



**The Horinko Group's
Fourth Annual Summit**

The Next Generation of Environmental Compliance and Enforcement

October 17, 2012

Washington, DC

The Horinko Group's Fourth Annual Summit centered on the current and projected state of environmental compliance and enforcement under changing economic and political conditions. Thought leaders with a great depth of enforcement experience in both the public and private sectors, inspired a lively, informed dialogue on the future of enforcement toward sustaining our environment and economy (refer to *Attachment I: Final Attendee List*).

Following opening and keynote remarks, a public sector panel focused on meaningful public engagement with dwindling resources, while the private sector panel explored results-oriented enforcement and compliance with lower transaction costs. A facilitated discussion session followed each panel.

OPENING REMARKS: *What's at Stake?*

Marianne Horinko, President of The Horinko Group and Former U.S. EPA Acting Administrator, commenced the Summit with introductory remarks.

Ms. Horinko expressed her deepest gratitude to all presenters and participants, emphasizing that individuals would be speaking from their own experiences and observations. She applauded the leadership and contributions of all involved in the Summit to these issues that are critical to us all.

Ms. Horinko introduced the summit topic, the next generation of environmental compliance and enforcement, noting that regardless of Administration or political affiliation, enforcement issues would continue to be critical and contentious.

She then introduced a new effort that The Horinko Group has recently undertaken, one that started with a careful investigation of hydraulic fracturing over the past several months. This investigation resulted in a comprehensive white paper on the environmental, regulatory, and legal issues tied to hydraulic fracturing. The objective in developing this guidebook is to look for common ground in this highly contentious debate and provide the context around which a coalition of stakeholders could potentially be formed to ensure the industry's continued growth while proactively addressing issues of concern. In the coming months, The Horinko Group intends to gather feedback and identify those interested in joining this discussion.

Ms. Horinko concluded by outlining the agenda and introducing the keynote speakers.

KEYNOTE REMARKS: *What's Working, What's Not, and Where Can Government Add the Most Value?*

Robert Varney, Executive Vice President, Normandeau Associates, Inc. and former Regional Administrator, U.S. EPA New England Region introduced the serious challenges that are being faced in enforcement at the national, and state levels. Mr. Varney drew from experiences at the state, federal, and local levels both in the public and private sectors. He noted that EPA New England saw record enforcement years during his time and that he believes strongly in the importance of enforcement and the deterrence effect of enforcement. An essential effort, however, was to integrate enforcement and compliance activity and look at the overall goal of compliance. Enforcement must be treated as one tool, not the goal itself. This integration of enforcement and compliance has not yet been fully embraced nationally.

His time at EPA also saw a record number of self-disclosures under the self-audit programs and achieved a tremendous amount of compliance without relying on labor-intensive enforcement cases. He noted, however, that there has been widespread conversation about disinvesting in self-disclosure audit programs that is a concern to the states and to regional officials. Mr. Varney discussed the effectiveness of supplemental environmental actions as part of environmental settlements, which enabled officials to keep benefits local and address regional needs and priorities.

Mr. Varney noted that the major issue for enforcement looking forward, one that many have not fully grappled with, is the deficit. Increasing compliance under an expanding regulatory universe, with increasing numbers of regulated sources, while simultaneously cutting federal spending and eliminating the deficit poses an incredible challenge.

He spoke of many efforts that are making some progress in the face of this challenge. These include e-permitting in the states and EPA's next generation compliance initiative that promotes electronic reporting by facilities, modifying data systems, and use of new monitoring technology. Deploying modern monitoring technology like remote sensing and aerial photography to get better data more efficiently, as well as increasing transparency, can all lead to greater efficiency. The e-manifest program, web pages to supply more compliance information to the public, and the recently introduced capacity to file an environmental impact statement electronically all speak to this gradual progress and to the amount of work still ahead to take full advantage of these technologies.

