
32nd ANNUAL TEXAS ENVIRONMENTAL SUPERCONFERENCE*

“Hindsight is 2020”



**Thursday-Friday, August 6-7, 2020
11 AM to 1:30 PM**

PRESENTED BY:

Environmental and Natural Resources Law Section of the State Bar of Texas

Air & Waste Management Association, Southwest Section
Water Environment Association of Texas
American Bar Association Section of Environment, Energy & Resources

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*The First—and hopefully the Last—Virtual Texas Environmental Superconference.

Registration is at <https://www.texenrls.org/> Registration is \$75; \$50 for ENRLS members and students.

The conference has been approved by the State Bar Committee on MCLE for 4.0 total credit hours, of which 1.0 credit hour will apply to legal ethics/professional responsibility credit. The conference has also been approved by the Texas Board of Legal Specialization for 4 credit hours for lawyers and legal assistants in the following specialty fields: Administrative Law; Civil Trial Law; Civil Appellate law; Oil, Gas and Mineral Law; and Real Estate Law.

THURSDAY AUGUST 6, 2020

10:45 am to 11:00 am	GATHERING	
11:00 am to 11:10 am	OPENING REMARKS “Long time no see”	Jeff Civins, <i>Texas Environmental Superconference</i>
11:10 am to 12:10 pm	ETHICS: ENVIRONMENTAL ISSUES AND THE PUBLIC – “I can see clearly now”	Moderator: Tim Wilkins, <i>Bracewell LLP</i> Seth Jaffe, <i>Foley Hoag LLP</i> Judy Braus, Executive Director, <i>North American Association for Environmental Education</i> Ryan Vise, Director, External Relations, <i>Texas Commission on Environmental Quality</i>
12:10 pm to 12:25 pm	BREAK	
12:25 pm to 12:50 pm	EPA AND TCEQ DURING THE PANDEMIC: ENFORCEMENT DISCRETION AND ROLLBACK – “Can’t take my eyes off you”	Interviewer: Stephanie Bergeron Perdue Ken McQueen, Administrator, <i>United States Environmental Protection Agency, Region 6</i> Jon Niermann, Chairman, <i>Texas Commission on Environmental Quality</i>
12:50 pm to 12:55 pm	BREAK	
12:55 pm to 1:20 pm	A FUTURE PERSPECTIVE – “I can see for miles and miles”	Bob Perciasepe, President, <i>Center for Climate and Energy Solutions</i> , former Acting and Deputy <i>United States Environmental Protection Agency</i> Administrator
1:20 pm to 1:30 pm	Q & A	
1:30 pm to 1:32		Closing Remarks

FRIDAY AUGUST 7, 2020

10:45 am to 11:00 am **GATHERING**

11:00 am to 11:30 **CASE LAW UPDATE – “What you see is what you get”** Ashleigh Acevedo, Pillsbury Winthrop Shaw Pittman LLP

11:30 am to 11:35 am **BREAK**

11:35 am to 12:00 pm **AIR ISSUES – “Smoke gets in your eyes”** Interviewer: Molly Cagle, *Baker Botts*

Anne Austin, Principal Deputy Assistant Administrator for Air, *United States Environmental Protection Agency, DC*

12:00 pm to 12:15 pm **BREAK**

12:15 pm to 12:40 pm **CLIMATE CHANGE – “The future’s so bright, I gotta wear shades”** Moderator: Pam Giblin, *Climate Leadership Council*

Al Collins, *OXY Low Carbon Venture*
David Young, *Union Pacific*

12:40 pm to 12:55 pm **Q & A**

12:55 pm to 1:00 pm **BREAK**

1:00 pm to 1:25 pm **FLOODING AND RESERVOIRS – “Blue eyes crying in the rain”** Moderator: Carolyn Ahrens, Of Counsel, *Booth & Associates, P.C.*

Jeff Walker, Executive Administrator, *Texas Water Development Board*

Howard Slobodin, General Counsel, *Trinity River Authority*

1:25 pm to 1:30 pm **Q & A**

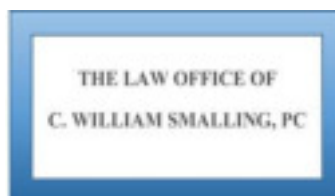
1:30 pm to 1:32 pm **FAREWELL – “Hasta La Vista”**

2020 Planning Committee	
Jeff Civins, Chair Haynes and Boone, LLP	Edward Clark Lewis Norton Rose Fulbright LLP
Carolyn Ahrens Booth & Associates, P.C.	Susan M. Maxwell Bickerstaff Heath Delgado Acosta LLP
Debra Tsuchiyama Baker Baker Wotring LLP	Steve McMillen Texas Instruments Incorporated
Cynthia J. Bishop C Bishop Law PC	Arnoldo Medina Valero Energy Corporation
Molly Cagle Baker Botts L.L.P.	Mary S. Mendoza Haynes and Boone, LLP
Anthony B. Cavender Pillsbury Winthrop Shaw Pittman LLP	Tammy Mitchell Texas Commission on Environmental Quality
Richard Dexter R-D Consulting, Inc.	Bryan J. Moore Beveridge & Diamond, PC
Shelly M. Doggett Office of the Attorney General of Texas	Steve Morton K&L Gates LLP
Lisa Uselton Dyar McGinnis Lochridge LLP	Julie Nahrgang Water Environment Association of Texas
Bruce Fogerty EarthX	Michael J. Nasi Jackson Walker L.L.P.
Pamela M. Giblin Climate Leadership Council	Benjamin R. Rhem Jackson Walker L.L.P.
Phillip M. Goodwin City of Houston	Jeffrey A. Saitas Saitas and Seales
Peter Thompson Gregg DuBois, Bryant & Campbell L.L.P.	Paul A. Seals Guida, Slavich & Flores
Lydia Gonzalez Gromatzky Hunton Andrews Kurth LLP	Cynthia C. Smiley Smiley Law Firm
Booker Harrison Texas Commission on Environmental Quality	Christopher David Smith Smith Jolin LLP
Tucker Henson United States Environmental Protection Agency	Dorothy Watson Foley & Gardere/Foley & Lardner, LLP
Taylor Holcomb Vinson & Elkins LLP	Laura L. Whiting Occidental Petroleum Corporation
David Klein Lloyd Gosselink Rochelle & Townsend, P.C.	Timothy A. Wilkins Bracewell LLP
Martha Kathleen Landwehr BASF A.G.	Danny G. Worrell Baker Botts L.L.P.
Phillip Ledbetter Office of the Attorney General of Texas	

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AREAS OF FOCUS

Practices

Environmental & Natural Resources

Crisis Management

Decommissioning, Abandonment And Removal Of Offshore

Oil Platforms

Ashleigh Acevedo focuses her practice on helping companies achieve compliance objectives, resolve environmental liabilities, and manage and assess complex environmental projects and risks of various kinds.

