

THREE NEW PROGRAMS!



ESSENTIAL ADMINISTRATIVE AND ENVIRONMENTAL LAW FOR ENERGY PROJECTS

Players, Jurisdiction, End Games and Case Studies

Austin ▪ Thursday, November 18, 2010

Houston ▪ Wednesday, December 1, 2010



AIR QUALITY

Understanding and Working Effectively with
TCEQ and Pending EPA Air Quality Programs

Austin ▪ Friday, November 19, 2010



OFFSHORE E&P, AND SHALE GAS DEVELOPMENT

Regulation, Liability and Risk Management

Houston ▪ Thursday, December 2, 2010

ESSENTIAL ADMINISTRATIVE AND ENVIRONMENTAL LAW FOR ENERGY PROJECTS

Players, Jurisdiction, End Games and Case Studies

November 18, 2010 ▪ Thompson Conference Center ▪ Austin, Texas
December 1, 2010 ▪ Norris Conference Center – CityCentre ▪ Houston, Texas

Earn up to 7.25 Hours of Credit including 0.75 Hour of Ethics Credit; Specialization Credit Approved for Administrative Law and Oil, Gas and Mineral Law

MORNING

Presiding Officer:
Melinda E. Taylor, Austin, TX

8:00 a.m. Registration Opens
Includes continental breakfast.

8:45 a.m. Welcoming Remarks

9:00 a.m. .75 hr
Overview: How Can They Make Me Do That?

This session provides an overview of the basic structure of federal and state administrative and environmental law as it applies to the energy sector. It includes an explanation of the federal delegation of regulatory authority to state agencies, the role of administrative agencies, the promulgation of rules and regulations, and judicial review of administrative decisions. The session also covers the importance of informal agency rules and policy statements with examples of the weight and deference given to informal rules by the courts.

Melinda E. Taylor, The University of Texas
School of Law, Austin, TX

FRAMEWORK FOR THE ENVIRONMENTAL REGULATION OF E&P, MIDSTREAM AND DOWNSTREAM ACTIVITIES, AND POWER GENERATION

9:45 am .33 hr
Environmental Federalism: Background and Overview

Jeff Civins, Haynes and Boone, LLP, Austin, TX

10:05 a.m. .58 hr
Federal Environmental Framework for Energy Projects

An overview of the federal regulatory framework of agencies involved at each step of energy exploration and production (E&P), gathering, transport, processing, power generation and distribution. Agencies include the Federal Energy Regulatory Commission (FERC); Environmental Protection Agency (EPA); Department of Energy (DOE); Department of the Interior (DOI) including the Bureau of Land Management (BLM), the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)—formerly the Minerals Management Service (MMS)—and the U.S. Fish and Wildlife Service; and the U.S. Army Corps of Engineers.

Mary S. Mendoza, Haynes and Boone, LLP, Austin, TX

10:40 a.m. Break

10:55 a.m. .58 hr

State Environmental Framework for Energy Projects

An overview of state jurisdiction and Texas regulatory frameworks involving energy production, gathering and distribution, and power generation, including the Texas Commission on Environmental Quality (TCEQ), Railroad Commission (RRC), Texas Water Development Board (TWDB), General Land Office (GLO) and the Public Utility Commission (PUC).

James D. Braddock, Haynes and Boone, LLP, Austin, TX

11:30 a.m. .50 hr

Playing to Win and Planning the End Game: The Critical Role of Process, Procedural Options, Forum Selection and Appeals to State and Federal Levels

What do you do to ensure your client gets where they need to go? A discussion of why procedure is so important: tips, pitfalls and strategies for winning the end game.

Pamela M. Giblin, Baker Botts L.L.P., Austin, TX

AFTERNOON

Presiding Officer:
Melinda E. Taylor, Austin, TX

LUNCHEON PRESENTATION

12:00 p.m. Pick Up Box Lunch

Included in conference registration fee.

12:15 p.m. .75 hr ethics

Ethics: Conflicts, Duties to Disclose, Ex Parte Communications and Other Ethical Issues Facing Environmental and Energy Lawyers

Claude E. Ducloux, Hill, Ducloux, Carnes & de la Garza, Austin, TX

Commentator:
Jeff Civins, Haynes and Boone, LLP, Austin, TX

1:00 p.m. Break

1:15 p.m. .50 hr

The Role of Contested Case Hearings: Strategies, Process and Consequences

A review of the administrative contested case hearing process established under Texas Government Code Section 2001, including pre-hearing procedures, written and oral discovery, presentation of evidence before an administrative law judge, post-hearing arguments, motions for rehearing and judicial appeals of final agency orders.