As budgets are tightened, there has been discussion of how to shift funding from lower to higher priorities. This includes disinvestments in certain programs, fewer staff members, and limited funding for infrastructure improvements. All stakeholders are finding ways to do more with less, more so than ever before. For enforcement and compliance, it is likely that this will require revisions in some federal rules and statutes as these new and more efficient approaches are developed. If enforcement staff at EPA is reduced, it may mean that environmental groups, lawyers, non-profits, and activists will become even bigger players in our nation's compliance system.

Mr. Varney invited the audience to think about what will happen to states if there is federal reduction in compliance and enforcement budgets, as states traditionally have not held responsibility for the majority of high profile cases. He added that states ought

to be studied more closely as they are providing great examples of what can be done in the compliance arena. For example, Colorado's checklist forms for air and hazardous waste facilities have created dramatic increases in compliance and reductions in enforcement actions.

Mr. Varney concluded with the notion that as we progress, dramatic change will need "outside the box" thinking. States, trade associations, and other stakeholders will all play a major role.

Jon Cannon, Director of the Environmental and Land Use Law Program, University of Virginia School of Law and former General Counsel, U.S. EPA spoke about the political and social realities facing EPA's enforcement program. Mr. Cannon highlighted a number of areas where EPA might focus its attention, many in which the Agency is already working. First, he noted that the enforcement model is currently a deterrence model, where the goal is to get more from bad actors than they gained from being in non-compliance and to make this known to the larger community. In doing so, EPA is creating a climate in which it is more beneficial to comply than not. Compliance is the goal and deterrence a means by which it can be achieved. This has always been the backbone model, though from time to time EPA has adopted cooperative positive incentive programs in order to induce compliance. Nevertheless, it is important to have strong EPA enforcement programs in the field in order to make incentives worth something to the people who might be attracted by them.

Criticism of this model has always existed, but is stronger now than it has been in the past. As evidence, Mr. Cannon cited recent events indicative of a broader resistance. The first point cited was the judicial *Sackett vs. EPA* decision where there was a unanimous decision in favor of the land owner and the summary of the opinion written by Justice Scalia referred to strong arming tactics of agencies like EPA in trying to impose their will without adequate process on unsuspecting landowners.

Secondly, Mr. Cannon referenced the recent occurrence where EPA Regional Administrator for Region 6, Mr. Armendariz, who compared EPA's enforcement program to the Romans conquering little villages in the Mediterranean and making examples out of the first five citizens they ran into. The metaphor and its sentiment was repeated and used as an example of EPA's enforcement policy in a house hearing.

Mr. Cannon continued by noting that enforcement priorities today look very much the same as they have in the past, but resistance has increased. He proposed three possible explanations for the increased complaints regarding enforcement, which at its core, he proposes, is derived from increased resistance to EPA regulation. 1) The economic downturn has made regulation more noticeable. 2) Political polarization has caused a deterioration of the consensus over environmental regulation. 3) There has been a deeper cultural shift where environmental issues have stalled out as other issues have taken on greater priority, and environmental regulations are increasingly seen as posing a risk to other liberties that Americans hold dear, and as competing with material progress. The phrase "job-killing regulations" has gained traction and the environmental movement has stalled out and lost the driving force it had to shape political attitudes in the past.

In light of the increased resistance, Mr. Cannon outlined three areas in which EPA has and ought to continue to work.

1) *Emphasis on process fairness.* While this costs money, fairness takes away a line of criticism that might be directed at EPA enforcement and helps maintain the credibility of the program.

2) *Rule clarity.* Violations must be defined clearly so that those who are required to be in compliance can understand how to come into and stay in compliance. It must be explained to the public how cases get selected and why. EPA is working on clear rules about applicability of regulations, which should help reduce non-compliance. Mr. Cannon referenced a quote by Justice Alito who agreed that there is a process problem (in the Sackett vs. EPA case), but also a lack of clarity in EPA's regulations. This requires that guidance under the regulations be made clearer, which is a job not just for enforcement, Mr. Cannon noted, but for the entire Agency.