Ashleigh counsels clients on an array of environmental regulatory and transactional matters, including contamination investigations, remedial actions, natural resource damages, compliance counseling, project permitting and planning, diligence, and project impacts mitigation and restoration. She also works closely with clients on water quality, water utility, and water rights matters. Ashleigh routinely advises clients on issues arising under the Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), and National Environmental Policy Act (NEPA) and has experience with environmental issues in areas of archaeological significance under the National Historic Preservation Act and in tribal relations.

In addition to her environmental practice, Ashleigh is also a member of Pillsbury's Crisis Management Focus Team, which counsels companies and individuals in a wide variety of matters involving the potential for substantial financial or reputational losses.

Ashleigh also has experience in state and federal government, having served as Bob Bullock Scholar for Texas State Senator Kel Seliger and as a congressional intern for U.S. Representative Mac Thornberry in Washington, D.C.

PROFESSIONAL HIGHLIGHTS

Publications

- Co-author, “Supreme Court Revisits and Revises ‘Auer Deference’ with Implications for Environmental Law,” in *EM* (2020)
- Co-author, “How a New Ecological Augmentation Remedy Option Could Advance Superfund Site Closures at Mining-Impacted Sites” in the American Bar Association’s Section of Environment, Energy, and Resources (2019)
- Co-author, “Water Reuse” in the *Essentials of Texas Water Resources* (2018)
- Co-author, “Water Quality” in the Thomson West Texas Practice Guide two-volume treatise on Texas Environmental Law (2015-2018)
- Co-author, “Water Barons for the Water Barren? A Survey of Interbasin Water Transfer Laws in the Western States,” *Texas Water Journal* (Vol. 8, No. 1, 2017)
- Author, “Enlisting Renewable Energy: The Military’s Environmental Exceptionalism and a Renewable Energy Initiative in the Face of a National Security Threat,” *Texas Environmental Law Journal*, Vol. 45, No. 3, Aug. 2015

Speaking Engagements

- “Emergency Response: Managing Legal Requirements to Prevent and Respond to Major Accidents,” 32nd Annual Environmental, Health and Safety Seminar & Industry Trade Show, June 2019
- “Case Law Update,” Texas Water Conservation Association Mid-Year Conference, June 2018
- “Interbasin Transfers: Policy, Protectionism, and Pipe Dreams,” CLE International, Oklahoma Water Law Conference, Mar. 2018
- “Roundtable 1: Effective Negotiation to Achieve the Best Outcome,” National Association of Clean Water Agencies, National Water Enforcement Workshop, Nov. 2017
- “Surface Water Law 101,” Texas 4-H Water Ambassador Program, 4-H2O Youth Leadership Academy, July 2017

- **Associations**

- State Bar of Texas – Environmental and Natural Resources and Administrative Law Sections
- Houston Bar Association – Environmental Law Section
- Texas Young Lawyers Association

- **Honors & Awards**

- Recipient of the 2020 Burton Award for Distinguished Legal Writing (*Law360*)

EDUCATION

J.D., The University of Texas School of Law, 2015

B.A., Environmental Science, Baylor University, 2012

International Studies,, *summa cum laude*

ADMISSIONS

Texas

CLERKSHIPS

Judicial Intern for Judge Xavier Rodriguez, U.S. District Judge for the Western District of Texas

Judicial Intern for Judge Jeffrey Manske, U.S. Magistrate Judge for the Western District of Texas

Carolyn Ahrens, Attorney



Carolyn Ahrens (of counsel) practices law primarily in the areas of groundwater and surface water rights and regulation, water supply contracts, utility and environmental law including water quality. She also has been active in representing clients on legislative issues affecting water supply and regulation. Ms. Ahrens is dedicated to obtaining, defending, and securing the water rights and supplies of the firm's clients, through both traditional and nontraditional permitting and contracting strategies and is positioned to work effectively toward intergovernmental, regional and statewide solutions. Ms. Ahrens served on the National Board of Directors of the WaterReuse Association and chaired its National Legislative Committee. She chaired the American Water Works Association's Water Resources Sustainability Division that encompasses national committees on Climate Change, Groundwater, Source Water Protection, Water Desalting, Water Resource Planning and Water Reuse. Ms. Ahrens was a Trustee of the Water Environment Federation whose mission is to preserve and enhance the global water environment. At the state level, Ms. Ahrens is honored to serve on the board of the Texas Water Conservation Association (TWCA). She chaired that association's Water Laws Committee under three association presidents and is active with the Surface Water Committee, Policy Committee, Federal Affairs Committee, and General Environmental Panel. Ms. Ahrens twice received the prestigious TWCA President's Award for "outstanding dedication, contribution and service to the water resources of the State of Texas." Among other industry awards, she received a 2012 President's Award from the WaterReuse Association for "dedication, passion and vision" and two Watermark awards for raising the public's level of understanding of Texas water issues. Ms. Ahrens is a Life Fellow of the Texas Bar Foundation, a Fellow of the American Bar Association Young Lawyers Division, a member of the Joseph Pritchard Inn, and a Founding Fellow of the Travis County Bar Foundation. For the International Young Lawyers Association, Ms. Ahrens served on the Executive Committee as National Vice-President for the United States, the highest office for national representatives.

