

**Joseph G. Maternowski**  
**Hessian & McKasy, PA**  
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### **Minnesota Attorney Practicing Environmental and Administrative Law**

Attorney with 35 years of experience on all aspects of environmental and administrative law in Minnesota. Extensive knowledge of statutes, permits and regulations that relate to groundwater, surface water, wetlands, air quality, solid waste, storage tanks, releases, waste management and natural resources impacts of commercial operations including mining operations. Familiar with all aspects of due diligence review in commercial and industrial real estate and business transactions. Work extensively on permitting, regulatory and environmental review matters before state and federal agencies. Represent clients in administrative matters before Administrative Law Judges and in litigation in state and federal courts. Serve as outside environmental counsel and co-counsel for companies with operations in Minnesota and across the country. Successfully collaborate with teams of technical and legal advisers on multiple high-profile development projects.

#### **Hessian & McKasy, PA, Minneapolis, MN**

January 2012 to Present - Shareholder

1994 to 1999 – Shareholder

- Represent municipal owner of mine stockpile site on Minnesota's Iron Range with documented releases to groundwater and surface waters that triggered State referral to U.S. Environmental Protection Agency's (EPAs) Superfund program.
- Manage soil vapor mitigation matters including pursuing cost recovery action against identified responsible party.
- Participate in multiple successful redevelopment projects involving cleanup of contaminated property, application for liability assurances and Brownfield grant monies.
- Assisted Minnesota's largest scrap metal operating in resolving controversial permitting and enforcement matters at its North Minneapolis facility. Collaborated with consultant on permitting and environmental review at nation's first totally enclosed scrap facility in Central Minnesota.
- Serve as outside environmental counsel for public and privately held corporations.

#### **Moss & Barnett, PA, Minneapolis, MN**

2000 to 2011 – Shareholder

- Managed 10 state environmental due diligence portfolio, including site specific Phase I Environmental Site Assessment work and NEPA reviews, for major telecommunications provider who sites hundreds of cell towers in urban and rural private property and in right of way in the Midwest.

- Defense of environmental enforcement action challenging a Minnesota Pollution Control Agency (MPCA) Administrative Penalty Order (APO) that resulted in a landmark award of attorneys under the Minnesota Equal Access to Justice Act (MEAJA).
- Provided counsel on environmental review and permitting for planned and existing sites operated by wholesale electric power cooperative providing electricity to multiple member-owned distribution cooperatives in Minnesota.
- Named as Common Counsel for twenty parties, businesses and municipalities, who had been identified as potentially responsible parties (PRPs) at a major Twin Cities scrapyards Superfund site. Resolved liability concerns and managed cost recovery action brought on behalf of the PRP Group.
- Assisted clients in cost recovery actions and prosecuting claims seeking insurance proceeds arising out of past releases of hazardous substances, pollutants or contaminants.

**Lindquist & Vennum (now Ballard Spahr), Minneapolis, MN**  
1991 to 1994 – Associate

- Managed permitting and environmental review for the siting of large feedlot operation that was the focus of public concern in Southern Minnesota.
- Assisted with review of permits and environmental compliance matters in multiple mergers and acquisition matters.
- Represented defendant in enforcement case where we achieved a significant reduction in a proposed civil penalty and a precedent setting court award of attorney's fees under the Minnesota Equal Access to Justice Act.
- Involved with permitting and environmental review for controversial waste-to-energy facility in Twin Cities metropolitan area.

**Minnesota Attorney General's Office, Saint Paul, Minnesota**  
1984 to 1991 – Special Assistant Attorney General

- Represented Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Agriculture (MDA) on permitting and enforcement matters in administrative and judicial proceedings.
- Assisted County Attorneys in the prosecution of environmental crimes and referral of matters to U.S Environmental Protection Agency and U.S. Attorneys Office.
- Advised MPCA staff on various project proposals that required environmental review and permitting where MPCA was designated as Responsible Government Unit (RGU) and there was a high level of public interest and involvement.

**Ratings:**

- “AV” Rated Attorney by Martindale-Hubbell

**Honors and Awards:**

- Best Lawyer Minneapolis Environmental Law (2013 to 2020)
- Best Lawyers in America—Environmental Law and Litigation—Environmental (2010 to 2012)

**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

**Bar Admissions:** 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

**Association Memberships:**

- Chair, Minnesota State Bar Association Environmental, Natural Resources and Energy Law Section, 2009 to 2010; Council Member 1997 to 2018.
- Member, American Bar Association, Section of Natural Resources Energy and Environmental Law

**CLEs:**

- Minnesota Environmental Institute, Minnesota CLE Planning Committee and Speaker At Sessions Each Year (2000 to 2020)