3) *Case selection.* EPA strives to get the maximum deterrence benefit out of any enforcement action it brings. Yes, EPA must select and pursue cases based on programmatic importance and environmental impact, but they must also go after systematic non-compliers and make examples of them.

These strategies, Mr. Cannon admitted, are easy to say, but harder to do. Perhaps modern technologies can help with this, but regardless, there is a huge amount of work to be done.

KEYNOTE – QUESTION & ANSWER

Following the keynote speakers, the audience was invited to comment and ask questions:

C1: The first comment proposed an additional reason for increased resistance to enforcement, suggesting that most companies don't have a problem with inspection of violations. The matter of discontent is when inspectors find something they don't like and then goes back and finds regulation or interprets regulation to match it.

Mr. Varney responded that those companies who engaged in training in Region 1, made changes, and took advantage of opportunities to get in compliance, resulting in less issues. These types of compliance activity opportunities need to be made more widespread and need to be taken advantage of more commonly. He agreed that the "gotcha" attitude exists, but also noted that this gets talked about more than good compliance behavior.

Q1: The first question noted that most companies want to do right things and asked, how does EPA respond to those who are not in compliance, but are not "bad actors," but "ambivalent actors"?

Mr. Cannon replied that one must analyze what is leading to their ambivalence—is it a lack of conviction that enforcement activity is sufficiently probable or sufficiently costly to bring them on board, or are they uncertain about requirements? A strong program must have approaches to address both of these cases including clearer regulations, compliance assistance, self assessment programs for the latter situation in addition to basic deterrence incentives to create reasons for the former actor to want to comply.

PANEL 1 – PUBLIC SECTOR: *Revealing the Enforcement End Game: Where’s the Goal Line?*

John Cruden (Moderator)

President, Environmental Law Institute

Former Deputy Associate Attorney General, U.S. Department of Justice

David Trimble

Director, Natural Resources & the Environment, U.S. GAO

Beth Pitrolo

Assistant District Counsel, Albuquerque District, U.S. Army Corps of Engineers

Larry Starfield

Deputy Assistant Administrator, Office of Enforcement & Compliance Assurance, U.S. EPA

The public sector panel brought a wealth of expertise to the questions surrounding enforcement and compliance and what the next generation may look like. Echoed repeatedly throughout the panel presentations was the following line of reasoning: *A level playing field must be maintained in order to ensure fair competition and to achieve the health benefits and quality of life promised under EPA’s Clean Water and Air Acts.*

Thus, everyone must comply under the same rules. Furthermore, companies want predictability and certainty regarding these rules. To this point, enforcement has been an important, but expensive tool to ensure a level playing field. The current structure is resource intensive and built around costly monitoring and inspections. Since resources are becoming increasingly scarce and the number of pollution sources and thus the need for enforcement is increasing, there needs to be a rethinking of the current structure. There are many factors to account for when considering a redesigned “next generation compliance,” and the panelists offered many thoughts and suggestions on what the next generation ought to look like –

- 1) Past challenges must be kept in mind such as regional inconsistencies in methods of enforcement. Similar violations need to be met with similar enforcement methods.
- 2) Advances in technology will play an essential role in a revised compliance framework.
 - a. Pollutant monitoring systems enable more effective enforcement, when used by companies to self-monitor, take corrective actions, and remain in compliance; and,
 - b. E-reporting improves data collection abilities and quality and enables cheap, fast, and effective targeting of non-compliers.
- 3) Rule clarity: rules need to be more effective and better understood. Companies often want to comply with the law, but not every EPA rule is clear. Rule makers

must focus on the ability of industry to comply with and states to enforce rules. Rules that minimize the need for in-person monitoring and inspection ought to be the goal. A clarifying example offered was that of mandatory unleaded gasoline laws. At the time the law went into effect, leaded gas had to remain available due to the number of cars that still required it. Leaded gas was also cheaper. Instead of sending inspectors to every gas station in America to monitor whether individuals were unlawfully using leaded gas in vehicles designed for unleaded, an engineered solution was developed. Pumps were equipped with nozzles that made it impossible to fit the leaded gas nozzle into an unleaded gas tank. Likewise, broader environmental rules need to be self-regulating, and the first way to do this is to make rules clearer and compliance uncomplicated.

