



Developments in Clean Water Law: A Seminar for Public Agency Attorneys & Managers

November 11 - 13, 2009
Marriott at Metro Center, Washington, DC

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

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

Roberta 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