About the Principal Deputy Assistant Administrator of EPA's Office of Air and Radiation

Anne (Idsal) Austin



- Phone: (202) 564-7400
- [About the Office of Air and Radiation](#)

Anne Austin is the Principal Deputy Assistant Administrator for the Office of Air and Radiation (OAR). She also served as EPA's Region 6 Administrator. Prior to joining EPA, Anne spent her career working for Texas state government and helped shape environmental policy for the state.

Anne's state experience includes service as the general counsel for the Texas Commission on Environmental Quality. She also served as the first female Chief Clerk and Deputy Land Commissioner for the Texas General Land Office.

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[History \(/about-us/history-and-key-achievements\)](#)

[Diversity and Inclusion \(/our-work/programs/justice-equity-diversity-and-inclusion\)](#)

[Our Team \(/about-us/our-team\)](#)

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Judy Braus

Roles at NAAEE: [Board \(/people-category/board\)](#), [ee360 Partner \(/people-category/ee360-partner\)](#), [eeBLUE Partner \(/people-category/eeblue-partner\)](#), [Staff \(/people-category/staff\)](#)



Executive Director

[Email](#)
(mailto:judybraus@gmail.com)

[ee](#)

Judy Braus brings to her role as NAAEE Executive Director a wealth of experience in the environmental education profession, with a focus on conservation education, diversity and inclusion, and using the power of education to help create healthier communities that empower local communities, stakeholders, and individuals to help restore and protect the environment. She comes to NAAEE from the National Audubon Society, where she was the Senior Vice President of Education and Centers, overseeing an extensive nationwide network of nature centers and educators. Prior to that, she led the education programs at World Wildlife Fund (WWF), the U.S. Peace Corps, and the National Wildlife Federation (NWF).

Braus also has extensive experience with NAAEE, having served in a number of capacities in the past two decades, including past president, conference chair, head of the elementary and secondary commission, and editor of a number of NAAEE monographs. "I'm thrilled to have this opportunity lead an organization that promotes the power of environmental education at a time when it is so needed and in so much demand."

Her notable achievements include the creation and implementation of TogetherGreen—a \$20-million alliance between Audubon and Toyota to build leadership, engage more people in conservation, and promote diversity and inclusion in conservation. As the Director of TogetherGreen for five years, she worked with Audubon and Toyota to create a program that has engaged hundreds of thousands of people nationwide through a national fellowship program, a grants program, and a community-based volunteering initiative. At Audubon, she also spearheaded the development of a planning guide called "The Tools of Engagement: A Toolkit for Engaging People in Conservation," in collaboration with the U.S. EPA-funded Environmental Education and Training Partnership (EETAP) and the U.S. Fish and Wildlife Service.

Braus also developed and implemented well-known and widely used curricular and educational materials while at WWF and NWF: "Windows on the Wild" at WWF, and "NatureScope" at NWF. While at Peace Corps, Braus co-authored "Environmental Education in the Schools: Creating a Program that Works," which is used in dozens of countries around the world.

Additionally, Braus is a proven fundraiser, working with foundations, corporations, government, and individual donors to raise more than \$35 million for education and conservation. She is committed to strong partnerships and has negotiated and implemented lasting relationships with organizations including Toyota Motor North America, REI, National Geographic, the U.S. Fish and Wildlife Service, Disney's Animal Kingdom, Eastman Kodak, and Aardman Animations, among others.

SPREAD THE WORD!

[Twitter \(http://twitter.com/share?url=https%3A//naaee.org/about-us/people/judy-braus&text=%23eePRO%20%40TheNAAEE%20Judy%20Braus\)](#)

[Facebook \(http://www.facebook.com/sharer.php?u=https%3A//naaee.org/about-us/people/judy-braus&t=%23eePRO%20%40TheNAAEE%20Judy%20Braus\)](#)

[LinkedIn \(http://www.linkedin.com/shareArticle?mini=true&url=https%3A//naaee.org/about-us/people/judy-braus&title=%23eePRO%20%40TheNAAEE%20Judy%20Braus&summary=Judy%20Braus%20brings%20to%20her%20role%20as%20NAAEE%\)](#)



Molly Cagle

Partner

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Practices

Contaminated Site Clean-Up

Crisis Management

Environmental Law

Environmental Coalitions

Environmental Crisis Response

Environmental, Natural
Resources & Toxic Tort
Litigation

Infrastructure

Industries

Shale and Unconventionals

Education

J.D., The University of Texas School
of Law 1981
with honors

B.S., Textile Technology & Textile
Chemistry, Texas Tech University
1978
magna cum laude

Molly counsels clients on virtually every kind of environmental matter and represents them before various agencies and in federal and state courts. *Chambers USA* described her in their 2004 publication of *America's Leading Business Lawyers* as a “renaissance lawyer, a true litigator” who is especially praised for her “effectiveness” and “top notch negotiation skills.” In the enforcement area, she has litigated and negotiated settlements for clients under the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, and their state analogs, as well as Superfund. Molly has counseled on audit issues, under both the state audit law and federal policy. She also has both resolved and tried disputes regarding water supply and utility issues.

Molly's other major area of practice is permitting work before the U.S. Environmental Protection Agency and Texas Commission on Environmental Quality (and its predecessor agencies), as well as the Texas Parks & Wildlife and Railroad Commission of Texas. With regard to air and solid waste, Molly has handled a variety of contested cases, including incinerator and BIF air and hazardous waste permitting. She represents clients in State Implementation Plan (SIP) issues as well. On both a state and federal level, Molly has assisted clients in rulemaking petitions and in preparing comments on agency rules. She also has assisted clients in bringing litigation to challenge environmental legislation and rules. Molly has testified before the United States and Texas

Outstanding Engineering Student
Engineering Student Council

Senates, and has served as a testifying expert on environmental issues in a number of cases.

