

Joseph G. Maternowski
Shareholder

Practicing in the areas of Environmental, Administrative, Litigation, Business and Real Estate Law.

Positions Held:

Shareholder, *Hessian & McKasy, P.A., January 2012 to Present*

Chair, *Environmental Law Attorney Practice Group*

Shareholder, *Moss & Barnett, 2000–2011*

Chair, *Minnesota State Bar Association Environmental, Natural Resources & Energy Law Section, 2009–2010*

Shareholder, *Hessian & McKasy, 1994–1999*

Attorney, *Lindquist & Vennum, 1991–1994*

Special Assistant Attorney General, Minnesota Attorney General's Office,

1984–1991 (Represented Minnesota Pollution Control Agency and Minnesota Department of Agriculture)

Qualifications:

Alternative Dispute Resolution (ADR): Qualified Neutral Under Rule 114 of Minnesota General Rules of Practice.

Ratings:

- “AV” Rated Attorney by Martindale-Hubbell - highest rating offered
- Rated “Superb” by Current and Past Clients on www.AVVO.com website

Honors and Awards:

- Best Lawyers Minneapolis Environmental Law “Lawyer of the Year” for 2013
- Best Lawyers in America – Environmental Law and Litigation - Environmental Super Lawyers – Environmental and Environmental Litigation
- “Lawsuit of the Year” (2005); Minnesota Law & Politics
- February 2011 Twin Cities Business Magazine article: “The Blawgosphere” featured www.EnviroAttorney.net blog

Legal Expertise:

Real Estate Due Diligence/Redevelopment

- Conduct review and analysis of Phase I Environmental Site Assessments under the “All Appropriate Inquiries” standard and ASTM Standard Practice.
- Develop investigation and remedial action plans for sites affected by releases of hazardous substances and petroleum products.
- Assist clients in obtaining liability assurances that are available under state voluntary cleanup programs including the Minnesota Pollution Control Agency’s Voluntary Investigation and Cleanup and Petroleum Brownfields Programs to facilitate property transfer and minimize cleanup liability.

- Assess environmental conditions of property owned and leased by cellular telecommunications provider at hundreds of sites located throughout the Upper Midwest.
- Provide advice to clients involved with decommissioning of manufacturing operations including property reuse and redevelopment scenarios.
- Evaluate environmental risk and liability in merger and acquisitions and the acquisition of real property.
- Serve as outside environmental counsel for Minnesota-based public and privately held companies.

Litigation

- Represent clients in cost recovery matters involving releases of petroleum and hazardous substances.
- Named Common Counsel for a group of twenty businesses who had been identified as potentially responsible parties (PRPs) at a Superfund Site in the Twin Cities.
- Represent clients in insurance coverage litigation including matters relating to the application and scope of pollution exclusions.
- Named Common Counsel for a group of twenty-four parties identified as RPRs at a marina fire site in Hastings, Minnesota.
- Actively manage Superfund matters for corporate clients at National Priority List sites located across the country.
- Appear before federal and state courts and in administrative proceedings.

Administrative Agencies

- Over twenty-five years experience in Environmental and Regulatory Compliance primarily in the areas of air, water, groundwater, solid and hazardous waste management and enforcement.
- Assist clients in responding to administrative and civil orders issued by federal and state agencies for alleged violations of environmental, health and safety laws.
- Advise corporations and local government units on regulatory compliance, management strategies and environmental litigation.
- Obtained precedent-setting \$111,525 attorney fees award from the State of Minnesota for individual business owner who had been wrongfully charged with environmental violations. Award is the highest ever awarded under the Minnesota Equal Access to Justice Act.
- Represent clients in negotiations and litigation relating to the assessment of civil penalties for past non-compliance with environmental standards.

