



EBC Rhode Island Program RIDEM & USEPA Enforcement Programs & Priorities for 2020

Wednesday, January 15, 2020

Rhode Island Department of Environmental Management | Providence, RI

In Partnership With



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AGENDA

- 8:00 a.m. Welcome:** Rick Mandile, Chair, EBC Rhode Island Chapter
Principal, SAGE Environmental
- Program Description & Overview – What You Will Learn**
- Robert Melvin, Program Chair & Moderator
Partner, Robinson & Cole LLP
- 8:30 a.m. RIDEM Compliance and Inspection Updates and Overview**
- David Chopy, Administrator, Office of Compliance & Inspection
Rhode Island Department of Environmental Management
- 9:00 a.m. USEPA Region 1 Enforcement and Compliance Assurance**
- James Chow, Deputy Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 1
- 9:30 a.m. Interplay of Civil and Criminal Enforcement in Rhode Island**
Moderator: Christian Capizzo, Partridge, Snow & Hahn LLP

- RI DEM Perspective
 - Sheila Paquette, Environmental Police Officer Detective
Division of Law Enforcement
Rhode Island Department of Environmental Management
- US EPA Region 1 Perspective
 - John Gauthier, Assistant Special Agent in Charge
U.S. Environmental Protection Agency, Region 1

10:00 a.m. Networking Break

10:30 a.m. Panel Discussion

Panel Moderator: Jonathan Schaefer, Counsel, Robinson & Cole LLP

Panelists:

- Christian Capizzo, Partridge, Snow & Hahn LLP
- David Chopy, RI DEM
- James Chow, U.S. EPA, Region 1
- John Gauthier, U.S. EPA, Region 1
- Sheila Paquette, RI DEM

11:30 a.m. Adjourn

PROGRAM CHAIR

Robert Melvin, Partner
Robinson & Cole LLP
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Bob Melvin has over 20 years of experience counseling clients on environmental, health, and safety compliance strategies and enforcement defense, sustainability, emergency response efforts, site remediation, and siting and permitting of development projects. He also represents companies and organizations in related real estate and corporate transactions, and in proceedings before agencies and courts. A wide range of clients benefit from his services, including aerospace and other manufacturers, stone and aggregate producers, metal finishers, municipalities, educational institutions, and water and wastewater utilities.

PANEL MODERATOR

Jonathan Schaefer, Counsel
Robinson & Cole LLP
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Jonathan Schaefer, a member of the firm's Environmental, Energy + Telecommunications Group, focuses his practice on environmental compliance counseling, permitting, site remediation, occupational health and safety, energy regulatory compliance and siting, and litigation related to federal and state regulatory programs. His experiences enable him to work effectively with experts and legal counsel to help clients minimize risk and solve compliance, enforcement, transactional, and regulatory matters.

SPEAKERS / PANELISTS

Christian Capizzo, Counsel
Partridge, Snow & Hahn LLP
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As the chair of Partridge Snow & Hahn's Environmental and Energy Practice group, Christian is recognized for his ability to unify disparate groups and facilitate change. He concentrates his practice in the areas of environmental and energy law, land use and public sector/governmental services.

With over 17 years of experience, Christian is uniquely positioned to navigate clients throughout New England through the complex ever-changing world where environmental and energy regulations and business intersect. His experience includes a diverse range of complex environmental and energy matters including enforcement, regulatory and compliance issues, renewable energy projects (off shore wind and solar), real estate development, environmental remediation including brownfields, construction and contractor claims, coastal permitting and waterfront property rights. He has represented clients before the Coastal Resources Management Council, the Rhode Island Department of Environmental Management, the Rhode Island Public Utilities Commission and Division and the Energy Facility Siting Board.

He has represented landowners and project developers in real estate transactions, renewable energy development deals, and the financing transactions associated with these projects. He plays an integral role evaluating and mitigating environmental risks relating to development projects and business transactions, as well as providing key strategy on renewable energy projects.

Christian served in the Rhode Island Attorney General's Office where he had a proven track record of successfully litigating high profile criminal and civil cases. He led the Environmental Crimes Task Force, handling litigation on environmental issues impacting Rhode Island. Christian worked closely with the Rhode Island Department of Environmental Management as outside legal counsel handling enforcement matters, drafting legislation, and negotiating diverse environmental matters. Christian has also worked closely with the U.S. Department of Justice, Environmental Protection Agency, U.S. Army Corps of Engineers, Pipeline and Hazardous Materials Safety Administration, U.S. Coast Guard, U.S. Fish and Wildlife, U.S. Department of Agriculture and various state agencies and attorney generals throughout the United States.

Christian is nationally recognized for developing and implementing environmental training programs and is a sought after presenter on a myriad of topics with a focus on emerging and complex environmental issues and trends.

David Chopy, Administrator, RI DEM Compliance & Inspection
Rhode Island Department of Environmental Management
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David has worked at RIDEM for 34 years in Water Pollution and Enforcement program areas. David is a registered Professional Engineer, with a B.S. in Chemical Engineering from URI.

Responsible for the daily operation of the RI Department of Environmental Management (RIDEM) Office of Compliance and Inspection (OC&I). OC&I has a staff of 24, comprised of engineers, environmental scientists and technical staff assistants. OC&I is responsible for the regulatory enforcement activities related to Air, Waste, and Water. OC&I investigates complaints and suspected violations of environmental laws and regulations relating to:

surface water, ground water, freshwater wetlands, onsite wastewater treatment systems, dams, solid waste, hazardous waste, medical waste, visible emissions, odors, fugitive dust and exterior lead paint removal. In addition to complaint response, OC&I carries out compliance monitoring of regulated activities involving hazardous waste generators, underground storage tanks, exterior lead paint removal and dams.

