

Environmental Law Section Council  
Minutes  
June 16, 2007

Present at Higgs Lake: John Byl, Susan Topp, Lee Johnson, Kurt Brauer, Ernest Chiodo,  
John Tatum

On Phone: Chuck Barbieri, Dustin Ordway, Mike Caldwell, Matt Eugster, Anna Maiuri, Charles  
Denton, Scott Hubbard, Dennis Donohue

Meeting called to order at 10:00 a.m.

1. MINUTES:

The minutes of the February 3, 2007 meeting as corrected were approved.

2. SECRETARY-TREASURER'S REPORT:

Chuck Barbieri presented the Secretary-Treasurer's Report. He reported that Section's account as of this meeting had a balance of over \$49,000 based on the State Bar records.

3. STANDING COMMITTEE REPORTS:

A. Membership.

Report by Dustin Ordway. Ordway advised that he and his committee have made law school contacts with the idea of attracting law student membership. He was hopeful that additional contacts will trigger increased participation in the fall. Discussion focused on the topic of what fee should be charged for students who join the section. After additional discussion, the Council decided that no charge should be required for membership through the remainder of the Council's fiscal year. The Council may look at a bylaw change after researching whether other sections assess any charge for student members.

John Tatum then mentioned advancements in the Listserve, which may allow the Section to cut down on the costs of mailing and distributing the Michigan Environmental Law Journal.

B. Program Committee.

Susan Topp advised that 22 persons attended the program conducted at Higgins Lake on Friday, June 15, 2007. Persons in attendance heard a presentation on the Michigan Department of Environmental Quality's Part 201 Work Groups. Bob Wagner of the Department discussed the administration subcommittee's findings;

Barb VanDaly of the Department and John Byl discussed Brownfield subcommittee findings; Pat McKay of the Department discussed the findings of the Liability/Compliance subcommittee; and Sharon Newlon discussed the findings of the Complexity subcommittee. Bill Schikora provided an overview of the Uniform Environmental Covenants Act, which is being considered by the legislature.

Kurt Brauer indicated that planning is already underway for the September annual meeting, at which time the Program Committee hopes to have a program developed on climate change. Several suggestions were made for possible speakers. Topp suggested that part of the program be focused on the trading of credits which is one of the likely ways climate change will be addressed.

C. Michigan Environmental Law Journal.

Lee Johnson reported that he now has enough articles and that he intends to issue another version of the Law Journal next month. He also indicated that planning is underway for the succeeding issue.

D. Technology.

In addition to the discussion that occurred regarding the Listserve during the membership committee report, Tatum reported that a new website for the section should be complete by July 1. He indicated that the new website would have a Google search function that would allow persons to search for topics found in ethics opinions, bar journal articles, and e-journal articles. He also reported on the development of an electronic directory. Tatum expressed the hope that these new developments will make distribution of the desk book and state of law summaries easier to accomplish. Tatum advised the group that the old Act 307/Superfund Library at Wayne State University, which was previously established by this Section, has had little current use and that the University Library proposed to "recycle" these materials. Charles Denton offered during this discussion to circulate the index to the Section listserv to see if there is any interest in retaining portions of that collection. Tatum agreed to find an accession list and to send it to Denton for circulation.

E. Desk Book Committee.

Although no report was offered, John Byl encouraged the authors of various chapters to submit them to Jeff Haynes as soon as possible.

4. SUBJECT MATTER COMMITTEE REPORTS:

A. Air.

Lee Johnson discussed the February 2007 program held at the Cooley Law School at which time Massachusetts v EPA and Environmental Defense Fund v Duke Energy Corp were summarized and critiqued by an expert panel. The Supreme Court later issued decisions in both matters.

B. Environmental Litigation and Administration Practice.

Ernest Chiodo reported that this Committee has conducted a series of presentations on various chemicals and their hazards in Detroit and Grand Rapids. He indicated that members of the Michigan Industrial Hygiene Association have participated in these meetings. Chiodo said that the Committee is exploring the possibility of coordinating future programs with the Illinois Bar Association or Chicago Bar Association. He also indicated that they would consider the opportunity to invite other sections in the future.

C. Hazardous Substances and Brownfields.

Denton informed the Council that the Hazardous Substances and Brownfield Committee met to review the progress of the Part 201 subcommittees that were organized by the MDEQ to consider Part 201 reforms. He also indicated that the group had a discussion on Uniform Environmental Covenants Act.

D. Natural Resources.

No report was offered.

E. Water.

Dennis Donohue indicated that the Committee over the past year had discussed water withdrawal issues and expected to focus on that topic again in the fall. He also predicted that any future program will cover the development of the Groundwater Advisory Council.

5. LIAISON REPORTS.

A. Real Estate Section.

No report was offered.

6. CHAIRPERSON'S REPORT.

A. Nominating Committee Report.

Byl offered an overview of the Nominating Committee Report which is attached to these minutes. After discussion, the group approved the Nominating Committee Report. The Section's meeting during the Annual Bar session will be in Grand Rapids on September 27, 2007, at 2 p.m. in the DeVos Place.

B. Law Practice Economics Survey.

Byl asked Topp, who participated in a recent conference call regarding the State Bar's Law Practice Economic Survey, to provide a report on this topic. Topp reported that the survey would be conducted by the bar association and that a draft of the survey has been circulated. She invited persons to share comments with her about the draft survey.

7. VICE-CHAIRPERSON'S REPORT.

No further report was provided.

8. NEW BUSINESS.

None.

9. OLD BUSINESS.

None.

Meeting adjourned at approximately 11:20 a.m.