Admission & Affiliations

State Bar of Texas

Texas Supreme Court

United States Court of Appeals for
the Fifth Circuit

Member: Administrative and
Public Law, and Environmental
and Natural Resources Law
Sections, State Bar of Texas; Board
of Directors of the Texas Water
Conservation Association, 1999

Served: Task Force 21, a regulatory
negotiation committee for
developing environmental rules
and policies in Texas, at the
request of the Texas Natural
Resource Conservation
Commission

Fellow, American College of
Environmental Lawyers

American Bar Association

Related Experience

Clean Air Act

- Secured first contested NSR/PSD permit in non-attainment area (TCEQ decision upheld by district court)
- Counseled clients on impact of non-attainment designation on permitting issues
- Represented clients in work group to consider challenging EPA's eight-hour ozone non-attainment designation for counties determined to be "contributing to" non-attainment area
- Advised Dallas/Ft. Worth area client on 11 technical factors used by EPA in determining boundaries for eight-hour ozone non-attainment designations
- Evaluated emission credit contracts and transactions related to emission off-sets
- Reviewed and commented on various SIP issues associated with Houston, Galveston and Beaumont/Port Arthur ozone non-attainment areas
- Evaluated numerous computer modeling efforts and results in conjunction with various contested air permits
- Worked extensively with engineers, modelers and toxicologists in air modeling issues
- Advised client on viability of challenging TCEQ NOx rules
- Counseled clients on various Title V compliance issues

Mining

- Counseled clients on rulemaking and interpretation of coal combustion byproducts
- Represented client in defeating an unsuitability petition
- Assisted in securing settlement in SCMRA contested case
- Worked with a team of lawyers to permit a lignite mine in Texas

Water/Wastewater

- Secured, defended and defeated water rights permits
- Secured groundwater permits in contested matters from the Edwards Aquifer Authority and other groundwater districts
- Represented client in securing contested wastewater permit for new lignite mine
- Counseled clients on Effluent Limitation Guidelines for various industry sections
- Represented clients in contested TPDES wastewater discharge matters
- Challenged special districts on authorization to supply services
- Defended action to compel water supply

- Advised clients regarding water rights and water contracts in various transactions
- Advises on clean water cases, including those dealing with raw water supply
- Actively involved in Texas water planning efforts

Waste

- Permitted and renewed underground injection control
- Advised clients on various RCRA issues

Awards & Community

The International Who's Who of Business Lawyers (Law Business Research Ltd) in environmental law, 2004, 2006, 2008, 2010 & 2011

Chambers USA: America's Leading Lawyers for Business in environmental law, 2003-2020

The Best Lawyers in America (Woodward White, Inc.) in environmental, administrative, and water law, 1995-2018

Named "Lawyer of the Year for 2014" by *The Best Lawyers in America* (Woodward White, Inc.) for administrative/regulatory law in Austin

Named "Lawyer of the Year for 2011" by *The Best Lawyers in America* (Woodward White, Inc.) for environmental in Austin

Euromoney's Guide to the World's Leading Lawyers - Best of the Best USA in environmental law, 2009

The Legal 500 U.S. in environment litigation, 2007-2010, 2013

Who's Who Legal (Law Business Research Ltd): Texas in environmental law, 2007 & 2008

Recognized as a *Texas Super Lawyer* (Thomson Reuters), 2003-2018

Top 50 Central and West Region *Super Lawyers* (Thomson Reuters), 2003

Top 50 Women *Super Lawyers* (Thomson Reuters), 2003

Top Notch Lawyer in environmental law, *Texas Lawyer Go-To Guide*, 2002 & 2007



JEFF CIVINS

Senior Counsel

jeff.civins@haynesboone.com

PRACTICES: Environmental, Environmental Due Diligence, Remediation and Brownfields Developments, Permitting, Regulatory Counseling, and Compliance, Energy, Power and Natural Resources, Energy Regulatory, Litigation, Climate Change and Corporate Sustainability, Environmental Crimes, Environmental Litigation, Greenhouse Gases (GHG), Corporate, Project Finance and Development, Downstream, Midstream, Oilfield Services, Oil and Gas Litigation, Power and Renewables, Indian Law; **INDUSTRIES:** Chemical;

AUSTIN

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EDUCATION AND CLERKSHIPS

- J.D., University of Texas School of Law, 1975, *with honors*; Order of the Coif
- M.S., Chemistry, Pennsylvania State University, 1970
- A.B., Chemistry, Brandeis University, 1967

ADMISSIONS

- Texas

COURT ADMISSIONS

- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Southern District of Texas

For 45 years, Jeff Civins has enjoyed helping clients find pragmatic solutions to tough problems involving all aspects of environmental law, including counseling them on regulatory issues, helping them manage environmental risks in business transactions, and advocating on their behalf before agencies and courts. Having begun his professional career as a scientist and teacher, Jeff loves the challenge of making difficult things easy to understand and the opportunity to learn about technical topics—from groundwater hydrology to air dispersion modeling to toxicology—and about clients' businesses—from oil and gas exploration and development, power plants, refineries, and chemical plants and other manufacturing facilities, to real estate sales, leasing, development, and financing.

Following a summer as an analytical chemist for a predecessor agency of EPA, Jeff began his teaching career as a graduate assistant at Penn State, teaching organic chemistry lab to undergraduates. He then taught science, chemistry, and earth science in New York City public and private schools before attending the University of Texas School of Law. Jeff resumed his teaching career as an adjunct professor at UT Law School in 1987, teaching a seminar on Environmental Law Concerns to Business, and each spring since 1992 has taught a seminar on Environmental Litigation.

Jeff's experience includes many diverse and high profile matters. For example, Jeff assisted a major multinational energy company address regulatory issues associated with its proposed development of a multi-billion dollar gas-to-liquids project on the Gulf Coast. He has also represented: American Airlines in its settlement with another airline in a bankruptcy proceeding regarding contamination at JFK Airport; a consortium of underwriters in counseling on environmental risks associated with the TXU buyout; the U.S. Department of Treasury in environmental due diligence of new General Motors; Penn Central Corporation in its settlement of a Superfund case involving a former battery manufacturing facility on the banks of the Hudson River; and the State of Texas in Clean Water Act enforcement litigation against an independent oil company involving numerous oil spills in six different states.

