



presented by: **BINGHAM GREENEBAUM DOLL** BGD LLP

Gold sponsors:



# 11th Annual Kentucky Environmental Conference

March 5-6, 2013  
Hyatt Regency Lexington  
Lexington, Ky.



**◀ APPROVED FOR CLE CREDITS! ▶**



## Why attend?

Where can you find the latest information on Kentucky and federal environmental policies and regulations, as well as information on new environmental compliance mandates? The Kentucky Chamber of Commerce will provide this and more at our 11th Annual Kentucky Environmental Conference.

You will leave this conference with a detailed, up-to-the-minute review of major environmental regulatory issues that affect your facility. Register today, and we guarantee you will return to work with insights that will help you do your job better and help your company improve its compliance practices and bottom line.

## Who should attend?

Ideal for new or experienced environmental management professionals including:

- Environmental directors
- Environmental managers and staff
- Engineers
- Facility compliance professionals
- Attorneys
- Consultants

## Ceu/Cpe

Continuing education credits may be recognized by your professional board. Contact your own board to find what's required.

## Our guarantee

If you are not 100 percent satisfied with your seminar experience, we will refund your money.

## Membership info

It's not too late to take advantage of the Kentucky Chamber member discount. To learn more about membership, call 502-695-4700 and ask for a membership representative.

## Sponsors

**Presenting sponsor** Bingham Greenebaum Doll LLP

**Gold sponsors** EHS Technology Group  
Linebach Funkhouser, Inc.

**Silver sponsors** Smith Management Group  
Stoll Keenon Ogden PLLC  
Trinity Consultants

Material was covered well. Enjoyed discussing issues and solutions that have been implemented with other companies.

— Greg Boyd, NEO Industries, Inc.\*

\*2012 conference attendee

## DAY ONE Tuesday, March 5, 2013

**8 a.m. Registration and Continental Breakfast with Sponsors**

### 8:30 a.m. Welcome

*Jim Ford, Vice President of Business Education, Kentucky Chamber of Commerce*

### Program Overview

*Carolyn Brown, Esq., Managing Partner, Lexington and Chair of Environmental and Natural Resources Practice Group, Bingham Greenebaum Doll LLP*

### 8:45 a.m. OPENING KEYNOTE: Obama's Second Term – Impact on the Kentucky Air Program sponsored by Bingham Greenebaum Doll LLP

*Carolyn Brown, Esq., Managing Partner, Lexington and Chair of Environmental and Natural Resources Practice Group, Bingham Greenebaum Doll LLP*

President Obama will be serving another four years. A number of rulemaking actions were on hold until after the election. Activity will increase now that the election is over. What does this mean for the Kentucky air program and how will business be impacted? This session will discuss the latest federal air program developments and the anticipated effects on Kentucky.

### 9:45 a.m. Morning Break with Sponsors sponsored by Stoll Keenon Ogden PLLC

### 10:15 a.m. CONCURRENT SESSION ONE:

[Descriptions at kychamber.com/EnvironmentalConference](http://kychamber.com/EnvironmentalConference)

#### Workshop A: Hazardous Waste Management – Common Violations and Remedies

*Gregory Hemker, CHMM, President, EHS Technology Group and Philip Schworer Esq., Member, Frost Brown Todd LLC*

#### Workshop B: Dangerous Intersections – Understanding and Navigating the Crossroads of Construction and Environment

*Kenneth Gish, Esq., Counsel and Cassidy Ruschell Rosenthal, Esq., Member, Stites & Harbison, PLLC*

#### Workshop C: Kentucky's Impaired Streams: Is There a Better Way?

*Peter Goodmann, Assistant Director, Kentucky Division of Water; Scott Smith, Senior Consultant, Smith Management Group and Chris Thomas, Chief, Pollution Control and Implementation Branch*

### 11:15 a.m. Morning Break with Sponsors

### 11:30 a.m. LUNCHEON KEYNOTE: EPA, Coal and the "Water Wars": Why Does it Matter to YOU? sponsored by EHS Technology Group

