THE ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES PRESENTS . . .

Developments in Clean Water Law
A Seminar for Public Agency Attorneys & Managers
November 10 -12, 2004
Loews Coronado Bay Resort & Marina
San Diego, CA

Wednesday, November 10
Morning
7:30 – 4:30
Registration & Continental Breakfast
Commodore Foyer
(First Floor)

7:30 - 8:30
Continental Breakfast
Clean Water Act & Safe Drinking Water Act Overview
For new practitioners & those who would like a refresher, this early session will provide an overview of key statutory provisions that will be discussed and referenced during the Seminar.

Featured Speaker:
Erika K. Powers
Of Counsel
Barnes & Thornburg
Chicago, IL

9:00 - 12:00
GENERAL SESSION I
Commodore A&B
(First Floor)

Opening Remarks
William B. Schatz
AMSA President
General Counsel
Northeast Ohio Regional Sewer District
Cleveland, OH
2004 Seminar Overview
Lisa E. Hollander
Chair, AMSA Legal Affairs Committee
Assistant General Counsel
Northeast Ohio Regional Sewer District
Cleveland, OH

Performances by the TMDL Players
AMSA’s own acting troupe will make periodic, and highly-acclaimed, appearances during the Seminar, performing entertaining – and educational – skits on life in the wastewater trenches.

Panel Discussion –
We’re All In The Boat:
Federal Water Statutes Complement & Collide
This opening panel will focus on the regulatory and policy developments driving our nation’s key water statutes today – the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA). As if completely unrelated, the statutes were enacted separately, are managed by different Congressional committees, and are administered by different teams at the U.S. Environmental Protection Agency. And yet, as the statutes and their regulatory programs have matured, new pressures on drinking water utilities to protect source water are leading to conflicts with wastewater agencies discharging to the same waterbodies. This panel will explore the current regulatory challenges faced by clean water utilities and drinking water providers sharing our nation’s waters, with the goal that better understanding of these drivers can foster innovative conflict resolution and solutions.

Moderator:
Keith J. Jones
Deputy City Solicitor
City of Philadelphia
Philadelphia, PA

Speakers:
Jack C. Bender
Member
Greenebaum Doll & McDonald, PLLC
Lexington, KY
Panel Discussion —
Heavy Rains Lift All Boats:
A Stormwater Status Report

Transitioning from the prior panel focused on the intersections between the SDWA and the CWA, this panel will take a close up look at one particularly challenging source of water to manage – stormwater. Because stormwater discharges runoff from wide geographic areas, preventing storm water contamination and storm water management is one of the single greatest challenges for cities across the nation. The unpredictable nature of wet weather increases the challenge of managing stormwater. This panel will provide an overview of current issues in the stormwater arena, including total maximum daily load (TMDL) allocations for stormwater and stormwater permitting.

Speaker/Moderator:
David W. Burchmore
Partner
Squire, Sanders & Dempsey L.L.P.
Cleveland, OH

Panelists:
Elizabeth Miller Jennings
Staff Counsel IV
Office of Chief Counsel
State Water Resources Control Board
Sacramento, CA

Rufus C. Young, Jr.
Of Counsel
Burke, Williams and Sorenson
San Diego, CA


**Afternoon**
12:15 - 1:45

**Luncheon**

**Introductory Remarks**

Ted Bromfield  
Senior Deputy City Attorney  
City of San Diego  
San Diego, CA

**Keynote Address —**

*Environmental Issues In The Headlines: Talking with the Media*

Terry Rodgers  
Staff Writer  
*The San Diego Union-Tribune*  
San Diego, CA

2:00 - 5:00

**GENERAL SESSION II**

**Panel Discussion —**

*Rocking The Boat: Courts and Regulators Extend the NPDES Program*

Largely due to its success in reducing the discharge of pollutants to our nation’s waters, the National Pollutant Discharge Elimination System (NPDES) permit program continues to be viewed by courts and administrative agencies as the panacea to address a multitude of water quality concerns. This panel will explore recent legal decisions that extend the NPDES permit program to new activities, discuss the real world implications of these decisions, and evaluate what other tools may be available to address the root water quality concerns.

**Speaker/Moderator:**

Benjamin F. Wilson  
Partner/Attorney  
Beveridge & Diamond, P.C.  
Washington, DC

**Panelists:**

Peter W. McGaw  
Shareholder  
Archer Norris, PLC  
Walnut Creek, CA
3:30 - 3:45  
Break

3:45 - 5:00  
**Panel Discussion —**  
**Fine Tuning The Boat: Clean Water Agencies**  
**Use the NPDES Model to Accomplish More**  
The prior panel will focus on courts and regulatory agencies extending the NPDES program to regulate new activities impacting water. In contrast, this panel will focus on how clean water agencies are now at the forefront of adapting the NPDES permit model to creatively and positively address local water quality issues. The panelists will discuss a number of these efforts, including: the comprehensive watershed permit recently issued to an AMSA member agency in Oregon; the co-permittee model used by an AMSA member in California to streamline satellite collection system management obligations; and our members’ experiences with the Region IV C-MOM program and state collection systems. This panel will explore these often creative uses of permits, and will allow attendees to evaluate whether these approaches would work for them.

