



2019 National Clean Water Law & Enforcement Seminar

Cutting Edge Legal & Enforcement Developments

November 20 - 22, 2019 | JW Marriott Austin | Austin, TX

*All Meeting Spaces are on Level 2 unless otherwise noted.
(As of September 9, 2019)*

Wednesday, November 20

Morning

8:00 – 12:00 Registration

9:00 – 11:45

PLENARY SESSION I

Welcoming Remarks

John Sullivan

NACWA President

Chief Engineer

Boston Water & Sewer Commission

Boston, MA

2019 Seminar Overview

Hilary Meltzer

Co-Chair, NACWA Legal Affairs Committee

Chief, Environmental Law Division

New York City Law Department

New York, NY

Panel Discussion

Climate and Resiliency: Legal Considerations

This panel will focus on discussion of potential liability arising from impacts from climate change and developing solutions to this new area of risk and responsibility.

Moderator/Speaker

Adam Link

Director of Operations

California Association of Sanitation Agencies

Sacramento, CA

Panelists

Dan McLawhorn

Associate City Attorney
City of Raleigh Public Utilities Department
Raleigh, NC

Jon Mueller

Vice President for Litigation
Chesapeake Bay Foundation
Baltimore, MD

Karen Hansen

Principal
Beveridge & Diamond, P.C.
Austin, TX

10:30 – 10:45

Networking Break

10:45- 12:00

Panel Discussion

Hot Topics in Construction Contracts and Procurement: Design Scope, Delivery Methods, Schedule, Indemnity, Dispute Resolution and Beyond

This session will feature a panel of construction and procurement experts who will discuss a variety of risks utilities face and provide concrete suggestions for addressing those risks through the contract and procurement processes. Public procurement and contracting professionals are becoming increasingly sophisticated in their understanding and application of methods to achieve best value by balancing multiple factors; this evaluation goes beyond consideration of traditional factors such as cost, quality, risk to include public policy values and goals. This panel will explore strategic use - and the limitations - of public procurement and contracting tools in promoting green, social and innovation policies and provide valuable tips for both utility attorneys and managers to achieve a successful outcome. The panel will also provide tools and strategies to protect public entities when construction projects do not go as planned including presenting evidence in construction related litigation.

Moderator

Emily Jackson

Co-Chair, NACWA Legal Affairs Committee
General Counsel
Metro Wastewater Reclamation District
Denver, CO

Panelists

Keith Richardson

Partner
Kilpatrick Townsend
Atlanta, GA

Richard Lewis
Member
Steptoe & Johnson PLLC
Charleston, WV

Laurin Quiat
Partner
Baker Hostetler
Denver, CO

Afternoon

12:15 – 1:30

Luncheon Address

The Administration's Clean Water Act Priorities and Policy Initiatives

1:30 – 4:00

Registration

1:45 – 5:00

PLENARY SESSION II
Regulatory Roundtable

What do EPA, state regulators, and environmental groups view as the most important clean water legal and regulatory issues? How do those compare to the clean water sector's priorities? Where do we align? What do each see as the appropriate balance between compliance assistance and enforcement? What is the future of Supplemental Environmental Projects? This discussion is a must for any clean water attorney or utility manager wanting to better understand the perspectives and priorities – both competing and complimentary - of those who regulate and enforce.

Moderator

Erika Powers
Partner
Barnes & Thornburg LLP
Chicago, IL

3:30 – 3:45

Networking Break

3:45 - 5:00

Panel Discussion

Top CWA Enforcement and Permitting Developments of the Year

(Closed to Press & Regulators)

This roundtable discussion will evaluate the latest trends in permitting and enforcement including consent decrees.

Moderator

Nathan Vassar
Principal
Lloyd Gosselink Rochelle & Townsend, P.C.
Austin, TX

Panelists

Paul Calamita

Chairman
AquaLaw PLC
Richmond, VA

Lou McMahon

Partner
McMahon DeGuilus
Cleveland, OH

Debra Baker

Partner
Baker Wotring
Houston, TX

J. Tom Boer

Partner
Hunton Andrews Kurth, LLP
San Francisco, CA

Closing Remarks/ Announcements

Hilary Meltzer

Co-Chair, NACWA Legal Affairs Committee

Evening

6:00 – 7:00

Reception

Thursday, November 21

Morning

8:00 – 12:00

Registration

9:00 – 12:00

PLENARY SESSION III

Opening Remarks

Emily Jackson

Co-Chair, NACWA Legal Affairs Committee

Keynote Address

The US Supreme Court is changing the clean water law landscape. This keynote address will provide an in-depth analysis of recent and upcoming decisions that will impact the future of environmental and administrative law.