Kenneth R. Ramirez, Brown McCarroll, L.L.P., Austin, TX

1:45 p.m. .75 hr

Case Study: E&P and Midstream Operations

An examination of the special issues and real-world challenges—including compliance, permitting and rulemaking—for E&P and midstream operations, including the critical role of technical experts in this process.

G. Gail Watkins, Fulbright & Jaworski L.L.P.,
Houston, TX
Technical Speaker TBA

2:30 p.m. .75 hr

Case Study: Refineries and Downstream Operations

Special issues (e.g. flex permits) involved in refineries and downstream operations. Learn how a leading refinery operator is navigating today's challenging regulatory environment—including pitfalls, tips and best practices.

Deepak Garg, Valero, San Antonio, TX
Richard J. Walsh, Valero, San Antonio, TX

3:15 p.m. Break

3:30 p.m. .75 hr

Business and Legal Case Study: Conventional and Renewable Generation

Legal, economic and operational issues associated with the development of conventional and renewable generation.

Marianne Carroll, Brown McCarroll, L.L.P., Austin, TX
Robert Helton, International Power America,
Houston, TX

4:15 p.m. .50 hr

Case Study: Transmission

From integrating renewables to making the grid smarter and more efficient, Texas is spending billions to upgrade its electric transmission infrastructure. This session explains how ERCOT, the PUC and other key players work together to keep these projects moving.

Michael G. Grable, Lone Star Transmission, Austin, TX

4:45 p.m. .50 hr

Structured Q&A

5:15 p.m. Adjourn

AIR QUALITY

Understanding and Working Effectively with TCEQ and Pending EPA Air Quality Programs

November 19, 2010 • Thompson Conference Center • Austin, Texas

Earn up to 7.50 Hours of Credit including 0.50 Hour of Ethics Credit; Specialization Credit Approved for Administrative Law and Oil, Gas and Mineral Law

FRIDAY MORNING, NOV. 19, 2010

Presiding Officer:
Patricia Finn Braddock, Austin, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .33 hr

Ready or Not, Here It Comes: Update on the EPA-Planned Regulation of Greenhouse Gases (GHGs) in Texas

An update on and brief overview of the EPA-planned regulation of greenhouse gases (GHGs) in Texas highlighting key impacts and issues. This topic will be covered in more detail in the balance of the program.

Michael J. Nasi, Jackson Walker L.L.P., Austin, TX

9:20 a.m. .67 hr

Overview of State and Federal Air Permit Programs

The scope of and a comparison between federal and state permitting programs and mechanisms: PBRs, standard permits, state New Source Review permits and incorporated federal program requirements, and Title V operating permits governing emissions of criteria pollutants, toxics and GHGs.

James D. Braddock, Haynes and Boone, LLP, Austin, TX
Patricia Finn Braddock, Fulbright & Jaworski L.L.P., Austin, TX

10:00 a.m. .83 hr

Nuts and Bolts of TCEQ Air Permitting Practice, Part I: Permits by Rule (PBRs) and Standard Permits

What it takes to put together a registration for a PBR or standard permit, including required supporting documentation, and an update on new PBRs and standard permits for oil and gas facilities.

Moderator:
Patricia Finn Braddock, Fulbright & Jaworski L.L.P., Austin, TX

Panelists:
Elena Hofmann, RPS Group, Houston, TX
Anne M. Inman, P.E., Texas Commission on Environmental Quality, Austin, TX

10:50 a.m. Break

11:05 a.m. .75 hr

Nuts and Bolts of TCEQ Air Permitting Practice, Part II: Applications for New Source Review Permits

An outline and primer on what it takes to put together an application for New Source Review permits, supporting documentation and discussion of current issues and developments, including air

dispersion modeling, demonstration of compliance with the NAAQS, health impacts review, emission control, BACT/MACT and GHGs.

Moderator:
Patricia Finn Braddock, Fulbright & Jaworski L.L.P., Austin, TX

Panelists:
Shanon DiSorbo, RPS Group, Houston, TX
Erick H. Hendrickson, P.E., Texas Commission on Environmental Quality, Air Permits Division, Austin, TX

11:50 a.m. .50 hr

Public Participation in Air Quality Disputes

A discussion and analysis of the opportunities for and the benefits of public participation in air permitting and enforcement.

