



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

*Commodore Foyer
(First Floor)*

Registration & Continental Breakfast

7:30 - 8:30

*Constellation B
(Second Floor)*

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

*Commodore A&B
(First Floor)*

GENERAL SESSION I

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

Roberta Larson
Counsel, California Association of Sanitation Agencies
Somach, Simmons & Dunn, PC
Sacramento, CA

Elaine Archibald
Consultant
California Urban Water Agencies
Sacramento, CA

10:30 - 10:45

Break

*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

*Constellation B
(Second Floor)*

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

*Commodore A&B
(First Floor)*

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

William S. Plache
Senior Counsel
New York City Law Department
New York, NY

3:30 - 3:45

Break

3:45 - 5:00

*Commodore A&B
(First Floor)*

***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
Britannia & Cambria
(Second Floor)

Welcoming Reception

Thursday, November 11

Morning

8:00 - 4:30
Commodore Foyer
(First Floor)

Registration

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

Continental Breakfast

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

GENERAL SESSION III

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

*Azzura Point
(Second Floor)*

Luncheon

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 make 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
*Bay Terrace
(First Floor)*

Meet and Greet Reception

Friday, November 12

Morning

8:00 - 10:00
*Commodore Foyer
(First Floor)*

Registration

8:00 - 8:30
*Commodore Foyer
(First Floor)*

Continental Breakfast

8:30 - 12:00
*Commodore A&B
(First Floor)*

GENERAL SESSION V

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