- 4) There must be transparency and accountability in enforcement. Once companies know how information is shared, compliance increases.
- 5) Innovative approaches to enforcement must focus on new methods of compliance assistance:
 - a. More modern systems that would allow EPA and the states to communicate with regulated facilities electronically, review data submitted through electronic monitoring systems, identify potential compliance problems, and respond by providing targeted assistance to help facilities deal with those specific problems; and,
 - b. Consent decrees streamlined through use of third parties to verify information.
- 6) Resistance to regulation is increased when there is no longer consensus regarding the goal of regulation. When environmental values were shared, resistance to regulation was low, and enforcement was less necessary. If there is no longer consensus regarding the goal of regulation, resistance to regulation increases with a corresponding increase in enforcement actions. If consensus is again attained regarding environmental goals, then the requirement for enforcement will decline as well.

PANEL I – QUESTION & ANSWER

Q1: Mr. Cannon listed first in his recommendations “process,” what do you think about this?

Process is tied to fairness. Regional variations come back to process. What are the policies procedures and practices to make next generation compliance consistent across offices, regions, media etc. to make it all that it can be?

Process is your friend. If you follow the same process every time, you have a much more legally defensible approach. Process simply for the sake of process is not necessarily positive, but if it is tied to streamlining, standardization, and the development of an effective product, it is beneficial.

The challenge of next generation compliance’s e-reporting is that it is not free. Though it may pay itself off and save money for business and states, the infrastructure has to be built. There must be investment in new tools to change the process if we really want to do things differently.

Q2: Reliability is critical to the private sector, but government does not seem bound to their process. Too frequently, it is being said that government is changing its policy, taking a different approach, or dealing with a unique case. Fairness in process needs to be on both sides of the table so that there is reliability and assurance to companies that if they do X, they will ultimately receive Y.

Keeping the playing field level means everyone needs to play by the same rules. The problem is that EPA cannot contemplate everything when writing rules. Something is written (and often litigated) and portions can be out of date shortly after it takes effect. Policies, which are statements of intent, help to fill that gap. Fairness needs to be applied, but if there is a special condition that was not considered at the outset, there must be flexibility, and the mission of the government to protect public health and the environment must come first.

There is an understandable desire for absolute clarity in regulation and knowing exactly what you are going to do, but this takes away from the latitude to have innovative solutions to problems that happen in the real world. If there is no judgment call to be made, you have taken away the ability to innovate, be creative, and come up with new solutions.

Q3: We need to do more with less and achieve new levels of enforcement and compliance, but there has to be flexibility on both sides, not only for the government, but also for the private sector, in addressing unique aspects in the business world that a rule when it is developed does not necessarily address. One problem is that not all industries are the same. Those that are similarly situated need to be treated fairly, but different sectors of the same industry are often treated as the same for purposes of compliance and this results in penalizing companies that cannot comply because of their unique circumstances. If regulators are not careful, companies are being penalized because they are not able to comply, so these actions are damaging to the company and the public market place.

Both industry and the regulatory community are benefitted by effective communication and education. In cases where a regulation is not effective or productive as it applies to a specific industry, a dialogue needs to occur to inform both lawmakers and regulators of the shortcomings. On the other hand, the regulatory community should also convey the intended regulatory goal. If lines of communication are kept open, regulation will be more in line with the effects of industry actions.

Q4: This level playing field is not just a big business issue. Small companies as well have put lots of investment across the board on being EPA certified, but there has not been enough enforcement and as a result there has been a black market that has developed. Where there are state delegated programs, can EPA use its megaphone to publicize state enforcement to get some bang for its buck on a deterrence level?

Neither state nor federal agencies have done enough to deter the “fly by night” small-scale contractors who are taking work away from people who are following the rules and doing things the right way. This is a significant issue because there is a direct health impact associated with this.

