

STATE BAR OF MICHIGAN SECTION ANNUAL REPORT

Bar Year: 2011-12

Section Name: Environmental Law Section

Mission Statement: The Environmental Law Section of the State Bar of Michigan provides education, information, and analysis about issues of concern through meetings, seminars, our website, public service programs, and publication of the Michigan Environmental Law Journal. Membership in the Section is open to all members of the State Bar of Michigan and to law students. Statements made on behalf of the Section do not necessarily reflect the views of the State Bar of Michigan.

Officers and Council Members:

Officer	Name	Address	Telephone	Email
Chair	Anna M. Maiuri, P48100	840 W. Long Lake Road Suite 200 Troy, MI 48098	(248)267-3260	maiuri@millercafield.com
Chair-Elect	Dustin P. Ordway, P33213	300 Ottawa Avenue, N.W. Grand Rapids, MI 49503	(616)451-2177	dpordway@ordwaylawfirm.com
Secretary	Kurt M. Brauer, P54061	2000 Town Center, Ste. 2700 Southfield, MI 48075-1318	(248)784-5182	kbrauer@wnj.com
Treasurer	Kurt M. Brauer, P54061	2000 Town Center, Ste. 2700 Southfield, MI 48075-1318	(248)784-5182	kbrauer@wnj.com

Member	Term	Member	Term
Ernest P. Chiodo, P40557	2012	Rebecca J. Dukes, P64456	2014
George F. Curran, III, P31328	2012	Rodger A. Kershner, P26049	2014
Jeffrey K. Haynes, P25140	2012	Steven C. Kohl, P28179	2014
Kurt A. Kissling, P61937	2012	AnnMarie B. Sanford, P44166	2014
James K. O'Brien, P27794	2012	William R. Schikora, P53862	2014
Courtney E. Goldberg, P46921	2013		
Sara R. Gosman, P66907	2013		
R. Craig Hupp, P36254	2013		
Robert P. Reichel, P31878	2013		
Scott J. Steiner, P42490	2013		

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Council Meeting Schedule:

Please attach any additional information needed regarding Council meetings as an addendum.

Meeting Type	Date	Location
Council Meeting and Annual Meeting	September 15, 2011	Dearborn, MI
Council Meeting	November 10, 2011	Lansing, MI
Council Meeting	January 25, 2012	Lansing, MI
Council Meeting	April 18, 2012	Lansing, MI
Council Annual Meeting	September 20, 2012	Grand Rapids, MI

General Budget Information: As of April 30, 2012, the Section has an ending Fund Balance of \$67,173.83. Budget expenses seem to be in line for this point in the year.

Events and/or Seminars:

Please attach any additional information needed regarding events and/or seminars as an addendum.

Event or Seminar Title	Date	Location
New Member – Law School Mixer	September 22, 2011	Detroit, MI
ELS 30 th Anniversary New Member – Law School Mixer	October 6, 2011 October 20, 2011	E. Lansing, MI E. Lansing, MI
ELS and AWMA Annual Fall Conference	November 10, 2011	Lansing, MI
Review of Collaborative Stakeholder Initiative (CSI) Program	February 2, 2012	Conference Call
New Member – Law School Mixer	February 9, 2012	Grand Rapids, MI
Siting Renewable Energy Projects	February 28, 2012	Webinar
The Evolving Environmental Regulatory Landscape	May 16, 2012	Lansing, MI
CSI, GSI and Part 201 Updates	May 21, 2012	Webinar
Mold: Law, Medicine and Science	May 21, 2012 May 25, 2012	St. Clair Shores, MI Chicago, IL

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Summer Program	August 2012	Detroit, MI
Annual Meeting and Program	September 20, 2012	Grand Rapids, MI

Legislative issues: Many members have been instrumental in the Department of Environmental Quality's Collaborative Stakeholder Initiative process this year. This process is also resulting in various legislative amendments to Part 201 which are expected to be enacted summer/fall of this year.

Recommendations for next Council: Continued focus on growth and diversity of Section membership is of critical importance. Continued outreach through multiple media adds value for existing members and encourages new members. Continue Vice-Chair initiative to secure more stable committee leadership with a focus on effective transitioning from committee members to leadership.

Other Information: This year the section celebrated its 30th Anniversary with a retrospective program, dinner and entertainment. Approximately 100 members were in attendance to commemorate the event. The section has also enjoyed an influx of excellent articles for publication in the Environmental Law Journal as well as made significant strides in completing the Environmental Law Deskbook.