Jeff's love of learning and teaching is reflected in his many speaking engagements and articles and in his being frequently called on by media for his views on developing topics. Jeff is particularly well known for his roles as standing chair and organizer of the Texas Environmental Superconference, the premier environmental program in Texas, now in its 32nd year, and as organizer and co-editor of the Thomson Reuters Texas Practice 2-volume treatise on *Texas Environmental Law*. For the past 4 years, Jeff has also assisted

-
- U.S. District Court for the Northern District of Texas

EarthX in putting on an annual Environmental Law and Policy Symposium.

Jeff is a fellow and on the board of regents of the select American College of Environmental Lawyers and a former chair of the Environmental and Natural Resources Law Section of the State Bar of Texas. Jeff is also a member of the Advisory Council of the Kay Bailey Hutchison Center for Energy, Law & Business. In the community, Jeff's passion for education has carried over to his commitment to the Central Texas Chapter of Communities In Schools, a non-profit that helps keep at-risk kids in school.

Al Collins
Vice President of Public Policy and External Engagement
Oxy Low Carbon Ventures

Al Collins is the Vice President of Public Policy and External Engagement at Houston-based Occidental Petroleum Corporation (Oxy) – an international oil and gas exploration and production and chemical company. Oxy is one of the largest oil and gas companies in the United States based on equity market capitalization and the world's largest user of carbon dioxide (CO₂) to enhance oil recovery (EOR).

With over 33 years of experience, Mr. Collins has held a variety of positions in the environmental policy, engineering and management fields. His experience spans air, water, hazardous waste, toxics, and superfund issues, both on behalf of regulators and those being regulated. He has participated in environmental negotiations with federal, state, and local agencies, and has extensive experience with regulatory and legislative development. At Occidental, Mr. Collins is involved in a variety of issues, including hydraulic fracturing, endangered species, remediation, toxics and EOR using CO₂. Mr. Collins was very involved in Occidental's development of the first U.S. Government approved plan for quantifying the amount of CO₂ geologically stored during EOR.

Prior to joining Oxy in 2000, Mr. Collins served two years as Vice President of Regulatory Affairs at National Environmental Strategies, representing clients on environmental and small business issues. From 1985 to 1997, he worked at the United States Environmental Protection Agency, where he developed regulations and policies related to waste, toxics, and water. Mr. Collins holds degrees in Economics and Chemical Engineering from North Carolina State University.

Pam Giblin



Senior Policy Advisor

Pam Giblin spent 24 years as Partner at Baker Botts, L.L.P, where she provided strategic counsel on a broad array of environmental issues, particularly in the areas of air quality and climate. With her deep historical knowledge of the Clean Air Act, Ms. Giblin has repeatedly supported multi-stakeholder advocacy efforts to achieve a number of challenging public policy objectives.

Ms. Giblin has served as past president of the American College of Environmental Lawyers, and on the Clean Air Act Advisory Committee, a senior-level policy committee established by Congress to advise EPA on issues related to implementing the Clean Air Act. She currently serves on the Board of Directors of the Environmental Law Institute.

Early in her career, Ms. Giblin served as General Counsel of the Texas Air Control Board. She is a frequent speaker at seminars and conferences on environmental law issues, and she is the first woman to receive the Distinguished Lawyer Award from the Travis County Bar Association. Ms. Giblin received her bachelor's degree from the University of Texas, and her J.D. from The University of Texas School of Law.



INDUSTRIES

Energy, Cleantech & Climate
Technology
Education

PRACTICES

Environmental Compliance
Environmental Litigation
Energy
Real Estate & Development
State Attorney General Investigations
Litigation
Energy, Cleantech & Climate

EDUCATION

Yale Law School, J.D., 1986
Harvard University John F. Kennedy
School of Government, M.P.P., 1983
Massachusetts Institute of Technology
(MIT), S.B., *Phi Beta Kappa*, 1981

Seth D. Jaffe

Partner, Coordinator, Environmental Practice Group

Boston

PHONE: 617.832.1203

FAX: 617.832.7000

EMAIL: sjaffe@foleyhoag.com

Seth Jaffe is recognized by *Chambers USA*, *The Best Lawyers in America* and *Massachusetts Super Lawyers* as a leading practitioner in environmental compliance and related litigation. He is one of the authors of the Law and the Environment Blog, www.lawandenvironment.com, which provides real-world perspectives on current developments in environmental law and regulation. Seth is a past President of the American College of Environmental Lawyers.

Seth works on a wide range of environmental law issues, representing clients in the permitting/licensing of new facilities and offering ongoing guidance on permitting and enforcement related matters under federal and state Clean Air Acts, Clean Water Acts, RCRA, and TSCA. He also advises on wetlands and waterways regulation. Seth's clients include electric generating facilities, companies in the printing and chemical industries, and education and health care institutions.

Seth has extensive experience in hazardous waste matters under federal and state Superfund laws. He has defended multiple clients in administrative or litigation proceedings brought by the government and/or private parties. He has also counseled plaintiffs seeking recovery from private parties of response costs incurred at Superfund sites.

Seth also helps clients permit large development projects, including assistance with environmental reviews under NEPA and related state laws such as the Massachusetts MEPA requirements.

Seth has served as a mediator with the Massachusetts Department of Environmental Protection Wetlands Program. Before joining Foley Hoag, he clerked for United States District Judge Walter Jay Skinner.

BAR ADMISSIONS

■ Massachusetts

COURT ADMISSIONS

■ U.S. District Court for the District of Massachusetts
■ U.S. Court of Appeals First Circuit

REPRESENTATIVE EXPERIENCE

Administrator for EPA's South Central Region (Region 6)

Ken McQueen

Ken McQueen is the Administrator for EPA's Region 6 office in Dallas. Region 6 serves Arkansas, Louisiana, New Mexico, Oklahoma, Texas and 66 tribes. Ken has extensive experience in public service and industry working in the south central region of the United States on water, natural resource and energy issues. Most recently he served as the state of New Mexico Cabinet Secretary for the Energy, Minerals, and Natural Resources Department (EMNRD) from 2016 to 2018, where he worked to streamline rules and regulations.