*Tim Hagerly, Esq., Member, Frost Brown Todd LLC and Bruce Scott, Commissioner, Kentucky Department for Environmental Protection*

Much has been made in the national and Kentucky press in the past few years about the Obama Administration's "war on coal" and its potentially devastating effects on the economy of central Appalachia, including the Eastern Kentucky coalfields. Battles over U.S. EPA's priorities and policies under the Clean Water Act have been at the heart of this war. What many outside the coal industry have not understood is that many of the core principles at stake in these "water wars" are important far beyond the coal mining industry and have the potential to profoundly affect the economic interests of businesses throughout the Commonwealth and the nation. This session will provide an overview of the major issues at stake in these ongoing legal battles, where they currently stand in light of recent court decisions and what they could mean for Kentucky business generally.

### 1 p.m. CONCURRENT SESSION TWO:

[Descriptions at kychamber.com/EnvironmentalConference](http://kychamber.com/EnvironmentalConference)

#### Workshop D: Liability for Contaminated Property: The Legal and Regulatory Landscape (Including Kentucky's Bona Fide Purchaser Exemptions)

*Jennifer J. Cave, Esq., Partner, Bingham Greenebaum Doll LLP and*

*Anthony R. Hatton, Director, Kentucky Division of Waste Management*  
**Workshop E: Third Time's the Charm – A Review of the New (and Final?) Boiler MACT Regulations**

*Paul Smith, P.E., Quality Director, Trinity Consultants*

**Workshop F: The Emergency Planning and Community Right to Know Act Reporting Requirements**

*Fred Rial, Senior Project Manager, Tetra Tech, Inc. and Robin Thomerson, Esq., Counsel, Bingham Greenebaum Doll LLP*

**2 p.m. Dessert Break with Sponsors sponsored by Trinity Consultants**

**2:30 p.m. Doing More With Less: The One-Person Environmental Department**

*Roseanne Ackermann, Health, Safety & Security Supervisor, Proximo Distillers; Eric M. Logsdon, Corporate Environmental Manager, The David J. Joseph Company; Philip Schworer Esq., Member, Frost Brown Todd LLC and Greg Trachsel, Vice President of Human Resources, The Hennegan Company*  
During this presentation we will explore the new reality of manufacturing facilities that rely upon a one-person environmental department. This will be an interactive panel discussion with company representatives who have successfully operated a one-person department.

**3:30 p.m. Kentucky Air Quality – Update from KDAQ**

*John Lyons, Director and John Gowins, Environmental Control Supervisor, Kentucky Division for Air Quality*

Lyons and Gowins will discuss historical trends in Kentucky's air quality and the connection between revisions to the National Ambient Air Quality Standards (NAAQS), federal rule making and State Implementation Plan (SIP) development. The latest news on the most recent revisions to the NAAQS will also be discussed, outlining potential nonattainment designations and the expected SIP changes to address violations of the standards.

**4:30 p.m. Sessions end and Networking Reception with Sponsors begins**

**5:30 p.m. Day one adjourns**

## **DAY TWO Wednesday, March 6, 2013**

**8 a.m. Registration and Continental Breakfast with Sponsors**

**8:30 a.m. Environmental Issues Facing the Commonwealth**

*Chad Harpole, Director of Public Affairs, Kentucky Chamber of Commerce*  
At the time of this presentation the Kentucky General Assembly will have been in session since the beginning of 2013. Attend this session and get the latest information on state legislative activity as well as federal developments.