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STATE BAR OF MICHIGAN ANNUAL REPORT ADDITIONAL MATERIALS

SECTION NAME: Have there been any changes in the section name? Details provided may be interesting to the public and other readers.

There have been no changes to the section name.

SECTION MISSION STATEMENT: A Sections' mission statement is a critical description of the goals the Section sets for the whole of its' membership. Including the statement in an Annual Report serves as a yardstick by which to measure progress.

See above.

OFFICERS AND COUNCIL MEMBERS: Including P#s accurately identifies officers and the council.

See above.

SECTION COMMITTEES: Descriptions of the various committees provides a clearer picture of a section's work, especially if the name of the chairperson and description of Committee activities are included. Including meeting schedules allows potential future volunteers for Committee work to better understand the frequency with which the committee meets.

THE AIR COMMITTEE OF THE ENVIRONMENTAL LAW SECTION IS COMPOSED OF ATTORNEYS WHO PRACTICE IN, OR ARE INTERESTED IN, FEDERAL, STATE, AND LOCAL AIR POLLUTION CONTROL LAWS. AIR LAWS INVOLVE SIGNIFICANT ISSUES FOR BUSINESS AND ENVIRONMENTAL GROUPS IN MICHIGAN, WHILE THE LAWS, REGULATIONS, AND AGENCY INTERPRETATIONS OF THOSE LAWS ARE IN FLUX. THE AIR COMMITTEE MEETS QUARTERLY TO DISCUSS CURRENT TOPICS BEFORE EPA AND MDEQ, AS WELL AS AIR PERMITTING AND LEGAL ISSUES RELATIVE TO THE PRACTICE OF ENVIRONMENTAL LAW IN MICHIGAN. THE AIR COMMITTEE ALSO PRESENTS AIR ISSUE-RELATED SEMINARS, AND CONDUCTS SITE VISITS FOR AIR POLLUTION CONTROL PROJECTS. THE AIR COMMITTEE WELCOMES ANY ENVIRONMENTAL LAW SECTION MEMBER INTERESTED IN AIR ISSUES, AND MAINTAINS AN E-MAIL LIST TO NOTIFY MEMBERS OF MEETINGS AND EVENTS.

THE ENVIRONMENTAL LITIGATION COMMITTEE IS RESPONSIBLE FOR LEGAL ISSUES THAT RELATE TO ENVIRONMENTAL DISPUTES IN ADMINISTRATIVE, STATE, AND FEDERAL JURISDICTIONAL FORUMS. THE COMMITTEE PERIODICALLY ARRANGES PROGRAMS ON THESE TOPICS. THE ENVIRONMENTAL LITIGATION COMMITTEE WELCOMES ANY ENVIRONMENTAL LAW SECTION MEMBER INTERESTED IN THE FOREGOING ISSUES AND MAINTAINS AN E-MAIL LIST TO NOTIFY MEMBERS OF MEETINGS AND EVENTS.

THE HAZARDOUS SUBSTANCES COMMITTEE IS RESPONSIBLE FOR LEGAL ISSUES THAT RELATE TO THE TREATMENT, STORAGE, DISPOSAL, AND REMEDIATION OF HAZARDOUS SUBSTANCES (INCLUDING HAZARDOUS WASTES) UNDER BOTH FEDERAL AND STATE LAW, INCLUDING CERCLA, RCRA SUBTITLE C, AND PARTS 111 AND 201 OF NREPA. IT IS ALSO RESPONSIBLE FOR THE TOPICS OF LIABILITY UNDER THOSE STATUTES FOR INJUNCTIVE RELIEF, RECOVERY OF RESPONSE COSTS AND NATURAL RESOURCE DAMAGES, RELATED CONTRIBUTION ACTIONS, AND ASSOCIATED CLAIMS FOR INSURANCE COVERAGE. FINALLY, IT IS RESPONSIBLE FOR THE TOPIC OF MANAGING TRANSACTIONS THAT ARE COMPLICATED BY THE REAL OR POTENTIAL PRESENCE OF HAZARDOUS SUBSTANCES BY ENVIRONMENTAL INVESTIGATIONS,

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BASELINE ENVIRONMENTAL ASSESSMENTS AND RELATED MECHANISMS, ENVIRONMENTAL INSURANCE, AND INCENTIVES FOR BROWNFIELD RE-DEVELOPMENT. THE HAZARDOUS SUBSTANCES COMMITTEE WELCOMES ANY ENVIRONMENTAL LAW SECTION MEMBER INTERESTED IN THE FOREGOING ISSUES AND MAINTAINS AN E-MAIL LIST TO NOTIFY MEMBERS OF MEETINGS AND EVENTS.