Kelly Haragan, The University of Texas School of Law, Austin, TX

FRIDAY AFTERNOON

Presiding Officer:
Melinda E. Taylor, Austin, TX

LUNCHEON PRESENTATION

12:20 p.m. Pick Up Box Lunch

Included in conference registration fee.

12:35 p.m. .50 hr

EPA Regulatory Perspectives

Layla Mansuri, EPA Region 6, Dallas, TX (Invited)

1:05 p.m. Break

1:20 p.m. .75 hr

The Shifting EPA vs. TCEQ Balance

The federal Clean Air Act (CAA) sets out the respective roles of the states and EPA in the State Implementation Plan (SIP) process. EPA recently disapproved a series of long-pending revisions to the Texas SIP (including the Texas flexible permitting rules). This session discusses EPA's actions on the Texas air permitting rules and Texas flexible permits, how the TCEQ has responded to those actions, and the implications of the "SIP gap" for the regulated community.

Pamela M. Giblin, Baker Botts L.L.P., Austin, TX

2:05 p.m. .50 hr

Emerging Issues in Federal Clean Air Act Operating Permits, Title V

This session reviews EPA's use of the Title V objection mechanism in Texas and other states to establish EPA policy and force changes to a state permitting program, discusses interesting legal questions relating to EPA's use of Title V objections and Title V permit takeovers, and examines how these developments will impact Title V permit holders in Texas.

Whitney Louis Swift, Baker Botts L.L.P., Austin, TX

2:35 p.m. .50 hr ethics

Compliance Ethics: Obligations to Disclose and Self-Report

Facilities and properties involved in energy activities are subject to ever-increasing government regulations and potential enforcement actions. This presentation addresses the environmental practices and regulatory requirements that most often result in the discovery of potential violations in the energy sector, when disclosure is required, and the options, risks and liabilities associated with voluntarily disclosing potential violations.

Priscilla J. Falzone, RPS Group, Austin, TX

3:05 p.m. Break

3:20 p.m. .75 hr

Industry Focus, Part I: Exploration and Production and Midstream Activities

An examination of air quality issues associated with E&P and midstream activities, including real-world examples of practical and legal issues and highlighting the critical importance of technical data and input.

Bob Greenslade, Fulbright & Jaworski L.L.P., Austin, TX
Technical Speaker TBA

4:05 p.m. .67 hr

Industry Focus, Part II: Air Quality and Compliance Permitting Issues Involving General Manufacturing, plus Infrastructure Operations

An overview and discussion of the unique air quality compliance and permitting issues that may arise in less obvious sectors such as general manufacturing, factories, plants, concrete and aggregates.

Pinar Dogru, Jackson Walker L.L.P., Austin, TX
Kevin Ellis, Zephyr Environmental Corporation, Austin, TX

4:45 p.m. .67 hr

Industry Focus, Part III: Electric Power Generation and Expansion Activities

This session examines legal and technical matters that must be addressed to craft successful environmental strategies for the development of new electric power generation capacity.

David Cabe, Zephyr Environmental Corporation, Austin, TX
Derek R. McDonald, Baker Botts L.L.P., Austin, TX

5:25 p.m. Adjourn

OFFSHORE E&P, AND SHALE GAS DEVELOPMENT

Regulation, Liability and Risk Management

December 2, 2010 • Norris Conference Center – CityCentre • Houston, Texas

Earn up to 7.00 Hours of Credit; Specialization Credit Approved for Administrative Law and Oil, Gas and Mineral Law

THURSDAY MORNING, DEC. 2, 2010

Presiding Officer:
Presiding Officer TBA

8:00 a.m. Registration Opens
Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Emerging Technologies, Economics, Geology, Geographies and Politics for Offshore E&P Projects

An overview of the growing role of offshore E&P development, including contribution to oil and gas supply, and a look at the technological and economic challenges of future development.

Chip Groat, The University of Texas at Austin,
Jackson School of Geosciences and Energy
Institute, Austin, TX

9:30 a.m. .67 hr

Offshore E&P Liability Overview: Jurisdiction, State and Federal Statutory Damages, Penalties and Tort Liability

How bad can it get? An overview of key jurisdictional issues; state and federal statutory damages and penalties, including Clean Water Act and Oil Pollution Act liability; tort liability; and standards of negligence and gross negligence involving offshore E&P operations.

