Wednesday, November 11

Morning

8:30 – 4:30   Registration

8:30-9:30

Continental Breakfast

9:00 - 12:00

GENERAL SESSION I

Opening Remarks
Kevin Shafer
NACWA President
Executive Director
Milwaukee Metropolitan Sewerage District
Milwaukee, WI

2009 Seminar Overview
Lisa E. Hollander
Chair, NACWA Legal Affairs Committee
Deputy Director of Law
Northeast Ohio Regional Sewer District
Cleveland, OH

9:15 – 10:15

Keynote Address:
USEPA Office of Water Priorities
Peter Silva
Assistant Administrator for Water USEPA
Washington, DC

10:15 - 10:30

Break

10:30 – 12:00

What Do You Do When The Legal Rules Change?
Your publicly owned treatment works has spent millions of dollars to develop non-biological peak flow processing equipment that
includes state-of-the-art ballasted flocculation only to have your EPA Region send an objection letter claiming your blending is really an illegal bypass. At least you don’t have to worry about the millions of dollars you invested in upgrading your multiple hearth sewage sludge incinerators, but wait biosolids may now be regulated as solid waste. The first panel of the day will help you to determine the legal arguments to make on behalf of your client when the rules suddenly change.

Speakers:

Susan Bodine
Partner
Barnes & Thornburg
Washington, DC

Aimee Davenport
Attorney
Lathrop & Gage
Kansas City, MO

Karen Hansen
Principal
Beveridge & Diamond
Washington, DC

Afternoon
12:00-2:00

Luncheon

Speaker Introduction
Ken Kirk
Executive Director
NACWA
Washington, DC

Keynote Address:
Current Environmental Issues
Katherine Baer
Senior Director, Clean Water Program
American Rivers
Washington, DC
2:00 - 5:00

GENERAL SESSION II

Opening Remarks
Keith J. Jones
General Counsel
NACWA
Washington, DC

2:15 – 3:30

Public Perception Is Everything
Your utility is discharging dangerous pharmaceuticals into our river. Don’t tell me it’s just trace amounts. Your biosolids contain heavy metals. Don’t tell me they present no harm to human health. Your overflows are contaminating my beach with sewage. Don’t tell me more people get gastrointestinal problems from food poisoning. This panel will discuss the importance of explaining your agency’s legal rights and responsibilities on controversial environmental issues in a way that the public can understand.

Speakers:

Amanda Waters
General Counsel
Sanitation District No. 1
Ft. Wright, KY

Laurie Horridge-Bissonette
Director of Executive Affairs
Narragansett Bay Commission, RI

Jodi Perras
Perras & Associates
Indianapolis, IN

3:30 - 3:45

Break

3:45 - 5:00

Did We Get What We Wanted?
A year has passed since the big election. We have a new Presidential Administration and a new Congress. Have things changed for the better? Have things changed for the worse? Is it still too soon to tell? This moderator led roundtable will share a variety of perspectives on what impact the new players in Washington are having across the nation and what the legal implications of the new Congress and Obama Administration might be on clean water law.
Moderator:

Lisa Hollander
Chair, NACWA Legal Affairs Committee
Deputy Director of Law
Northeast Ohio Regional Sewer District
Cleveland, OH

Roundtable Members:

Michael McCabe
Director of Legal Services
Milwaukee Metropolitan Sewerage District
Milwaukee, WI

J. Barry Davis
Chief Deputy City Solicitor
Philadelphia Law Department
Philadelphia, PA

Ken Von Schaumburg
Of Counsel
Gallagher & Kennedy
Washington, DC

Chris Pomeroy
Partner
AquaLaw
Richmond, VA

Closing Remarks/Announcements
Lisa Hollander
Chair, NACWA Legal Affairs Committee

6:00 – 7:00

Welcoming Reception
Thursday, November 12

Morning
8:30 - 4:30  Registration

8:30 - 9:30  Continental Breakfast

9:00 - 12:00  GENERAL SESSION III
  Opening Remarks
  Roberta L. Larson
  Vice Chair, NACWA Legal Affairs Committee
  Somach Simmons & Dunn
  Sacramento, CA

9:00 – 10:30  Legal Terms Of Art
  Reasonable potential, inherently safer technology, and affordability: What do these words really mean? This first panel of the day will explore the legal meaning of these words and the consequences your utility could face if you don’t understand them.