THE JOURNAL COMMITTEE PUBLISHES A QUARTERLY ELECTRONIC NEWSLETTER THAT INCLUDES SCHOLARLY ARTICLES ABOUT ENVIRONMENTAL ISSUES, AS WELL AS INFORMATION ABOUT SECTION ACTIVITIES AND EVENTS, IMPORTANT DECISIONS BY MICHIGAN AND FEDERAL COURTS IN ENVIRONMENTAL CASES, AND NEW MICHIGAN ENVIRONMENTAL REGULATIONS AND LEGISLATION. THE COMMITTEE INCREASES THE LEVEL OF INTEREST IN ENVIRONMENTAL LAW BY SPONSORING AN ANNUAL WRITING COMPETITION AMONG LAW STUDENTS AT ALL CANADIAN AND U.S. LAW SCHOOLS. WINNERS OF THE WRITING COMPETITION RECEIVE GENEROUS CASH AWARDS AND HAVE THEIR ARTICLES PUBLISHED IN THE SECTION'S MICHIGAN ENVIRONMENTAL LAW JOURNAL.

THE MEMBERSHIP COMMITTEE MISSION IS TO: (1) ASSIST THE SECTION AND EACH OF THE OTHER COMMITTEES IN THEIR RESPECTIVE FUNCTIONS BY PROVIDING USEFUL INFORMATION ABOUT THE MEMBERSHIP OF THE SECTION AND ITS NEEDS AND INTERESTS; (2) INCREASE SECTION MEMBERSHIP; AND (3) PROMOTE RACE/ETHNIC AND GENDER DIVERSITY IN THE MEMBERSHIP AND LEADERSHIP OF THE SECTION. THE MEMBERSHIP COMMITTEE ENCOURAGES ANY INTERESTED ENVIRONMENTAL LAW SECTION MEMBERS TO JOIN THIS COMMITTEE OR ATTEND THE NEXT MEETING.

THE PROGRAM COMMITTEE PLANS EDUCATIONAL PROGRAMS FOR THE BENEFIT OF SECTION MEMBERS. THE COMMITTEE MEETS MONTHLY BY PHONE FOR ABOUT AN HOUR TO DISCUSS THE NEEDS AND INTERESTS OF THE MEMBERS. THE PROGRAMS ARE DESIGNED TO PROVIDE MEMBERS WITH INFORMATION ON IMPORTANT NEW DEVELOPMENTS AND OPPORTUNITIES FOR SOCIALIZING AND NETWORKING WITH OTHER SECTION MEMBERS.

THE LENGTH AND CONTENT OF PROGRAMS VARY WIDELY, FROM INFORMAL LUNCH ROUNDTABLES COVERING ONE TOPIC TO MULTIPLE DAY SEMINARS THAT COVER NUMEROUS TOPICS. THE COMMITTEE SELECTS DATES, LOCATIONS, AND GENERAL THEMES FOR THE PROGRAMS, AND ONE OR TWO COMMITTEE MEMBERS WILL CHAIR OR CO-CHAIR THE PROGRAMS. THE CHAIR/CO-CHAIRS ARRANGE FOR SPEAKERS AND OTHER DETAILS OF THE PROGRAMS. CERTAIN PROGRAM COMMITTEE MEMBERS ALSO FUNCTION AS LIAISONS TO THE SUBJECT MATTER COMMITTEES TO FACILITATE PROGRAMMING FOR THOSE COMMITTEES. THIS YEAR THE COMMITTEE HAS INTRODUCED WEBINARS AS ONE OF ITS PROGRAMMING METHODS.

IN SHORT, THE PROGRAM COMMITTEE PROVIDES OPPORTUNITIES FOR MEMBERS TO BE KEPT INFORMED ON IMPORTANT NEW DEVELOPMENTS IN THE ENVIRONMENTAL LEGAL LANDSCAPE. PLANNING THOSE OPPORTUNITIES IS AN EFFECTIVE AND FUN WAY TO PARTICIPATE IN SECTION ACTIVITIES.

THE PROGRAM COMMITTEE WELCOMES ANY ENVIRONMENTAL LAW SECTION MEMBER INTERESTED IN KEEPING SECTION MEMBERS UP TO DATE ON CURRENT EVENTS AND MAINTAINS AN E-MAIL LIST TO NOTIFY MEMBERS OF MEETINGS AND EVENTS.