Eva Fromm O'Brien, Fulbright & Jaworski L.L.P.,
Houston, TX

10:10 a.m. Break

10:25 a.m. .83 hr

Risk Allocation and Indemnification Involving Offshore Activities

This session opens with an analysis of risk allocation and indemnification, including environmental indemnification, involving offshore activities and continues with analysis and discussion of indemnification issues involving joint operating agreements (JOAs), offshore construction, use and transportation agreements, drilling contracts and master service contracts (MSCs).

John P. Cogan Jr., Cogan and Partners LLP, Houston, TX
John J. Michael, Sutherland Asbill & Brennan LLP,
Houston, TX

11:15 a.m. .75 hr

Offshore Industry Panel: Risk Allocation and Indemnification—How It Works in the Real World

A discussion with representatives of companies active in the offshore oil industry on how they manage risk allocation and indemnification issues in practice: strategies, risk-shifting provisions and examples.

Moderator:
John P. Cogan Jr., Cogan and Partners LLP, Houston, TX

Panelists:
Michael V. Csizmadia, Baker Hughes Incorporated,
Houston, TX
Joseph J. White II, Exxon Mobil Corporation,
Houston, TX
Representative of an Offshore Drilling Contractor TBA

THURSDAY AFTERNOON

Presiding Officer:
Presiding Officer TBA

12:00 p.m. .75 hr

Offshore Exploration Development and Production: Regulatory Players, Legislation and Rules

A discussion of regulatory reform of offshore exploration, development and production, legislation, regulatory litigation, rules, proposed rules, NTLs, moratoria and agency reorganizations.

Kenneth G. Hurwitz, Haynes and Boone, LLP,
Washington, DC

LUNCHEON PRESENTATION

12:45 p.m. Pick Up Box Lunch

Included in conference registration fee.

1:05 p.m. .67 hr

Offshore Activity and Economics after BP Macondo Spill

David Pursell, Tudor, Pickering, Holt & Co. Securities Inc.,
Houston, TX

1:45 p.m. Break

SHALE GAS DEVELOPMENT AND REGULATORY ISSUES

2:00 p.m. .50 hr

Shale Gas Plays: Regional Development, Gas Prices, Production Costs and Economic Drivers

An overview of current and new field development with special focus on the economics and production costs in various fields; the impact of shale gas production on natural gas pricing and futures; and the likelihood of additional development in light of low gas prices and potential environmental risks.

Richard G. Smead, Navigant Consulting, Inc.,
Houston, TX

2:30 pm .50 hr

Environmental Geology 101 for Lawyers: Formations, Strata and Water Contamination

Much of the recent expressions of concern by environmental groups and regulators about environmental risks of hydraulic fracturing is based on fears of water contamination. This session provides an overview of the geology and formations in several of the major shale gas fields (e.g. Barnett, Marcellus) along with the typical water utilization and disposal practices used in each field, with the goal of providing a basic understanding of the combinations of fracturing practices and geologies that would increase the risks of water contamination.

Ian J. Duncan, The University of Texas at Austin,
Bureau of Economic Geology (BEG), Austin, TX

3:00 p.m. .50 hr

Current Regulatory Requirements and New State and Federal Initiatives for Shale Gas Development

An outline and discussion of state and regional (e.g. river basin and conservation districts) laws and regulations applicable to hydraulic fracturing in the major shale fields. Proposed changes in the laws and regulations governing hydraulic fracturing, as well as its place in traditional oil and gas and real property jurisprudence are also covered.

Christopher S. Kulander, Haynes and Boone, LLP,
Houston, TX

3:30 p.m. Break

3:45 p.m. .50 hr

Shale Play Environmental Issues

The perfection of hydraulic fracturing techniques to unlock gas from shale formations may be one of the greatest developments in hydrocarbon production since Howard Hughes invented the rotary drilling bit, but it has created new environmental concerns. This session addresses legal issues relating to water supply for fracturing operations, management and reuse of flow-back water, public concerns regarding chemicals used in the fracturing process, discharge or disposal of flow-back water that cannot be reused, allegations of groundwater contamination from fracturing operations, benzene emissions associated with shale gas production, and nuisance issues associated with the conduct of fracturing operations in close proximity to residential areas.