**Speaker/Moderator:**  
Gerald P. Linder  
General Counsel  
Clean Water Services  
Hillsboro, OR

**Panelists:**  
James Colston  
Legal and Regulatory Affairs Liaison  
Orange County Sanitation District  
Fountain Valley, CA

Ray T. Orvin, Jr.  
Executive Director  
Western Carolina Regional Sewer Authority  
Greenville, SC
Closing Remarks/Announcements
Lisa E. Hollander
Chair, AMSA Legal Affairs Committee

6:00 – 7:00
Welcoming Reception
Britannia & Cambria
(Second Floor)

Thursday, November 11
Morning
8:00 - 4:30
Registration
Commodore Foyer
(First Floor)

8:00 - 8:30
Continental Breakfast
Commodore Foyer
(First Floor)

8:30 - 12:00
GENERAL SESSION III
Commodore A&B
(First Floor)

Opening Remarks
Henry N. Gillman
Vice Chair, AMSA Legal Affairs Committee
Assistant County Attorney
Miami-Dade County, FL

Panel Discussion –
Minimizing & Managing Construction Claims
Extensive and complex construction projects are a reality for clean water agencies. The resulting construction claims are inevitable. This panel will explore techniques for managing construction claims and present tips for taking a proactive, claims-prevention approach to contracting.

Moderator:
William B. Schatz
AMSA President
Panelists:

John Spangler
Partner
Alston & Bird, LLP
Atlanta, GA

George A. Vila, PE, Esq.
Supervising Engineer
Head, Contract Administration Section
Metropolitan Sewer District of Greater Cincinnati, OH

Neal J. Sweeney
Partner
Kilpatrick Stockton, LLP
Atlanta, GA

10:15 - 10:30
Break

10:30 – 12:00
Hot Topics Breakout Sessions
(Breakout #1: Commodore A; Breakout #2: Commodore B)
The next session will provide attendees to choose between two Breakout Sessions – one focused on CSO Hot Topics and the other focused on SSO Hot Topics. These interactive sessions will be moderated by experts in the field, and will allow attendees to discuss current challenges and opportunities in these areas with their colleagues.

12:15 - 1:45
Luncheon
Azzura Point
(Second Floor)
Introductory Remarks
Ken Kirk
Executive Director
AMSA
Washington, DC

Luncheon Address –
CWA Trends: A Citizen Group Perspective
Marco A. Gonzalez
Partner
Coast Law Group LLP
Encinitas, CA
Afternoon  
2:00 - 5:00  
Commodore A&B  
(First Floor)  

GENERAL SESSION IV  

2:00 - 3:00  
**Featured Presentation –**  
*Key Clean Water & Administrative Law Developments*  
This presentation will highlight recent developments in clean water and administrative law.  

**Featured Speaker:**  
D. Randall Benn  
Partner  
LeBoeuf, Lamb, Green & MacRae, LLP  
Washington, DC  

3:00 - 3:15  
**Break**  

3:15 - 4:30  
**Panel Discussion –**  
*Are You Your Own Worst Enemy? Managing Data Collection, Research & Investigations*  
This panel will explore managing the risks and unintended consequences of responding to regulatory agency requests for data and information, and conducting internal audits.  

**Moderator:**  
Margaret Nellor  
Assistant Department Head, Technical Services  
Sanitation Districts of Los Angeles County  
Whittier, CA  

**Panelists:**  
Ronald Hill  
Principal Assistant Attorney  
Metropolitan Water Reclamation District of Greater Chicago, IL  

Amy Woodis  
Senior Regulatory Analyst  
Metro Denver Wastewater Reclamation District  
Denver, CO  

**Closing Remarks/Announcements**  
Lisa E. Hollander  
Chair, AMSA Legal Affairs Committee
5:30 - 6:30  Meet and Greet Reception
Bay Terrace
(First Floor)

Friday, November 12
Morning
8:00 - 10:00  Registration
Commodore Foyer
(First Floor)

8:00 - 8:30  Continental Breakfast
Commodore Foyer
(First Floor)

8:30 - 12:00  GENERAL SESSION V
Commodore A&B
(First Floor)

Opening Remarks
Alexandra Dapolito Dunn
General Counsel
AMSA
Washington, DC

Featured Speaker
Water Law Hot Topics from a Regulator’s Perspective
Professor John H. Minan
Chairman, California Regional
Water Quality Control Board
University of San Diego School of Law
San Diego, CA

Panel Discussion –
The Knock at the Door:
Responding to An Enforcement Investigation
This panel will provide practical input on managing a planned –
or surprise – enforcement inspection.

Moderator:
Don F. Hamilton
General Counsel
Little Rock Wastewater Utility, AR
Panelists:
Terry J. Satterlee
Lathrop & Gage, LC
General Counsel, Little Blue Valley Sewerage District
Kansas City, MO

Christopher D. Pomeroy
Partner
AquaLaw, PLLC
Richmond, VA

Closing Roundtable –
To Settle or Not to Settle:
Negotiation Strategies for Municipalities
This informative session will review the strategic considerations that come into play when public agencies evaluate whether they should settle or litigate with permitting and enforcement authorities.

Speaker/Moderator:
Christopher M. Westhoff
AMSA Secretary
Assistant City Attorney, Public Works General Counsel
City of Los Angeles Department of Public Works
Los Angeles, CA

Panelists:
James J. Dragna
Partner
Bingham McCutchen
Los Angeles, CA

Henry N. Gillman
Vice Chair, AMSA Legal Affairs Committee

Valerie Ann Lee
President
Environment International, Ltd.
Seattle, WA

David Evans
Partner
McGuire Woods LLP
Richmond, VA

Closing Remarks/Adjourn
Lisa E. Hollander
Chair, AMSA Legal Affairs Committee