THE TECHNOLOGY COMMITTEE SUPPORTS THE SECTION'S USE OF BAR-PROVIDED RESOURCES SUCH AS THE LIST SERVE AND THE WEBSITE, AND INVESTIGATES, DEVELOPS, AND SUPPORTS THE USE OF NEWER COMMUNICATIONS TECHNOLOGIES AS SUGGESTED BY THE SECTION. THE TECHNOLOGY COMMITTEE ALSO INVESTIGATES AND PREPARES PRESENTATIONS FOR THE SECTION ON NEW ENVIRONMENTAL TECHNOLOGIES.

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THE TECHNOLOGY COMMITTEE WELCOMES ANY ENVIRONMENTAL LAW SECTION MEMBER INTERESTED IN THE SECTION'S TECHNOLOGY RELATED ISSUES, AND MAINTAINS AN E-MAIL LIST TO NOTIFY MEMBERS OF MEETINGS AND EVENTS.

THE WATER COMMITTEE TRACKS DEVELOPMENTS IN FEDERAL, STATE, AND LOCAL REGULATION OF DISCHARGES TO AND USE OF SURFACE WATER AND GROUNDWATER. THE COMMITTEE PERIODICALLY ARRANGES PROGRAMS IN WHICH EXPERTS IN WATER LAW DISCUSS IMPORTANT DEVELOPMENTS IN SURFACE WATER OR GROUNDWATER REGULATION. THESE PROGRAMS ALSO OFFER AN OPPORTUNITY FOR SECTION MEMBERS TO MEET AND BENEFIT FROM LEARNING ABOUT OTHER ATTORNEYS' EXPERIENCES IN WORKING ON WATER-RELATED MATTERS.

THE WATER COMMITTEE WELCOMES ANY ENVIRONMENTAL LAW SECTION MEMBER INTERESTED IN THE FOREGOING ISSUES AND MAINTAINS AN E-MAIL LIST TO NOTIFY MEMBERS OF MEETINGS AND EVENTS.

SECTION MEMBERSHIP: Section membership fluctuates from year to year. Tracking the membership numbers at a set time of year, such as the Annual Report Deadline, can provide a good picture of changes in the Section membership.

616 members as of 5/29/2012

SECTION BYLAWS: Awareness of Bylaws changes can be critical for understanding a Section's operation. Including the most recent revision date of the Bylaws will allow readers familiar with the Bylaws to ensure they have the most current version at hand. Additionally, if there are any forthcoming changes, this is a good opportunity to summarize plans briefly.

Visit www.michbar.org/environmental to obtain the most current version.

SECTION PUBLICATIONS: Some of the most frequent questions for Sections are in regard to publications the Section has produced. Providing a list including publication information for journals, newsletters and other publications creates a valuable resource.

The Section has published the second edition of the Michigan Environmental Law Deskbook, consistent with our educational mission and this valuable resource is available electronically and is being updated for the benefit of all interested readers. Similarly, our respected Environmental Law Journal is in electronic format and with renewed energies and talents has been published regularly during the Bar year. Both publications are available on our website.

MEETINGS, ACTIVITIES, AND SEMINARS: This is critical information for the Annual Report. Describing meetings, activities and seminars can be detailed, or brief. Suggestions for information to include are the date, location, and a minimum of one paragraph describing the event.

Current and past event information is available on our website. Events are shown above on the template.

SECTION LEGISLATURE AND POLICY: The Section's involvement in legislature, policy, or *amicus curiae* is a matter of great interest, many questions are asked regarding the Sections involvement in such. A brief description of any such involvement is requested, as this falls under the heading of section activities.

See above.

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AWARDS: Many Sections present awards, honors, or scholarships. The Annual Report is another opportunity to laud the recipients, as well as detail any awards presented to the Section itself. A description of the history of the award, or why the award is given, is useful.

The Environmental Law Section sponsors an annual environmental law essay contest open to students in U.S. and Canadian law schools. First place prize is \$2,000, second place is \$1,000 and third place is \$500.

FINANCIAL REPORT: Section finances vary from simple to complex. A brief statement of general budget information would be very appropriate to include in any Annual Report, or a reprinting of an annual Treasurer's report if the Section feel it is necessary.

[See above.](#)

OTHER INFORMATION: Because the Annual Report is often used as a resource for future planning, and is viewed by members of the public who may be considering membership in the Section, a brief description of future goals and activities is recommended. This may also serve as a recommendation to the next Council.

[See above.](#)

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