Teaming with the states is a great suggestion. EPA is looking at next generation techniques to see if there are other ways to increase and facilitate compliance with the environmental programs.

Q5: A contributor to the lack of consensus around regulation and enforcement may be that the environmental challenges these days are no longer the acute ones common in the past and today, the impacts from lack of compliance and enforcement are often widely dispersed from where lack of compliance occurred. Furthermore, the globalized nature of these issues and determining enforcement responsibility based on where impacts take place, adds another dimension of complexity. If people can see pollution and see the impact immediately (i.e. via infrared monitoring cameras), they can grasp it. How do you make chronic or aggregate problems visible enough to society as a whole so progress can be made?

Next generation technology may assist with this by making violations more visible. This may strengthen the ability to respond to these problems and create new ways of aggregating and presenting data. The average person, through use of new technologies that are broadly accessible, will be able to see pollution and environmental impacts in real time. This could bring environmental issues back to the forefront.

Q6: Why has the audit policy ceased and what may take its place in the future?

It is still being discussed, but EPA is looking at reducing investment in this area. This is largely an issue of EPA continually getting more to do and never being told what they can stop doing. The Enforcement Office's "[National Program Managers Guidance](#)" discusses areas in which EPA is thinking of reducing investment, because they cannot do everything. One reason behind the belief that audit policy is not something to keep investing in is that the data has not suggested it. People are not disclosing critically important violations. There is still room for companies to work with EPA voluntarily and receive consideration to reduce penalties, and for self-disclosure to occur within certain sectors, but the formal program needs to be looked at critically. There is a constituency for everything EPA does and the Agency has more work to do than it can, so it has to make difficult choices and it has to rethink the size and scope of the policy.

PANEL II – PRIVATE SECTOR: *Reinventing Compliance: Where Obligation Meets Opportunity*

Steve Hellem (Moderator)

Executive Director, Corporate Environmental Enforcement Council

Brent Fewell

Senior Vice President, Environmental Health & Safety, United Water

Peter Wright

Managing Counsel, The Dow Chemical Company

Sheila Deehly

Senior Counsel, Environmental, Freeport-McMoRan Copper & Gold

Khary Cauthen

Director of Federal Relations, American Petroleum Institute

The private sector panel added a second round of critical ideas and experience to the ongoing discussions at the Summit. Many of the speakers and panel moderator agreed that the desire and intention to comply exists, but what hinders compliance is uncertainty about rules and growing fiscal challenges. Public companies have responsibility to their shareholders and are facing added compliance requirements without being able to hire additional employees.

Panelists largely agreed that voluntary audit and other incentive programs that give companies a reason to look for problems and proactively fix them have to be in the mix of enforcement and compliance tools. The suspension and debarment office at EPA is another very effective and underutilized tool to encourage companies to achieve compliance.

Many spoke of the need for rules to be designed in a manner that makes them comprehensible and easy to comply with. In order to do this, collaboration between EPA and industry to develop rules in a manner that makes sense from the compliance side is essential for the future. Additionally, in the face of new technologies that were not around when rules were first developed, there has been an overall inability to respond in an efficient manner. Given that new technology will continue to change the face of the regulatory and legal systems, a better way to respond must be devised.

In many cases, companies are striving to demonstrate they care about surrounding communities and be in compliance with EPA rules. Community perception of industry and companies is bolstered when companies are vigilant about compliance. Some have had success with EPA by communicating and collaborating with regulators. Real collaboration of this sort is needed on a much larger scale. Collaboration allowing more of a voice from industry that facilitates and supports the need for EPA to craft sensible rules that work for industry would improve the rulemaking process and compliance efficiency.

Third party reviews that track performance or aggregate industry best management practices have an important role to play in this arena as well. They are able to inform technical dimensions needed for rulemaking. Furthermore, the point was raised that corporate culture has a major influence on compliance. If corporate sustainability programs are better aligned with the compliance program, compliance becomes more

attainable. Having more sensitivity to how these cultures operate is important as culture can drive compliance.

