

ENVIRONMENTAL LAW SECTION

SUBMITTED BY: Shawn N. Gallagher

Dear Mr. Blaner:

On behalf of the Environmental Law Section, below is a brief description of our Section's activities, programs and achievements for the past year and plans for the future year.

ACBA Environmental Law Section Scholarships. Every year our Section reaches out to the University of Pittsburgh and Duquesne University Law Schools for candidates for scholarships. We ask for three candidates from each school who have demonstrated excellence in the area of environmental law. We then visit the universities for interviews and select a student from each school who we believe is committed to the area of environmental law and has the potential to be an active member of the ACBA. We also invite all of the candidates and the two \$1,000.00 award winners to one of our programs to be recognized for their academic accomplishments.

ACBA Environmental Law Section Programs. Over the past year the Environmental Law Section planned and sponsored seven CLE programs. Two of the programs - *Green Building* and *Perspectives from the Trenches and Resources from the ABA* - were featured articles in the ACBA's *Lawyer's Journal*.

The following is a brief summary of the programs:

- *Green Building -Its future in the Pittsburgh Region Legal, Technical and Governmental Issues*, June 12, 2008.

The Pittsburgh Region has undergone a dramatic transformation from the Steel City to the Green City and is recognized as a national leader in the global green building movement. Please join us at the Heinz History Center for this special program as our distinguished panel provides a comprehensive overview of the legal, technical and governmental issues associated with green building. The speakers, panel discussions and topics include:

- Hon. Dan Onorato, Allegheny County Chief Executive, *Green Building and its Future in the Pittsburgh Region*
- Jeaneen Zappa, Assistant Executive Director of the Green Building Alliance of Western Pennsylvania, *Green Building and the LEED Certification Program*
Panel Discussion: *Green Building -Architectural Issues, Construction Issues & Legal Issues*
- Ernie Sota, Sota Construction Company, *Green Construction Issues*
- Robert Burns, Jr., Esq., Buchanan Ingersoll & Rooney, *Legal Issues in Construction Contracts*
- Kenneth Doyno, Rothschild Doyno Architects, *Architectural Issues and Challenges in Green Design*
Panel Discussion: *Role of Geology in Green Building Planning and Construction*
- David (Charlie) J. Wingerd, P.G., Senior Geologist, GeoEnvironmental Consortium
- Gregory Rademacher, P.G., C.W.S. Senior Geologist, GeoEnvironmental Consortium
- Cynthia J. Zuch, Staff Engineer, GeoEnvironmental Consortium
Panel Discussion: *Government Initiatives and the Role of Deconstruction and Reuse in Green Building*

- Daniel Sentz, City of Pittsburgh Planning Department, *the Role of the Planning Department and the City's recent ordinances*
- John Walliser, Vice President, Pennsylvania Environmental Council, *Current State and Federal Legislative initiatives*
- Mike Gable, Executive Director, Construction Junction, *Deconstruction & Reuse as part of Green Building*

This program also includes a tour of the History Center, a certified LEED Building, and a cocktail reception will follow.

This is a must see for attorneys, building owners, developers, constructors, planners, architects, engineers and governmental officials interested in Pittsburgh's green renaissance.

The *Green Building* program was our most successful of the year with over 70 registrations. We also had several significant sponsors for the program, which included: the Pennsylvania Council of Professional Geologists; US Steel Foundation (provided the space at the History Center); PBA Environmental, Mineral and Natural Resources Law Section; Schnader Harrison Segal & Lewis, LLP; Thorp Reed & Armstrong, LLP; Babst Calland Clements & Zomnir, PC; Civil & Environmental Consultants; and PBA Administrative Law Section.

- *Environmental Law Issues: Perspectives from the Trenches and Resources from the ABA*, April 21, 2008.

Please join the Environmental Law Section in welcoming Tommy Wells, the president-elect of the American Bar Association, to Pittsburgh on Monday, April 21, 2008. Although this session will give attention to certain environmental issues, Wells will also discuss important issues common to all attorneys and the goals of the ABA in the coming year. This is a special opportunity for members of the ACBA to learn more about what the ABA does and what it can do for them.

- *Regulating Stormwater and Litigating Stormwater Issues in Pennsylvania*, March 28, 2008.

Stormwater is at the top of the list of EPA's Office of Enforcement's national priorities for 2008-2010. Don't miss this important and informative presentation, as presenters Alexandra C. Chiaruttini, Stock and Leader, and Charney Regenstein of the Department of Environmental Protection provide a substantive overview of the law governing stormwater discharges in Pennsylvania. This session will review the variety of permits and approvals required for stormwater discharges, opportunities to challenge approvals, and common law claims that can be raised in relation to such discharges.

- *Environmental Law -Year In Review*, February 28, 2008.

Don't miss this important and informative presentation, *Environmental Law - Year In Review*, as presenters Ronald S. Cusano of Schnader Harrison Segal & Lewis LLP and Barbara J. Grabowski of the Department of Environmental Protection explore the significant state and federal developments in environmental law during the past 12 months. This is a must see for every attorney looking to keep current with the ever-evolving landscape of environmental law and related practice areas.

- *Wal-Mart & Kilbuck Township: A Case Study of the Environmental and Land Use Issues*, January 24, 2008.

The Wal-Mart site in Kilbuck Township has received much scrutiny from the time it was first proposed in the municipality of 700 residents to today where the aftermath of the development continues to close a portion of Route 65. This program will provide a unique combination of the environmental and land use issues, decisions and approvals associated with the Kilbuck Wal-Mart. Mary Martha Truschel from the Pennsylvania Department of Environmental Protection will review the environmental aspects of the development and what is currently being done to stabilize the site. Andrew Schwartz from Environmental Planning & Design will review the local land use approvals for the development, the inherent problems with the Township's land use decisions, and how proper land use planning could have avoided the problems created by the Kilbuck Wal-Mart.

The program was held in Thorn Reed & Armstrong's main conference room which was over capacity (100 people). Those who attended included attorneys from Wal-Mart, Kilbuck Township, Department of Environmental Protection and the objectors.

- *DEP Roundtable Discussion & Holiday Celebration*, December 6, 2007.

Please join the Environmental Law Section for its annual holiday celebration. Ken Bowman, Director of the Department of Environmental Protection's Southwest Regional Office, and Susan Shinkman, Chief Counsel for the Department of Environmental Protection, will share their insights into the agency's programs and policies and highlight the priorities and goals of the Department for the coming year. The program will be followed by a reception with refreshments and hors d'oeuvres.

- *E-Discovery in Environmental Cases*, November 15, 2007.

E-Discovery continues to be one of the hottest topics in litigation today. The federal rules amendments are approaching their first anniversary and new developments regularly appear. This session will present an overview of current issues in e-discovery and their application to environmental cases.

The overall financial success from our programs over the past year will enable our Section to continue our annual scholarship program and donation to Attorney's Against Hunger.

We have already met this Summer to discuss program topics for 2008-2009 and anticipate six to eight programs for the coming year.

Very truly yours,
Shawn N. Gallagher