

The New York Environmental Lawyer

A publication of the Environmental Law Section of the New York State Bar Association

Message from the Outgoing Chair

It is hard to believe that my term as Chair of the Environmental Law Section is over. Please join me in welcoming Carl Howard as the new Chair. Over the past year, the Section was involved in a variety of activities. Each one seemed to follow close on the heels of the last. It would not have been possible to have pulled them off without the efforts of Section members and NYSBA staff.



Philip H. Dixon

October 2011 saw a successful Fall Meeting, held in Saratoga Springs as a joint meeting with the Municipal Law Section. The program drew more than 135 regis-

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Message from the Incoming Chair

It is an honor and privilege to be the thirty-second Chair of this great Section. Thank you Phil Dixon for a smooth and instructive year (2011-2012) and thank you Arthur Savage, who got us started so well back in 1981. In fact, in my four years as an officer I have had the pleasure to work with truly outstanding Chairs; namely, Joan Leary Matthews, Alan Knauf, Barry Kogut and Phil. That is an all-star lineup. I am delighted to say that the officers who will serve with me, Kevin Reilly as Vice-Chair, Terresa Bakner as Treasurer, and Michael Lesser as Secretary, are all wonderfully dedicated to



Carl Howard

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trants. The Section's Program Co-Chairs, Ginny Robbins and Kevin Ryan, did a wonderful job coming up with exciting topics and speakers. The Section's dinner speaker on Saturday night was Michael Relyea, head of the Luther Forest Technology Campus, where Global Foundries is constructing a large chip-fab plant. The Saturday CLE program offered an update on SEQRA, an overview of new State ethics rules, and a review of recent developments in Marcellus Shale gas, green buildings and land use. On Sunday morning, there was a CLE program introducing the new endangered species regulations.

The Annual Meeting in New York City in January 2012 was also well-attended and Carl Howard and Mike Lesser did an admirable job as program co-chairs. DEC Commissioner Joe Martens was our luncheon speaker. As part of the Section's efforts over the past several years to attract younger attorneys to Section activities, the CLE programs for both the Fall Meeting and Annual Meeting were designed to provide significant overlapping credit to both newly admitted and experienced attorneys. The Friday morning CLE program included presentations on Marcellus Shale, Brownfields, climate change and ethics.

At the 2012 Annual Meeting the Section gave its annual Section award posthumously to Constantine Sidamon-Eristoff, who was a friend and mentor to many in the Section over the years, and who passed away last December. The Section also volunteered to take part in implementing an environmental award program in the Republic of Georgia, Connie's ancestral home, in his name. Also recognized at the Annual Meeting was the Section's Brownfields Task Force, ably and energetically chaired by Dave Freeman and Larry Schnapf. The Task Force, which developed a detailed report suggesting a number of changes to improve the effectiveness of the State's Brownfield Cleanup Program, was awarded the annual Section Council Award for its contributions. Continuing a trend begun by my predecessor, Barry Kogut, the Section held its annual business meeting and reception on Thursday night, immediately after the EPA update program, rather than during the Friday luncheon. This change appears to have worked well, and resulted in a less frenetic atmosphere at the Friday luncheon.

The Section's annual Legislative Forum in May 2012 was also a success, with Legislation Committee Co-Chairs Jeff Brown, Mike Lesser, Andrew Wilson and John Parker arranging a program covering topics including environmental enforcement, legislative initiatives and budget impacts. We were also pleased to have as our luncheon

speaker Robert Hallman, Deputy Secretary to the Governor for Energy and the Environment, who shared with us an overview of his office and important issues confronting the State. The Section also undertook other programs in 2012, such as the annual petroleum spills symposium.

In addition to our programs, the Section took part in the "Diversity Challenge" initiated by then-NYSBA President Vince Doyle. We designated the Co-Chairs of the Section's Membership Committee, Rob Stout and Jason Kaplan, as co-coordinators of our Section's response to the Initiative, which was honored as one of ten first-place "Diversity Champions." The Section's commitment goes back two decades, when the Section began co-sponsoring a fellowship program for minority law students to spend summers working for government agencies or public interest organizations. At the 2012 Annual Meeting, we awarded two such fellowships for the summer of 2012, to Rosemary "Rosie" Ortiona of Hofstra Law School and Sanjeevani "Sunny" Joshi of Albany Law School. Rosie worked at EPA, Region II, and Sunny worked at DEC in Albany over the summer. As part of its continuing efforts, we also designated two former Section Chairs—Joan Leary Matthews and John Greenthal—to participate in the monthly Section Cabinet conference calls as diversity advisors to help ensure that the Section's efforts in setting up programs or policies maximized our efforts to achieve diversity.

With respect to our Section, it is also important to foster diversity of interests and to bolster active participation in Section activities by attorneys for government agencies and public interest organizations. In this regard, over the past several years various ethical guidelines and restrictions have been imposed on State employees that make their participation in Section events more difficult. It will be a continuing effort to bring more rationality to this issue.

All of these activities could not have been carried off without the hard work of the various program co-chairs and the wonderful Section Cabinet that I had the pleasure to work with over my term: Carl Howard, Treasurer Kevin Reilly, Secretary Teresa Bakner, Section Delegate to the House of Delegates Howard Tollin, Section Council representative Miriam Villani, and John Greenthal and Joan Leary Matthews. And, as always, the assistance of Lisa Bataille and Kathy Plog at NYSBA was invaluable. Carl is already off to an energetic start, and I'm sure the coming year will see many quality programs and activities.

Phil Dixon