  Speakers:
  Richard Davis
  Principal
  Beveridge & Diamond
  Washington, DC

  Brooks Smith
  Partner
  Hunton & Williams
  Richmond, VA

  Fred Andes
  Partner
  Barnes & Thornburg
  Chicago, IL

10:30 – 10:45  Break

10:45 – 12:00  What’s The Real State Of The Law?
  My client’s system has sanitary sewer overflows, but there is still no SSO rule. My client discharges nutrients, and my state is about to establish numeric limits for nutrients. My client is negotiating a consent decree, and EPA is considering a phased approach. This
A panel will discuss the legal opportunities and challenges these issues present for clean water agencies and their attorneys.

Speakers:

Winston Borkowski
Partner
Hopping Green & Sams
Tallahassee, FL

David Childs
Attorney
Hopping Green & Sams
Tallahassee, FL

David Burchmore
Partner
Squire Sanders
Cleveland, OH

Paul Calamita
Partner
AquaLaw
Richmond, VA

Ted Henifin
General Manager
Hampton Roads Sanitation District
Virginia Beach, VA

Afternoon
12:00 – 2:00
Lunch on Your Own

2:00 – 5:00
GENERAL SESSION IV
Opening Remarks
Lisa E. Hollander
Chair, NACWA Legal Affairs Committee

2:00 – 3:15
Top Ten CWA Cases of the Year
A panel of Clean Water Act experts will review the most significant court cases of the year and will provide insight into what these legal precedents mean for clean water utilities and their counsel.
Speakers:

Hilary Meltzer  
Senior Counsel  
New York City Law Department  
New York, NY

Erika Powers  
Partner  
Barnes & Thornburg  
Chicago, IL

Lee DeHihns  
Partner  
Alston & Bird  
Atlanta, GA

3:15 – 3:30

Break

3:30 - 5:00

Operating In The Dark

The American Recovery and Reinvestment Act was intended to make billions of dollars available to clean water utilities and in the process stimulate the economy. Yet, practically no one has seen a dime yet and the rules are changing daily with serious impacts on contractual agreements and project designs. The Chesapeake Bay was to be “restored” by 2000, but it isn’t even close. The Clean Water Restoration Act is meant to clarify jurisdiction. Will it? Does it sometimes feel like we are operating in the dark? This final panel of the day will look at some of the legal challenges facing utilities in uncertain times.

Speakers:

Joseph Manko  
Partner  
Manko, Gold, Katcher & Fox  
Bala Cynwyd, PA

Beth Card  
Director of Water Quality Programs  
New England Interstate Water Pollution Control Commission, MA

Steve Hann  
Partner  
Hamburg Rubin Mullin Maxwell & Lupin  
Lansdale, PA
**Closing Remarks/Announcements**  
Lisa Hollander  
Chair, NACWA Legal Affairs Committee

6:00 – 7:00  
Reception

Friday, November 13  
*Morning*  
8:30 - 10:00  
Registration

8:30 – 9:30  
Continental Breakfast

9:00 - 12:00  
**GENERAL SESSION V**  
*Opening Remarks*  
Lisa Hollander  
Chair, NACWA Legal Affairs Committee

9:00 – 10:00  
**Ethics: Going Beyond The Model Rules**  
Now more than ever before, clean water agency attorneys need to keep up to date in the area of professional responsibility. A team of legal ethics experts will use a series of hypothetical situations to explore legal and ethical issues related to practicing Clean Water Law.

*Speakers:*  
Allan Gates  
Partner  
Mitchell Williams  
Little Rock, AR  
Robert L. Larson  
Vice Chair, NACWA Legal Affairs Committee  
Somach Simmons & Dunn  
Sacramento, CA  
Michael Sundermeyer  
Partner  
Williams & Connolly  
Washington, DC

10:00 – 10:15  
**Break**
10:15 – 10:45

**Keynote Address:**
USEPA Office of Enforcement and Compliance Assurance Priorities
Cynthia Giles
Assistant Administrator for Office of Enforcement and Compliance Assurance
Washington, DC

10:45 – 12:00

**Enforcement: There is A New Sheriff In Town**
This final panel of the program will discuss what clean water agencies and their legal counsel should expect in the coming year in the realm of Clean Water Act enforcement.

**Speakers:**

Karen Mignone
Partner
Pepe & Hazard
Boston, MA

Linda Benfield
Partner
Foley & Lardner
Milwaukee, WI

LaJuana Wilcher
Partner
English, Lucas, Priest & Owsley
Bowling Green, KY

**Closing Remarks/Adjourn**
Lisa Hollander
Chair, NACWA Legal Affairs Committee