Prior to heading New Mexico's EMNRD, Ken served as Vice President at WPX Energy from 2012 to 2016, where he managed the company's assets in New Mexico, Colorado and Wyoming. From 2002-2011, he led Williams' operations in the San Juan and Green River basins. During this time, he also served as an adjunct professor in petroleum engineering at the University of Tulsa. He served as a joint venture engineer for Vintage Petroleum Inc. from 1994 to 2002, managing all non-operated properties across 12 states and multiple basins. Ken also worked as a petroleum engineer at Amerada Hess Corp. from 1982 to 1994.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

(<https://www.tceq.texas.gov>)

Home (<https://www.tceq.texas.gov>) / Agency (<https://www.tceq.texas.gov/agency>) / Organization (<https://www.tceq.texas.gov/agency/organization>) / Jon Niermann

Jon Niermann

Jon Niermann of Austin was appointed to the Texas Commission on Environmental Quality by Governor Greg Abbott effective October 1, 2015, and has served as its chairman since August 31, 2018.

About

Spotlight

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About Jon Niermann



Niermann represents the agency on the Environmental Council of the States (ECOS) and serves as Governor Abbott's appointee to the Western States Water Council and the Good Neighbor Environmental Board federal advisory committee. He is also responsible for the administration of funds that Texas receives from the Volkswagen State Environmental Mitigation Trust.

An environmental lawyer by training, Niermann was recently inducted as a fellow of the American College of Environmental Lawyers. Before joining TCEQ, he worked closely with the agency in roles at the Texas Attorney General's Office, including assistant attorney general and chief of the Environmental Protection Division. In these roles, Niermann led the Texas delegation to negotiations that resolved the state's claims relating to the *Deepwater Horizon* disaster. He has also represented the state of Texas before federal appellate courts, including as the lead attorney on several petitions for review of EPA rulemaking actions under the federal Clean Air Act.

Before entering public service, Niermann was an environmental attorney in private practice. He began his regulatory career as the safety and environmental manager for a heavy-equipment manufacturer.

Niermann earned a bachelor's degree in history from the University of California at Santa Barbara. He earned a master of business administration and juris doctor from the University of Oregon.

President, Center for Climate and Energy Solutions

Bob Perciasepe

Expertise

Federal and state climate policy, air and water quality, natural resource management



Bob Perciasepe is President of the Center for Climate and Energy Solutions (C2ES), which is widely recognized in the United States and internationally as a leading, independent voice for practical policy and action to address our energy and climate challenges.

Mr. Perciasepe has been an environmental policy leader in and outside government for more than 40 years, most recently as Deputy Administrator of the U.S. Environmental Protection Agency (EPA). He is a respected expert on environmental stewardship, natural resource management, and public policy, and has built a reputation for bringing stakeholders together to solve issues.

While Mr. Perciasepe served as Deputy Administrator from 2009 to 2014, EPA set stricter auto emissions and mileage standards, increased protections for the nation's streams and rivers, and developed carbon emissions standards for power plants. Mr. Perciasepe was previously assistant administrator for both the agency's water and clean air programs, leading efforts to improve the safety of America's drinking water and development of a new infrastructure revolving fund for drinking water. He also led efforts to lower sulfur levels in gasoline and diesel fuel to reduce smog.

In 2002, Mr. Perciasepe joined the National Audubon Society, one of the nation's oldest conservation organizations, as its senior vice president for public policy. He served as the group's chief operating

officer from 2004 to 2009, and worked to protect wetlands and expand environmental education, especially in urban areas.

He has also held top positions in state and municipal government — as Secretary of the Environment for the state of Maryland from 1990 to 1993 and as a senior planning official for the city of Baltimore, where he managed the city's capital budget.

Mr. Perciasepe is a member of the Bank of America National Community Advisory Council and a Fellow of the National Academy of Public Administration. He serves on the boards of the Keystone Policy Center and the Environmental Law Institute. He has received American University's William K. Reilly Award for Environmental Leadership, the Chesapeake Water Environment Association's Able Wolman Award, the American Lung Association's Distinguished Service award and the Walter G. Wells Conservation Award.

Mr. Perciasepe holds a master's degree in planning and public administration from the Maxwell School of Syracuse University and a Bachelor of Science degree in natural resources from Cornell University.



Stephanie Bergeron Perdue became deputy executive director for the TCEQ on Jan. 16, 2014. She was appointed by the commissioners to serve as interim executive director on March 28, 2018; on August 20, 2018, she resumed the role of deputy executive director.

Prior to this current service, Bergeron Perdue served as special counsel to the executive director since 2012, and before that, she was the deputy director of the Office of Legal Services.

Bergeron Perdue joined the TCEQ as an executive assistant to former Chairman Robert J. Huston in 1999. She earned her Bachelor of Science degree in Radio-Television-Film from The University of Texas at Austin in 1990 and her Doctor of Jurisprudence degree from South Texas College of Law in 1995. She and her husband, Rick, have one son.

Howard S. Slobodin

Adjunct Professor

Howard S. Slobodin is General Counsel to the Trinity River Authority of Texas. Mr. Slobodin received a Bachelor of Arts (*cum laude*, Phi Beta Kappa) from the University of Oregon and a Doctor of Jurisprudence (with honors) from the University of Texas School of Law. He joined the Trinity River Authority in April 2008.

Previously, Mr. Slobodin practiced environmental and water law in both the public and private sectors. His practice began as an Assistant Attorney General with the Texas Attorney General's Office. In private practice, he represented public and private entities in disputes related to groundwater and surface water.

Mr. Slobodin has litigated matters with regard to surface water ratemaking and the compensability of regulatory takings of groundwater in Texas, and participated in contract negotiations for two of the largest surface water sales in recent Texas history. He is a fellow of the Texas Center for Public Policy Dispute Resolution.

Mr. Slobodin is actively engaged in policymaking related to water, and supports the legislative activities of both the Trinity River Authority and of the Texas Water Conservation Association as the Chairman of its Water Laws Committee, in which capacity he has served since 2017. In 2019, Mr. Slobodin received the President's Award from the Association for his contributions. He also participates in the Texas regional water planning process.