Overall, there was a sentiment of understanding for the very tough role EPA has to play. When EPA is assigned a new task, none of their previous responsibilities disappear, and they, like the companies they regulate, are strained for resources and face layoffs. Budget trimming means programs have to be scaled back or removed entirely. This panel stressed heavily the virtues of voluntary incentive programs where managers inside the companies invest in the program and the problems caused when programs like this are removed. This undercuts the ability for companies to invest in a certain compliance structure. The private sector panelists touched on many of the same points as the public sector regarding the need for the compliance culture to change.

PANEL II – QUESTION & ANSWER

Q1: Many discussed the impact of technology and how technology is some hope for the future on the enforcement side; does it apply on the company side too?

One of the greatest challenges for many companies is managing data. More and more, they are using state of the art technology for data management systems and this corresponds well with where EPA is going on electronic data submission.

Substantively, technology should be pursued that will minimize and eliminate environmental impacts. An example of this is the water treatment technology that Freeport-McMoRan Copper & Gold has pursued in collaboration with EAP and other parties.

For completions of hydraulically fractured wells, the petroleum industry brought the green completion technology to EPA that was then included in the regulation.

The chemical manufacturing industry as well has a host of technology for pollution control. If environmental statutes could be revised as well, more progress could be made.

Q2: The oil and gas rulemaking was a good example of collaboration between EPA and industry. Before regulations were drawn up, EPA reached out to industry and informed them of their intentions and asked for input and information about operations. There was a lot of back and forth that is still being carried out. In the past, dialogue like this was much more frequent and is worth thinking about again and working to recreate frank conversations and identify common ground.

The lack of humanness in the context of the process is certainly an issue and the process would benefit from more conversation and collaboration.

Q3: What is the state of environmental media in the coverage of issues, industries with fewer reporters, and what kind of reaction is this causing?

There are a couple of trade reporters left that are really good. The Associated Press or the New York Times and other publications then pick up their reporting. Because these trade reporters focus solely on specific industries, they spend the time to understand the technologies and the industry to the greatest extent. This is a positive thing. The Wall Street Journal has a report dedicated to energy and environmental issues as well. These few reliable sources will talk to government, industry, environmentalists, and work to aggregate and sort through all opinions to get to the root of the issues and put the whole

story together. When reporters do not want to go to the deeper levels of the subject matter, they may confuse public opinions on the issues. A short time ago there were many more reporters on environment beats.

Q4: There seems to be a lot of mistrust and polarization. Many people are looking at statutes and observing how outdated they are, but there is mistrust on both sides that if the statutes are reopened that anything good will come out of it. Can there be efforts underway without the futility state of mind to have bipartisan multi-stakeholder dialogues about the actual needs going forward? How can we make this happen? Are there efforts underway and, if not, can there be? Can we have dialogue with the various players in the room?

Third party groups may play an important role in this through reports and facilitated dialogues and other efforts. There is much more of a feeling that this type of conversation needs to be had. Many people on both sides are serious about having such discussions. There are likely now more collaborative efforts underway than there have been in the past between corporations and large environmental organizations. Those are paradigms where it can be uncomfortable for both sides, but once they get over the shock of working together, real progress can be made. Bringing more of those players together to collaborate and work on projects may be one path to have more of these conversations.

Part of the cause of partisan bickering may be that agencies and companies do not know each other anymore. At United Water (UW), because there was mistrust in the water sector over what private water does, UW went to regulators to say “this is who we are” and it is this sort of trust and transparency that is essential. Getting to know the regulators long before you have to is a great advantage. When this outreach is done, there is much more engagement and productive discussion.

Q5: EPA has done something to address this issue. It took a great effort to get EPA there. The IRIS program has been under incredible attack and one of the issues with that program is that there was no input by the regulated community and independent scientists at the beginning. Now, EPA has agreed to engage the scientific community at the beginning of the process to get that input in an effort to come up with draft assessments that hopefully will have more scientific consensus. That is something that EPA could and did voluntarily do.