Larry W. Nettles, Vinson & Elkins LLP, Houston, TX

4:15 p.m. .75 hr

Shale Gas Industry Panel: Current Issues and Best Practices

Moderator:
Larry W. Nettles, Vinson & Elkins LLP, Houston, TX

Panelists:
Ann Davis Vaughan, Reservoir Research Partners,
Houston, TX
Additional Industry Panelists TBA

5:00 p.m. Adjourn

HOW TO REGISTER

Mail your registration to:

The University of Texas
School of Law
Attn. CLE—AE10 / AQ10 / RE10
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:
512-475-6876

Or register online:
www.utcle.org

Questions? Call us at 512-475-6700

REGISTRATION FOR AE10 / AQ10 / RE10

Mail this registration form to:

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REGISTRATION Includes Course Binder and Luncheon Presentation

Essential Administrative and Environmental Law for Energy Projects

AUSTIN – Thursday, November 18, 2010
\$250 | \$300 after November 15, 2010 \$ _____

HOUSTON – Wednesday, December 1, 2010
\$250 | \$300 after November 24, 2010 \$ _____

Air Quality

AUSTIN – Friday, November 19, 2010
\$250 | \$300 after November 15, 2010 \$ _____

Offshore E&P, and Shale Gas Development

HOUSTON – Thursday, December 2, 2010
\$250 | \$300 after November 24, 2010 \$ _____

SUBTOTAL \$ _____

CONFERENCE PUBLICATIONS AND MEDIA – Allow 3-5 weeks from the conference date for delivery

Course Binder WITHOUT Conference Registration x \$150 each = \$ _____

Essential Administrative and Environmental Law Air Quality Offshore E&P, and Shale Gas Development

Audio MP3 Speeches on CD x \$90 each = \$ _____

Essential Administrative and Environmental Law Air Quality Offshore E&P, and Shale Gas Development

Audio CD Set..... x \$135 each = \$ _____

Essential Administrative and Environmental Law Air Quality Offshore E&P, and Shale Gas Development

eBinder on CD (PDF format) x \$150/\$50 each = \$ _____

Essential Administrative and Environmental Law Air Quality Offshore E&P, and Shale Gas Development

(\$150 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

SUBTOTAL \$ _____

IN-HOUSE CLE – Allow 3-5 weeks from the conference date for delivery

In-House CLE for 2—Includes Audio CD Set and Course Binders.....\$600 each

Essential Administrative and Environmental Law Air Quality Offshore E&P, and Shale Gas Development

_____ Add participants (includes Course Binder) for \$150 each \$ _____

SUBTOTAL \$ _____

TOTAL ENCLOSED \$ _____

METHOD OF PAYMENT

Check (make checks payable to: The University of Texas at Austin)

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**The University of Texas
School of Law Energy
Center and LLM Program**

The University of Texas School of Law has launched a new Center for Global Energy, International Arbitration, and Environmental Law (“The Center”).



The Center is devoted to interdisciplinary research and teaching in the science and policy of energy and environmental law.

This year, for the first time, the law school is offering a new concentration to LLM students interested in energy, international arbitration, or environmental law.

Students choose from a rich array of courses designed to prepare them to practice in this critical, and evolving, area of law.

For additional information, please contact Executive Director Melinda Taylor at mtaylor@law.utexas.edu, or by phone at (512) 232-3641.

www.utexas.edu/law/academics/centers/energy

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ESSENTIAL ADMINISTRATIVE AND ENVIRONMENTAL LAW
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AUSTIN



Thompson Conference Center
2405 Robert Dedman Drive
Austin, TX 78712
512-471-3121

Parking:

Complimentary Self-Parking
(subject to change)

Last day for early registration:
November 15, 2010, 5 p.m.

HOUSTON



Norris Conference Center – CityCentre
803 Town and Country Lane
Houston, TX 77024
713-590-0950

Parking:

Complimentary Self-Parking
(subject to change)

Last day for early registration:
November 24, 2010, 5 p.m.

UPCOMING PROGRAMS OF INTEREST



CARBON AND CLIMATE CHANGE

February 9–10, 2011

AT&T Conference Center
The University of Texas
Austin, Texas

www.utcle.org/conferences/CH11



WIND, SOLAR AND RENEWABLES INSTITUTE

February 23–24, 2011

AT&T Conference Center
The University of Texas
Austin, Texas

www.utcle.org/conferences/WE11