Mr. Slobodin has served as an Adjunct Professor at the Texas A&M School of Law since 2018. He has also frequently guest lectured at other law schools on topics related to Texas water law and policy.

He has contributed to the last three editions of the [State Bar of Texas *Essentials of Texas Water Resources* treatise](#), and co-authored "[Old Water Becoming New Again: Reuse of Treated Wastewater Effluent in Texas](#)," 4 Tex. A&M J. Prop. L. 237, with then-Texas A&M Law student Hope Shelton.

Ryan Vise

Ryan Vise joined TCEQ in November 2016. He has served as the Director of Intergovernmental Relations, Director of Agency Communications, and now the Director of External Relations. Prior to coming on board with TCEQ, Vise was a policy advisor on natural resources, agriculture, and wildlife issues for Governor Abbott and former Governor Rick Perry where he was also the liaison between the office and members of the legislature, the TCEQ, Texas Parks and Wildlife, Texas Department of Agriculture, Texas Animal Health Commission, and the Texas Board of Veterinary Medical Examiners. He is a past executive aide and former advance aide to Governor Rick Perry.

He also worked on multiple campaigns for Governor Perry including his 2012 Presidential Campaign where he led the advance teams for Iowa and South Carolina.

Vise received his bachelors' degree from Texas Tech University, where he studied political science and economics.

He enjoys being outdoors including fishing, hunting, and golf. He and his wife Tiffany have three children, Amberlyn (8), Broden (4), and Haylen (2).



Jeff Walker

Executive Administrator

Jeff Walker was named Executive Administrator of the TWDB on May 19, 2016. He has served in various positions at the TWDB for more than 25 years, including as an Agricultural Conservation Specialist, a Financial Analyst, a Non-point Source Coordinator, and Director of Project Development. In his most recent role as Deputy Executive Administrator of Water Supply and Infrastructure, his areas of responsibility included state water planning, project development, financial assistance, project funds disbursement, financial program administration, water use and population projections, facility needs assessment, project inspection, and reporting. Walker holds a master of business administration from Texas State University and a bachelor of science in agricultural economics from Texas A&M University.



Timothy A. Wilkins
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About Tim

Tim's clients rely on him for strategic environmental permitting assistance, the defense of environmental enforcement actions and assistance with the environmental aspects of major transactions. His clients report in *Chambers USA* that "he really gets issues and is commercially minded" and that "one of Tim's chief strengths is his ability to explain the law in a way that anyone can understand" (2019). They have also described him as "a very astute lawyer, liked for his quickness and thorough responses" (2007); as having "great business acumen and amazing negotiation skills" (2009); and as capable of delivering "practical, cost-effective solutions for his clients" (2011).

He has overseen environmental compliance audits involving thousands of locations, handled hundreds of environmental audit disclosures and pioneered the development and use of U.S. EPA's audit policy for new owners. Clients also note in *Chambers USA* that Tim is "fantastic, detailed and very strong with management systems."

In addition to his duties at Bracewell, Tim periodically teaches the course in Corporate Environmental Law at The University of Texas School of Law. Before joining Bracewell, Tim was research assistant to Professor Laurence H. Tribe of Harvard Law School, editor-in-chief of the Harvard Environmental Law Review, and a judicial clerk for the Honorable Henry A. Politz, Chief Judge of the United States Court of Appeals for the Fifth Circuit.

Recent Notable Matters

Major chemical manufacturer — overseeing a five-year company-wide program of privileged environmental compliance audits

Independent Petroleum Refiner — leading new owner environmental compliance audits under agreement with US EPA at recently-acquired refining facilities

Par Pacific Holdings, Inc. — environmental aspects of an acquisition of 100 percent of the equity interests in U.S. Oil & Refining Co. and certain affiliated entities for \$358 million, including a 42,000 bpd refinery, a marine terminal and associated logistical system in Tacoma, Washington

Halcón Resources Corporation — environmental aspects of a \$325 million divestiture of water infrastructure assets across the Delaware Basin to a subsidiary of WaterBridge Resources LLC

AP Energy Holdings Inc and South Field Energy LLC — environmental aspects of \$1.3 billion project financing and equity arrangements for the construction of the South Field Energy project, a 1,182 megawatt combined-cycle natural gas electric generating facility located near Wellsville, Ohio

Multiple industrial companies — including new owners of upstream oil and gas, midstream, refineries, chemical manufacturing and distribution, and industrial construction facilities following tens of billions of dollars in acquisitions, in negotiating new owner environmental compliance audit agreements with U.S. EPA, overseeing and administering those compliance audits, preparing extensive audit disclosures to EPA with respect to environmental violations originating pre-acquisition, and resolving those disclosures with EPA without penalty

Various companies — advised on the environmental aspects of numerous acquisitions, divestitures and financing transactions in the energy, refining, electric power, chemicals, telecommunications, real estate,

waste handling and municipal sectors

Enforcement Defense

Specialty chemicals manufacturer — successfully defended a sizeable EPA RMP enforcement action involving a newly acquired facility, resulting in the dropping of multiple counts and no penalties

Large chemical manufacturing facility — defended a major hazardous waste, clean water, RMP and TRI enforcement action by U.S. EPA's National Environmental Investigations Center and Region 6

Houston-area heavy industrial manufacturer — secured the dismissal of all charges against client that had been indicted on three counts of felony water pollution

International terminal company — defended in connection with a stormwater discharge incident that had been referred for criminal prosecution by the Harris County District Attorney, achieving its successful de-referral

Global chemical manufacturing company — defense against a series of EPA Risk Management Plan inspections, information requests, and enforcement actions

Downgradient industrial property owner — defended a multiparty civil litigation in connection with the Omega Chemical Superfund Site in Los Angeles

Chemical manufacturing facility — defended a Notice of Violation and potential civil multimedia enforcement action commenced by Harris County Pollution Control

Air Quality and Permitting

Several large energy companies — response to EPA information requests under the Clean Air Act and other federal environmental statutes

New chemical manufacturing facility — led the owner's federal and state air permitting effort on a \$2 billion greenfield chemical plant in South Texas including the successful defense and resolution of multiple contested case hearing challenges

Environmental Audits and Transactions

Publications and Speeches

Co-author, “Co-Located Facilities: Untangling Environmental Compliance, Liability and Accountability Issues”, *Chemical Engineering*, September 2018.