CLOSING REMARKS: *Making the Business Case for Sustainability*

Marianne Horinko, President of The Horinko Group and Former Acting Administrator, U.S. EPA concluded the Summit with another round of thanks to all and five takeaways from the panels and discussions –

- 1) *Leverage*: Private and public sectors are both learning how to do more with less. We need to leverage what we have better, rely on public-private partnerships, put our shoulders to the same wheel, and our money in the same pot in order to make progress and do more with less, together.
- 2) *Incentives*: In the enforcement area, we cannot lose sight of the fact that while the deterrent effect is important, if there are no incentives for regulated entities to do the right thing, after a while there is no reward. Incentives, voluntary and partnership programs between EPA and regulated industry are key.

- 3) *Self-implementation*: Putting out regulations that are implementable, reliant upon self-certification and other innovative tools make regulations user friendly at the ground level and mitigate the need for a large expensive apparatus to exist in the government to regulate rules that were just written.
- 4) *Innovation*: Natural resources are not the limiting factor, ideas are. We do natural resources better because of innovation. We need to think around technology as both a blessing and a curse and use it to its fullest potential.
- 5) *Bottom-line*: The theme that started out the conversation was making the business case for sustainability. High unemployment means low stomach for environmental regulation. If we do not do environmental regulation in a way that is smart for business, there is going to be no one left to purchase environmental protection in this country. For example, EPA's brownfields program is self-implementing and market-based. It does not happen unless it makes economic sense at the location. It is grassroots, ground up, and drives redevelopment of sites that were eyesores, thus communities want the cleanup programs. The guiding vision going forward ought to be that smart environmental enforcement and smart environmental protection creates a better quality of life for all, for companies, and for communities.

Finally, Ms. Horinko expressed her faith in the energy, knowledge, and focus of the group and her belief that the group and the wider community has the capacity going forward to effect positive change regardless of administration.

ATTACHMENT I: FINAL ATTENDEE LIST

Roger Ballentine
President
Green Strategies

Charlie Bartsch
Senior Program Advisor
Economic Development
Office of Solid Waste and Emergency
Response
U.S. EPA

Karl Bourdeau
Principal
Beveridge & Diamond

John Cain
Founder
Novesis, Inc.

Jon Cannon
Director
Environmental and Land Use Law
Program
University of Virginia

Khary Cauthen
Director of Federal Relations
American Petroleum Institute

Isaac Chapman
Program Manager
The Horinko Group

Al Collins
Director of Health and Environment
Occidental Petroleum

Claudia Copeland
Clean Water Regulations and Funding
Congressional Research Office

John Cruden
President
Environmental Law Institute

Wayne D'Angelo
Special Counsel
Kelley Drye & Warren, LLP

Sheila Deehly
Environmental Counsel
Freeport-McMoRan Copper & Gold

Dick Engberg
Technical Director
American Water Resources Association

Chris Farley
National Climate Change Specialist
U.S. Forest Service

Brent Fewell
Senior Vice President of Environmental
Health & Safety
United Water

Nathan Gardner-Andrews
General Counsel
National Association of Clean Water
Agencies

Ellen Gilinsky
Senior Policy Advisor
Office of Water
U.S. EPA

Seth Goldberg
Partner
Steptoe & Johnson

Mark Gorman
Policy Analyst
Northeast-Midwest Institute

Mary Ann Grena Manley
Managing Editor
Bloomberg BNA

Dave Grossman
Founder
Green Light Group

Jimmie Hammontree
Manager, Regulatory Affairs, Northern
Division
Chesapeake Energy

Steve Hellem
Executive Director
Corporate Environmental Enforcement
Council

Marianne Horinko
President
The Horinko Group

Mel Keener
Executive Director
Coalition of Responsible Waste
Incineration

David Kimball
Environmental, Natural Resources and
Regulatory Affairs
Gallagher & Kennedy

Lloyd Kirk
Program Manager, Brownfields
Oklahoma Department of
Environmental Quality

Richard Leahy
Vice President, Environmental, Health
and Safety Compliance
Wal-Mart

David Lloyd
Director, Office of Brownfields and Land
Revitalization
U.S. EPA

Jane Luxton
Partner
Pepper & Hamilton

Judy Manley
Vice President
TechLaw

Brendan McGinnis
Managing Partner
The Horinko Group

Sean McGinnis
Director, Finance & Business
Development
The Horinko Group

Patrick McGinnis
Water Resources Team Leader
The Horinko Group

Cherie McKenna
Vice President of Operations
Novesis, Inc.