**8:45 a.m. OPENING KEYNOTE: The Storm Over Stormwater sponsored by Bingham Greenebaum Doll LLP**

*Alexandra Dapolito Dunn, Esq., Executive Director & General Counsel, Association of Clean Water Administrators and Lajuana Wilcher, Esq., Partner and Samantha Propp, Esq., Partner, English, Lucas, Priest & Owsley, LLP*

Twenty-five years ago Congress enacted Section 402(p) of the federal Clean Water Act (CWA), requiring permits for stormwater discharges "associated with industrial activity." Stormwater regulations promulgated by the U.S. EPA in 1990 prescribed permitting requirements that could be met with a moderate amount of effort and expense. Today's stormwater requirements impact almost all development and industries. Compliance with those provisions is becoming increasingly complicated and expensive. Proposed state stormwater general permit KYR00 may provide some temporary relief when it is finalized by Kentucky DEP, but regulatory proposals by the U.S. EPA have the potential to negate some of the benefits associated with the general permit program. EPA's directive on Integrated Municipal Stormwater and Wastewater Plans will also be discussed. This presentation will serve as a primer for those who have never obtained a stormwater permit and as a bellwether of things to come in this evolving area of

environmental regulation. It will inform those with existing stormwater permits about current compliance issues.

**9:45 a.m. Morning Break with Sponsors sponsored by Smith Management Group**

**10:15 A.M. CONCURRENT SESSION THREE:**

[Descriptions at kychamber.com/EnvironmentalConference](http://kychamber.com/EnvironmentalConference)

**Workshop G: I Found Contamination – Now What Do I Do? A Practical Response Guide**

*Kyle Galloway, Attorney at Law, Valenti, Hanley & Robinson; Tim Hagerty, Esq., Member, Frost Brown Todd LLC; Tim Hubbard, Assistant Director, Kentucky Division of Waste Management and Robert Money, PG, Environmental Branch Manager, AMEC Environment & Infrastructure*

**Workshop H: Kentucky Geology for Dummies: It's Impact on Environmental Compliance**

*Roy Funkhouser, P.G., Principal, Linebach Funkhouser, Inc.*

**Workshop I: Understanding "Waters of the United States" Under Section 404 – If You Don't Think This Impacts Your Company, THINK AGAIN!**

*William Gorton III, Esq., Member, Stites & Harbison, PLLC*

**11:15 a.m. Morning Break with Sponsors**

**11:30 a.m. LUNCHEON KEYNOTE: Civil and Criminal Environmental Enforcement Trends sponsored by Linebach Funkhouser, Inc.**

*Clay Larkin, Esq., Associate, Bingham Greenebaum Doll LLP and Michael Haines, General Counsel, Energy and Environment Cabinet*

This program will address recent federal, state and citizen enforcement initiatives under a variety of environmental laws, with a focus on EPA's 2013 Enforcement Initiatives. The program will provide an overview of those statutes, cover industries that have been identified as key enforcement priorities and address efforts to expand the scope of civil and criminal liability into new areas.

**1 p.m. CONCURRENT SESSION FOUR:**

[Descriptions at kychamber.com/EnvironmentalConference](http://kychamber.com/EnvironmentalConference)

**Workshop J: Case Studies in Site Remediation and Brownfield Redevelopment**

*Shawn Cecil, Environmental Scientist, Kentucky Department for Environmental Protection; Sara Smith, P.G., President and Karen Thompson, P.G., Project Manager/Senior Geologist, Smith Management Group*

**Workshop K: Everything You Always Wanted (and Need) to Know About Kentucky's Emission Inventory System (KyEIS)**

*John Colebrook, Senior Consultant, Trinity Consultants and Melissa Duff, Internal Policy Analyst II, Program Planning and Administration Branch, Division for Air Quality*

**Workshop L: Superfund Update**

*Ronald Van Stockum, Esq., Ronald R. Van Stockum, Jr. Attorney at Law*

**2 p.m. Dessert Break**

**2:15 p.m. CONCURRENT SESSION FIVE:**

[Descriptions at kychamber.com/EnvironmentalConference](http://kychamber.com/EnvironmentalConference)

**Workshop M: Introduction to Electronic DMR Reporting**

*Shawn Hokanson, Permit Support Section Supervisor, Surface Water Permits Branch, Division of Water and Kenya Stump, Environmental Assistance Branch Manager, DCA*

**Workshop N: How to Respond to a First-Time Technology-Based BPJ Limit in Your Draft KPDES Permit**

*Jack Bender, Esq., Partner, Bingham Greenebaum Doll LLP*

**Workshop O: Insurance Coverage for Environmental Liability**

*Adam Goebel, Esq., Member and Sam Hinkle, Esq., Member, Stoll Keenon Oden PLLC*

**3:15 p.m. 11th Annual Kentucky Environmental Conference concludes**

# Register 11th Annual Kentucky Environmental Conference

## Registration fees

\$495/Kentucky Chamber Member

\$595/Non-member

### SPECIAL OFFER

For each full price registration receive one HALF OFF!