Enforcement Defense/Facility Permitting

- Conduct negotiations in enforcement proceedings and administrative proceedings regarding the issuance of environmental permits required for regulated facilities.
- Provide advice to clients involved with permitting for manufacturing, industrial, energy, agri-business operations in the Upper Midwest

Biography:

Date of birth: *April 20, 1956*

Undergraduate: *Yale University, New Haven, Connecticut, Bachelor of Arts History, 1978*

Law School: *Temple University School of Law, Philadelphia, Pennsylvania*
Temple Environmental Law and Technology Journal, Editor
Juris Doctor Degree, 1984

Admitted to Bar: *Minnesota Supreme Court*
United States Court of Appeals for the First Circuit
United States District Court for the District of Minnesota

Website: www.EnviroAttorney.net Features Blog with breaking developments in environmental law, articles, links, other resources and information related to the environmental and administrative law practice.

Community

Involvement: *Eco Education, St. Paul, Minnesota, Chair, Board of Directors, 2009 to July 2012*

Publications:

ALERT: Environmental Health & Safety News Fall 1998 to present, periodic newsletter advising clients and contacts of various developments in the environmental health and safety

Material Safety Data Sheets—A Road Map To Safety (with Pat Mulloy) in: *Business & Industry Magazine*; October 1999

Environmental Liability and Freedom of Information on the Information Superhighway, New Opportunities and Concerns for Business (with Pat Mulloy) in: *Environmental Liability, Enforcement & Penalties Reporter*; December 1998

Minnesota Whistle-Blower Law Shuts Company Files: Corporate Shenanigans or Public vs. Individual Rights (with Pat Mulloy) in: *Environmental Liability, Enforcement & Penalties Reporter*; September 1998

Confidentiality: How Safe Are Your Secrets (with Pat Mulloy)
in: *Business & Industry Magazine*; August 1998

Surviving an Inspection in: *Business & Industry Magazine*; April 1998

Feedlot Inspections in: *The Land*; May 1994

Responding to a Spill in: *Business & Industry Magazine*; December 1993

Consider Options When Dealing With Farm Chemical Spills
in: *Farm & Ranch Guide*; October 15, 1993

Audits: One Tool to Limit Environmental Liability
in: *Business & Industry Magazine*; January 1993

Business Beware: Criminal Liability Looms for Environmental Offenses
in: *Business & Industry Magazine*; December 1992

Business Beware: Personal Liability Looms for Environmental Offenses
in: *The Hennepin Lawyer*; November – December 1992.

Association Memberships:

Chair *Minnesota State Bar Association Environmental, Natural Resources and Energy Law Section, 2009-2010*

Member *American Bar Association, Section of Natural Resources Energy and Environmental Law*

Member *Ramsey County Bar Association*

Member *Minnesota State Bar Association, Administrative Law Section*

Member *Hennepin County Bar Association Environmental Law Committee*

Professional Activities:

- Member of Industrial Council on Environmental Management
- Member of Air and Waste Management Association

Invited Lectures:

CERCLA/RCRA Update for Minnesota CLE and the Environmental, Natural Resources and Energy Law Section of the Minnesota State Bar Association's Minnesota Environmental Institute, Minneapolis, April 23, 2009; April 21, 2011

Resource Conservation and Recovery Act Basics for Minnesota CLE and the Environmental, Natural Resources and Energy Law Section of the Minnesota State Bar Association's Minnesota Environmental Institute, Minneapolis, April 23, 2009; April 21, 2011

Liability & Compliance and CERCLA & Superfund Settlements for Alliance of Hazardous Materials Professionals, Bloomington, April 19-21, 2011

Why Vapor Intrusion Matters – An Environmental Attorney's Perspective for Environmental Data Resources, Minneapolis, March 9, 2011

Limiting Your Clients Exposure to Environmental Liability for Hennepin County Bar Association, Sole and Small Firm Committee, Minneapolis, February 4, 2011

Avoiding Environmental Pitfalls in Real Estate Transactions for Ramsey County Bar Association, Real Property Section, St. Paul, January 18, 2011

Current Issues in Storm Water Regulation in Minnesota for Lorman Educational Services, Bloomington, September 1, 2010

Resource Conservation and Recovery Act (RCRA) Basics for Minnesota CLE and the Environmental, Natural Resources and Energy Law Section of the Minnesota State Bar Association's 4th Annual Minnesota Environmental Institute, Minneapolis, April 23, 2008