G. Tracy Mehan
Principal
The Cadmus Group

Erik Meyers
Vice President, Sustainable Programs
The Conservation Fund

Justin Oberst
Managing Partner
The Horinko Group

Beth Pitrolo
Assistant District Counsel
Albuquerque District
U.S. Army Corps of Engineers

Tim Richardson
Government Affairs
Wildlife Forever

Don Riley
Senior Vice President
Dawson and Associates

Risa Shimoda
Executive Director
River Management Society

Petra Smeltzer
Director, Government Relations
National Association of Water
Companies

Karen St. John
Director of Regulatory Affairs
BP America

Larry Starfield
Principal Deputy Assistant
Administrator,
U.S. EPA

Cynthia Stroman
Partner
King & Spalding

Tom Sullivan
Attorney
Nelson Mullins Riley & Scarborough

Mary Ellen Ternes
Attorney
McAfee & Taft

David Trimble
Director, Natural Resources &
Environment
U.S. Government Accountability Office

Robert Varney
Executive Vice President
Normandeau Associates Inc.

James Vines
Partner
King & Spalding

Ken Von Schamberg
Attorney
Clark Hill

Peter Wright
Managing Counsel
The Dow Chemical Company

Robert Young
Vice President
AlterEcho

ATTACHMENT II: SUMMIT AGENDA

The Horinko Group's Fourth Annual Summit
The Next Generation of
Environmental Compliance and Enforcement
October 17, 2012
Washington, DC

FINAL AGENDA

Registration **11:30am – 12:00pm**

Welcoming Luncheon **12:00 – 1:00pm**

Opening Remarks **1:00 – 1:15pm**

What's at Stake?

Marianne Horinko
President, The Horinko Group
Former Acting Administrator, U.S. EPA

Keynote Address **1:15 – 1:45pm**

What's Working, What's Not, and Where Can Government Add the Most Value?

Robert Varney
Executive Vice President, Normandeau Associates, Inc.
Former Regional Administrator, U.S. EPA Region 1

Jon Cannon
Director, Environmental and Land Use Law Program, University of Virginia School of Law
Former General Counsel, U.S. EPA

Panel One **1:45 – 3:00pm**

Revealing the Enforcement End Game: Where's the Goal Line?

John Cruden (Moderator)
President, Environmental Law Institute
Former Deputy Associate Attorney General, U.S. Department of Justice

David Trimble
Director, Natural Resources & the Environment, U.S. GAO

Beth Pitrolo
Assistant District Counsel, Albuquerque District, U.S. Army Corps of Engineers

Larry Starfield
Deputy Assistant Administrator, Office of Enforcement & Compliance Assurance, U.S. EPA

Break **3:00 – 3:20pm**

Panel Two **3:20 – 4:35pm**

Reinventing Compliance: Where Obligation Meets Opportunity

Steve Hellem (Moderator)
Executive Director, Corporate Environmental Enforcement Council

Brent Fewell
Senior Vice President, Environmental Health & Safety, United Water

Peter Wright
Managing Counsel, The Dow Chemical Corporation

Sheila Deehly
Senior Counsel, Environmental, Freeport-McMoRan Copper & Gold

Khary Cauthen
Director of Federal Relations, American Petroleum Institute

Closing Remarks **4:35 – 4:45pm**

Making the Business Case for Sustainability

Marianne Horinko
President, The Horinko Group
Former Acting Administrator, U.S. EPA

Networking Reception **4:45 – 6:30pm**