## How to register

### web

[kychamber.com/Environmental\\_Conference](http://kychamber.com/Environmental_Conference)

### phone

Call Lori Jo Hill

502-695-4700, ext. 8727

### e-mail

[lhill@kychamber.com](mailto:lhill@kychamber.com)

### fax

502-695-5051

### mail

Kentucky Chamber

464 Chenault Road

Frankfort, Ky. 40601

## Cancellations/substitutions

Cancellations must be made no later than five business days prior to the program for a full refund. After this date, no cash refunds will be granted. Substitutions are welcome. Special accommodations made upon request.

## To register, please complete

To process your order, the entire registration form must be complete. (Please copy for additional registrants.)

Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Fax \_\_\_\_\_

Email \_\_\_\_\_

Principal Line of Business \_\_\_\_\_

Number of Employees \_\_\_\_\_

\*I understand that by providing the phone, fax number and e-mail information above on behalf of the person/company/organization specified above, I am authorized to and hereby consent for the person/company/organization to receive communication by or on behalf of the Kentucky Chamber of Commerce.

## Payment

Bill me. PO# (not required) \_\_\_\_\_

Check enclosed (payable to Kentucky Chamber of Commerce).

Charge.  VISA  MC  American Express

Card # \_\_\_\_\_

Exp. date \_\_\_\_\_ Security code \_\_\_\_\_

Name on card \_\_\_\_\_

Signature \_\_\_\_\_

## Location and lodging

### March 5-6, 2013 (80883)

Hyatt Regency Lexington

401 West High Street

Lexington, KY 40507

Tel: 859-253-1234

Room Rate: \$129\*

Room Cutoff Date: February 11, 2013

\*The advertised Ky Chamber room rate cannot be guaranteed after the cutoff date.

When contacting hotel for lodging, please specify that you are with the Kentucky Chamber's 11th Annual Kentucky Environmental Conference to receive the discounted rate.



## Breakout sessions (choose one from each session)

### Concurrent Session One — 10:15 a.m., Tue. March 5

- A: Hazardous Waste Management – Common Violations & Remedies/Hemker & Schworer
- B: Dangerous Intersections – Crossroads of Construction and Environment/Gish & Rosenthal
- C: Kentucky's Impaired Streams/Goodmann, Scott Smith & Thomas

### Concurrent Session Two — 1 p.m., Tue. March 5

- D: Liability for Contaminated Property/Cave & Hatton
- E: Third Time's the Charm – Boiler MACT Regulations/Paul Smith
- F: The Emergency Planning and Community Right to Know Act Reporting Requirements/Thomerson

### Concurrent Session Three — 10:15 a.m., Wed. March 6

- G: I Found Contamination/Galloway, Hagerty, Hubbard & Money
- H: Kentucky Geology for Dummies/Funkhouser
- I: Understanding "Waters of the United States" Under Section 404/Gorton

### Concurrent Session Four — 1 p.m., Wed. March 6

- J: Case Studies in Site Remediation and Brownfield Redevelopment/Cecil, Sara Smith & Thompson
- K: Kentucky's Emission Inventory System (KyEIS)/Colebrook & Duff
- L: Superfund Update/Van Stockum

### Concurrent Session Five — 2:15 p.m., Wed. March 6

- M: Introduction to Electronic DMR Reporting/Hokanson & Stump
- N: How to Respond to a First-Time Technology-Based BPJ Limit in Your Draft KPDES Permit/Bender
- O: Insurance Coverage for Environmental Liability/Goebel & Hinkle