"Transactional Ethics Concerns," Texas Environmental Superconference, August 3, 2018

Co-author, “Practitioner Insights: Environmental Auditing in New Regulatory Era,” *Bloomberg Environment & Energy Report*, February 5, 2018.

Co-presenter, “Environmental Law's Not Dead Yet: Optics Versus Reality in the New Administration's Regulatory Reform Project,” Association of Corporate Counsel South/Central Texas Chapter, July 12, 2017.

Co-presenter, “What to Expect When You Don’t Know What to Expect: Working the EHS Regulatory Crystal Ball,” Young Professionals in Energy Austin Chapter, May 5, 2017.

Presenter, “Regulatory Update,” Environmental Health and Safety Audit Center, April 7, 2017.

"The Desktop Regulator: A Closer Look at the Future of Environmental Enforcement," *Bracewell's Fall 2016 Environmental Law Seminar*, November 15, 2016.

"Preparing for and Defending Environmental Enforcement Actions," *Association of Corporate Counsel South/Central Texas Chapter*, San Antonio, July 6, 2016.

"Recent Environmental Enforcement Trends in the Energy Industry," *Association of Corporate Counsel South Central Texas Chapter's Oil & Gas Law Lunch and Learn*, San Antonio, April 28, 2016.

"A Regulator's Reach Exceeds its Grasp: The Quiet Expansion of the TCEQ's Water Code Jurisdiction," *Texas Environmental Law Journal*, Vol. 46, No. 1, March 2016.

"Key Environmental Enforcement Trends for the Energy Industry," *Texas Oil and Gas Association*, Austin, Texas, April 14, 2016.

"EPA's 'Next Generation' Enforcement Initiative – and What it Means for the Next Generation of Environmental Auditing," *The Auditing Roundtable's 2016 National Meeting*, Tempe, Arizona, April 11, 2016.

"Next Generation Enforcement and Its Implications for Auditing," *The Auditing Roundtable's South Central Regional Meeting*, Houston, February 29, 2016.

"EPA's Next Generation Compliance Initiative," *Bracewell Environmental Law Seminar*, Fall 2015.

"EPA's Next Generation Enforcement Initiative: What It Means for the Next Generation of Environmental Auditing," *Auditing Roundtable Webinar*, October 7, 2015.

"Methane Emissions: EPA Hits Oil and Gas Industry with a Flurry of Proposed Methane Regulations," *Oil & Gas Financial Journal*, October 2015.

"Disclosure 2.0: Enter EPA's E-Disclosure Audit Program," *Law360*, June 16, 2015.

"Audit Disclosure How-To's," *Auditing Roundtable South Central Region Meeting*, April 10, 2015.

"Under Attack: How to Protect Your Power Generation Project Against Environmental Group Opposition," *Power Engineering*, November 25, 2014.

"Attorney-Client Privilege in OSHA Compliance Self-Audits," *Corporate Counsel*, August 2014.

"Texas Railroad Commission Proposes Regulation to Address Earthquake Risks from Disposal Wells," *Oil & Gas Investor*, September 18, 2014.

"First Texas GHG Permit Upheld by EPA Appeals Board," *Electric Light & Power*, May 13, 2014.

"Texas Greenhouse Gas Regulations Go into Effect," *Electric Light & Power*, April 24, 2014.

"EPA's Texas Greenhouse Gas PSD Permitting Program," *Air & Waste Management Association Conference*, Houston, September 18, 2013.

"Managing Environmental Risk in Transactions," *24th Texas Environmental Superconference*, Austin, August 3, 2012.

Education

Harvard Law School, J.D.
1993 – *cum laude*

Harvard University, Master of Public Policy
1993

Trinity University, Bachelor of Arts
1988 – *magna cum laude*, *Phi Beta Kappa*

Noteworthy

Chambers USA, **Texas Environment**, 2006 - 2020 (Band 1)

The Legal 500 United States, **Environment: Regulatory**, 2017 - 2020; **Environment: Transactional**, 2016 - 2020; **Environment: Litigation**, 2011 - 2016, 2018 - 2019; **Energy: Transactions**, 2014

Woodward/White, Inc., *Best Lawyers*, 2009 - 2010, 2012 - 2020; **Austin Lawyer of the Year**, **Environmental Law**, 2019; **Austin Lawyer of the Year**, **Litigation - Environmental**, 2020

Euromoney Institutional Investor PLC, *IFLR1000 United States*, **Texas: Project Development**, 2019

Thomson Reuters, *Texas Super Lawyers*, 2004, 2006 - 2019

Globe Business Publishing Ltd, *Lexology Client Choice Awards*, **Environment, Texas**, 2012 - 2013

Internet Brands, Inc., *Martindale-Hubbell® AV® Preeminent™ Rating*

ALM Media Properties, *National Law Journal*, **Energy & Environmental Trailblazer**, 2017

Affiliations

The Auditing Roundtable, Past Chair, South Central Region

American Bar Association, Section of Environment, Energy, and Resources

State Bar of Texas, Environmental and Natural Resources Law Section

Austin Bar Association, Environmental Law Section

Bar Admissions

Texas

DAVID P. YOUNG

David is the VP Law – EHS & Compliance at Union Pacific Railroad. In his role, David supervises all environmental and safety legal matters as well as hazardous material emergency responses. He also serves as the companies Compliance Officer. David has been with Union Pacific since 1994. Prior to joining the railroad, he worked at a litigation boutique firm in Houston.

David has a B.A. majoring in Urban Studies from Michigan State University (1980) and a J. D. from the University of Houston (1988). David has also completed the Advanced Management Program at Duke University in 2006 and received an Advanced Certificate for Executives in Management, Innovation and Technology from the Massachusetts Institute of Technology in 2019.

David is licensed to practice in Texas and Nebraska . David is also a frequent speaker at continuing legal education programs throughout the country.