**. Attorneys will be asked to provide the PA Chamber with their Attorney # once they attend the program. The PA Chamber is an official provider of CLE credits and will submit these directly to the CLE Board.

COC Points

This program is eligible for **.25 COC points**, Category 6, as defined by the Board of Safety Professionals. Registrants should keep a copy of their Certificate of Attendance and a sheet that will be distributed within one day of attending the conference that highlights the subjects covered, that they then can submit to the Board.

IH CM Points

This program is eligible for **.50 Industrial Hygiene (IH) CM Points**, as defined by the American Board of Industrial Hygiene. Registrants should keep copies of their Certificate of Attendance and the agenda that they can submit to the Board.