"All Appropriate Inquiries" An Environmental Due Diligence Update for Minnesota CLE and the Environmental and Natural Resources Law Section of the Minnesota State Bar Association's 3rd Annual Minnesota Environmental Law Institute, Minneapolis, April 19, 2007

New Developments in Environmental Law: "All Appropriate Inquiries" for Minnesota State Bar Association, Environmental and Natural Resources Law Section, Minneapolis, December 7, 2006

Avoiding Environmental Liability for Ramsey County Bar Association, Solo and Small Firm Committee, St. Paul, September 28, 2006

Current Issues in Storm Water Regulation in Minnesota for Lorman Educational Services, St. Cloud, June 29, 2006

Equal Access to Justice Act: Attorneys Fees Recovery for Minnesota CLE and the Environmental and Natural Resources Law Section of the Minnesota State Bar Association's 2nd Annual Minnesota Environmental Law Institute, Minneapolis, April 19, 2006

Storm Water Permitting: Is Your Municipality or Business in Compliance (And Will It Stay in Compliance)? for: Lorman Educational Services, Minneapolis, January 18, 2006

Current Issues in Storm Water Regulation in Minnesota for: Lorman Educational Services, Bloomington, October 13, 2005

Liability for Contaminated Property for: Lorman Educational Services, Bloomington, October 22, 2004; St. Cloud, March 23, 2004; and Bloomington, October 22, 2003

Environmental Law for Surveyors and Engineers for: Half Moon Seminars, Eagan, September 23, 2004

Liability and Compliance, Comprehensive Environmental Response Compensation and Liability Act and Superfund Settlements for Academy of Certified Hazardous Materials Managers, Minneapolis, April 12, 2006, March 30, 2005, March 24, 2004, March 26, 2003, March 20, 2002 and March 21, 2001

Getting Successful Results in Minnesota Eminent Domain Actions for: National Business Institute, Minneapolis, December 10, 2003

Redevelopment of Contaminated Property in Minnesota for: Lorman Education Services, Bloomington, October 22, 2003

Pollution, Poisons, PCB's: What You Don't Know May be Hazardous to Your (and Your Clients') Health for: Hennepin County Bar Association, Minneapolis, September 25, 2003

Environmental Compliance Law in Minnesota for: National Business Institute, Minneapolis, February 26, 2003

Avoiding Environmental Liability in Minnesota for: National Business Institute, Minneapolis, August 25, 1999

Advanced Real Estate Law for: National Business Institute, Minneapolis, April 9, 1997

Environmental Management Tools for the 21st Century for: Montgomery Watson, St. Paul, April 10, 1996

Understanding and Using Environmental Audits in a Business Practice for: Minnesota Institute of Legal Education, Commercial Practice Institute, Minneapolis, February 28, 1996

Environmental Liability in Unlikely Places for: ProSource, Minneapolis, October 19, 1995, September 12, 1995, September 12, 1995 and May 5, 1995

Trends in Environmental Legislation for: Jostens' Environmental Conference, Minneapolis, July 13-14, 1995

Legal Implications of Environmental Compliance for: Jostens' Environmental Conference, Minneapolis, July 14-15, 1994

Avoiding Criminal Liability: Ten Steps to Environmental Compliance for: Upper Midwest Section, Air and Waste Management Association, Minneapolis, February 9, 1994

Bankers Beware: Environmental Liability May Lie Ahead for: Marquette Bancshares, Inc. Lenders Forum, Minneapolis, August 18, 1993

Environmental Audits for: Minnesota Pollution Control Agency Hazardous Waste Conference, Minneapolis, March 11, 1993

RCRA State and Federal Enforcement Procedures for: Environmental Solutions Expo and Conference, Minneapolis, September 17, 1992

Regulation of Solid, Hazardous and Infectious Wastes in Minnesota for: Attorney General's Office CLE, Minneapolis, June 22, 1990

Environmental Liability in Unlikely Places for: Ramsey County Bar Association, Minneapolis, February 21, 1990