

# Joseph G. Maternowski

## Shareholder

Hessian Attorneys at Law  
& McKasy P.A.

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

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### 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 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](http://www.AVVO.com) website

### Honors and Awards:

Best Lawyers' Minneapolis Environmental Law "Lawyer of the Year" (2013 -2017)  
Best Lawyers in America – Environmental Law and Litigation – Environmental (2010 – 2012)  
Super Lawyers – Environmental and Environmental Litigation (2010 - 2012)  
"Lawsuit of the Year" (2005); Minnesota Law & Politics  
February 2011 Twin Cities Business Magazine article: "The Blawgosphere"  
featured [www.EnviroAttorney.net](http://www.EnviroAttorney.net) blog

*Note: \*\*Being named to the list or receiving the award is not intended and should not be viewed as comparative to other lawyers or to create an expectation about results that might be achieved in a future matter.*

**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
- Obtained attorneys fee awards under Minnesota Equal Access to Justice Act (MEAJA).

### **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 two precedent-setting attorney fees awards \$62,500 and \$111,525 from the State of Minnesota for individual business owners who had been wrongfully charged with environmental violations. Awards were among the highest ever awarded under MEAJA.
- Represent clients in negotiations and litigation relating to the assessment of civil penalties for past noncompliance 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](http://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 2002, 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/MERLA/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, 2009 - 2016

- 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 4<sup>th</sup> 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 3<sup>rd</sup> 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 2<sup>nd</sup> 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