9:45 – 10:00

Networking Break

10:00 – 12:00

Panel Discussion

Compliance Options to Meet Water Quality Standards

In theory, Clean Water regulators and the public water utility sector have many options to comply with Water Quality Based Effluent Limits such as Use Attainability Analyses (UAAs), variances, compliance schedules, integrated

planning, and Total Maximum Daily Loads (TMDLs). How accessible are these tools? What are the impediments to widespread implementation? For CSO communities finishing long-term control plans, what will be required to show compliance and how can and should these tools be utilized? This panel will explore the pros, cons, and practical realities of these tools.

Panelists

LaJuana Wilcher

Partner
English Lucas Priest Owsley
Bowling Green, KY

Fredric Andes

Partner
Barnes & Thornburg LLP
Chicago, IL

Devon Goodrich

Senior Counsel
New York City Department of Law
New York, NY

Afternoon

12:00 – 2:00

Lunch on Your Own

1:45 – 4:00

Registration

2:00 – 5:00

PLENARY SESSION IV

Opening Remarks

Hilary Meltzer

Co-Chair, NACWA Legal Affairs Committee

2:00 – 3:30

Panel Discussion

Top CWA Legal Developments of the Year

(Closed to Press & Regulators)

Central to your job as a clean water attorney is understanding the impact that court decisions from around the country will have on the obligations of your clients. But how can you keep track of all the various court cases and figure out which ones are truly important? Not to worry, NACWA has you covered! This roundtable of top clean water lawyers will review the most important court decisions and CWA legal developments of the past year and provide critical insights for both clean water attorneys and managers on how these issues could affect your utility.

Moderator

Hilary Meltzer

Co-Chair, NACWA Legal Affairs Committee

Panelists

Sam Brown

Partner
Hunton Andrews Kurth, LLP
San Francisco, CA

Richard Davis

Principal
Beveridge & Diamond, P.C.
Washington, DC

Allan Gates

Member
Mitchell Williams
Little Rock, AR

Chris Pomeroy

President
AquaLaw
Richmond, VA

Erica Spitzig

Associate
Taft Stettinus & Hollister, LLP
Cincinnati, OH

3:30 - 3:45

Networking Break

3:45 - 5:00

Ethics

This session will use hypothetical scenarios to explore common ethics issues for in-house attorneys, such as employee misconduct, negotiations, electronic communications, and more. Join us to learn the latest on essential ethics questions and learn how to avoid common pitfalls.

Thomas Spahn

Partner
McGuireWoods, LLP
Tysons, VA

Closing Remarks/Announcements

Emily Jackson

Co-Chair, NACWA Legal Affairs Committee

Evening

6:00 – 7:00

Reception

Friday, November 22

Morning

8:30 - 10:30 Registration

9:00 – 12:00 **PLENARY SESSION V**

Opening Remarks

Amanda Waters

General Counsel

NACWA

Washington, DC

9:00 – 10:15

Primer

PFAS 101: A Technical, Regulatory, Legal, and Legislative Overview of Perfluoroalkyl and Polyfluoroalkyl Substances

PFAS are in the national spotlight and there is a rush to regulate these substances ahead of the science and risk assessments. Understanding the complexities of PFAS regulation and management has become essential for the clean water sector. This program will provide the legal and technical introduction necessary to better understand these chemicals, the sources, and the potential risks.

Sarah Wightman

Associate

Marten Law

Seattle, WA

Christine Jochim

Shareholder

Brownstein Hyatt Farber Schreck

Denver, CO

10:15 – 10:30

Networking Break

10:30 – 12:00

Panel Discussion

The Ripple Effect of Regulatory Uncertainty: A Deeper Dive into the Challenges and Risks Posed by PFAS

This panel will cover the current state of play as well as short and long-term challenges and strategies associated with regulating these substances. What is EPA's action plan and how will Congress shape regulation? What are states doing to regulate PFAS in the absence of federal direction? How will the clean water sector be impacted and what can and should be done to handle this evolving area of risk and liability.

Jeff Kray

Partner

Marten Law

Seattle, WA

Daniel Gruzca
Counsel
Hunton Andrews Kurth, LLP
Atlanta, GA

Closing Remarks/Adjourn
Amanda Waters
NACWA