

Joseph G. Maternowski

Shareholder



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

Positions Held:

Shareholder, Moss & Barnett, 2000 – Present
Chair, Environmental Practice Group
Chair, Minnesota State Bar Association Environmental, Natural Resources and 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 in America
"Lawsuit of the Year" (2005); Minnesota Law & Politics

Legal Expertise:

Due Diligence

- Assess environmental conditions of property owned and leased by cellular telecommunications provider at hundreds of sites located throughout the Upper Midwest.
- Conduct review and analysis of Phase I Environmental Site Assessments under the "All Appropriate Inquiries" standard and ASTM Standard Practice.

- 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.
- Provide advice to clients involved with decommissioning of manufacturing operations including property reuse and redevelopment scenarios.
- Evaluate environmental risk in merger and acquisitions and 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; thorough knowledge of environmental regulations and statutes.

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 noncompliance with environmental standards.

Facility Permitting

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

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 2011

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 of 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 5th Annual Minnesota Environmental Institute, Minneapolis, April 23, 2009

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