OC&I coordinates its compliance and enforcement activities with RIDEM's Offices of Waste Management, Air Resources, Water Resources, Criminal Investigation, and Customer and Technical Assistance regarding their compliance monitoring of regulated, permitted, or licensed activities and facilities. OC&I further coordinates with RIDEM's Office of Legal Services and other state agencies such as the Office of the Attorney General and with federal regulatory enforcement agencies such as the U.S. Environmental Protection Agency. Initial compliance is handled through warnings, letters of deficiency, notices of intent to enforce and referrals to permitting programs for compliance. OC&I issues formal enforcement actions against regulated facilities or activities when complaint investigation or compliance monitoring discovers significant noncompliance. Formal enforcement includes issuance of legal orders and assessment of penalties that are subject to appeal and enforceable through the courts.

James Chow, Deputy Director, Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 1
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James Chow is the Deputy Director of EPA Region 1's Enforcement and Compliance Assurance Division. His duties include managing a staff of over 60 engineers and scientists responsible for implementing EPA's regulatory enforcement and compliance programs in New England. Program areas include air, water, hazardous waste, wetlands, pesticides import, asbestos, lead, chemical safety, and other programs.

James has worked at EPA Region 1 for over 20 years in Brownfields, Superfund, and RCRA program areas, and worked at national environmental consulting firm for 5 years as a project manager and geologist prior to joining EPA. James is a registered Professional Geologist, with a B.A. in Chemistry and M.A. in Geology from Boston University, and an MBA from Babson College.

John Gauthier, Assistant Special Agent in Charge
Criminal Investigation Division
U.S. Environmental Protection Agency, Region 1
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John Gauthier is the Assistant Special Agent-in-Charge (ASAC) of the Boston Area Office of EPA's Criminal Investigation Division and is charged with managing the investigation of federal environmental crimes in the six New England judicial districts as well as coordinating all national investigations of criminal activity related to EPA's Renewable Fuels (RFS) program. He has also been acting Special Agent in Charge of the Chicago, Philadelphia and Boston Area Offices. He has 30 years of experience with EPA conducting complex environmental and financial fraud investigations and environmental enforcement. ASAC Gauthier has a background in chemical engineering and experience in hazardous waste management and site remediation. He also has prior EHS experience at a large manufacturer. During 2004-05, he was appointed as a senior investigator to the Independent Inquiry Committee headed by former Federal Reserve Chairman Paul Volcker and charged with investigating corruption within the United Nations Security Council, crude oil trade, and the management of the UN's Iraq "Oil-for-Food" Programme. ASAC Gauthier conducts international training and capacity building on behalf of EPA and is a frequent instructor of RCRA and the CAA at the Federal Law Enforcement Training Center located in Glynco, GA.

Sheila Paquette, Environmental Police Officer Detective
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Sheila Paquette is an Environmental Police Detective with the RI Department of Environmental Management Division of Law Enforcement. She received A Bachelor of Science from the University of RI in Resource Development and is a graduate of the RI Municipal Police Academy.

She attended the Federal Law Enforcement Center (FLETC) in Glynco, Georgia for both Basic and Advanced Marine Law Enforcement Patrol as well as completing the Comprehensive and the Advanced Boat Accident Investigation courses through the National Association of Safe Boating Law Administrators (NASBLA). In 2011, she received the NASBLA State Boating Officer of the Year award. Before her promotion to Detective in 2012, the majority of her work for over 17 years was in marine investigations on boat accident reconstruction and investigations for severe, near fatal, and fatal accidents. She holds a Master 100 ton Merchant Mariner license from the United States Coast Guard including an authorization for Assistance Towing.

Since 1995, Sheila has worked in all four units of the Division of Enforcement including Upland, Special Response, Marine Patrol, and Criminal Investigation. In 2017, Detective Paquette completed a two semester long graduate level class in Scientific Evidence at the University of RI. She is often called to major incidents and crimes for Forensic Evidence collection and crime scene processing. As a Detective, her work now encompasses commercial crimes against the solid and hazardous waste dumping laws in the State as well as investigations of fraudulent documents submitted to DEM.

Detective Paquette serves on the Board of Directors for the Northeast Environmental Enforcement Project (NEEP). She is a graduate of NEEP's Basic Environmental Scene Investigations Course and completed the Advanced Environmental Crimes Training Program at FLETC, Georgia. She previously served as the RI Representative for NEEP as well as the Chairperson for NEEP's Training committee and is actively involved as an Instructor and facilitator for NEEP's Regional Training courses.

UPCOMING EBC PROGRAMS

JANUARY 2020

January 16 – Briefing from the New England Dam State Directors
January 22 – Leadership Program with Massachusetts EEA Secretary Kathleen Theoharides
January 30 – 14th Annual Construction & Demolition Materials Management Summit

FEBRUARY 2020

February 7 – Briefing from the New Hampshire DES Division Directors
February 12 – Rhode Island Program: Coastal Resiliency – The Tide is Coming In
February 14 – Seventh Annual Offshore Wind Conference
February 25 – Emerging Contaminants Conference: PFAS Life Cycle

MARCH 2020

March 12 – Rhode Island Leadership Program with DEM, OER and EPA

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