



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 4th Floor unless otherwise noted.
(As of November 12, 2019)*

Wednesday, November 20

Morning

8:00 – 12:00 Registration

Lone Star Salon F-H

Foyer, 3rd Floor

9:00 – 12:00

Lone Star Salon F-H,

3rd Floor

PLENARY SESSION I

Welcoming Remarks

John Sullivan

NACWA President

Chief Engineer

Boston Water & Sewer Commission

Boston, MA

Opening Remarks

Greg Meszaros

Director

Austin Water

Austin, TX

2019 Seminar Overview

Hilary Meltzer

Co-Chair, NACWA Legal Affairs Committee

Chief, Environmental Law Division

New York City Law Department

New York, NY

Roundtable 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

Adam Link

Director of Operations
California Association of Sanitation Agencies
Sacramento, CA

Participants

Dan McLawhorn

Senior Associate City Attorney
Raleigh Water
Raleigh, NC

Jon Mueller

Vice President for Litigation
Chesapeake Bay Foundation
Baltimore, MD

Karen Hansen

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

Matt Edling

Partner
Sher Edling LLP
San Francisco, CA

10:30 – 10:45 Networking Break

10:45- 12:00 *Roundtable Discussion*

*Lone Star Salon F-H,
3rd Floor* **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

Participants

Keith Richardson

Partner
Kilpatrick, Townsend & Stockton, LLP
Atlanta, GA

Richard Lewis

Member
Steptoe & Johnson PLLC
Charleston, WV

Laurin Quiat

Partner
Baker Hostetler
Denver, CO

Brian Louie

Assistant Departmental Engineer, Wastewater Management Department
Sanitation Districts of Los Angeles County
Whittier, CA

Linda Hanifin Bonner

Executive Operations Manager
Water Design Build Council
Edgewater, MD

Afternoon

12:15 – 1:30

Griffin Hall, 2nd Floor

Luncheon Address

Opening Remarks

Adam Krantz

Chief Executive Officer
National Association of Clean Water Agencies
Washington, DC

EPA's Clean Water Act Enforcement Priorities and Policy Initiatives

Susan Bodine

Assistant Administrator
Office of Enforcement and Compliance Assurance
US Environmental Protection Agency
Washington, DC

1:30 – 4:00
Lone Star Salon F-H
Foyer, 3rd Floor

Registration

1:45 – 5:00
Lone Star Salon F-H,
3rd Floor

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

Participants

L'Oreal Stepney
Deputy Director
Office of Water
Texas Commission on Environmental Quality
Austin, TX

Julia Anastasio
Executive Director and General Counsel
Association of Clean Water Administrators
Washington, DC

Mark Pollins
Director, Water Enforcement Division
Office of Enforcement and Compliance Assistance
US Environmental Protection Agency
Washington, DC

3:30 – 3:45

Networking Break

3:45 - 5:00
Lone Star Salon F-H,
3rd Floor

Roundtable 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

Participants

Paul Calamita

Chairman

AquaLaw PLC

Richmond, VA

Lou McMahon

Partner

McMahon DeGuilus LLP

Cleveland, OH

Debra Baker

Partner

Baker Wotring LLP

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

*Lone Star East Foyer,
3rd Floor*

Beer, Boots & BBQ Reception

Beer, boots, and barbeque – what more could you ask for? Tonight's reception will be filled with good times, good food, and some of the best locally brewed beer in town. Come on down and join the fun!

Thursday, November 21

Morning

8:00 – 12:00

JW Grand West Foyer

Registration

9:00 – 12:00

JW Grand Salon 1-4

PLENARY SESSION III

Opening Remarks

Emily Jackson

Co-Chair, NACWA Legal Affairs Committee

Keynote Address

The Supreme Court and the Clean Water Act: Looking Forward by Looking Back

Beginning with *Train v. City of New York* in 1974, the U.S. Supreme Court has decided almost thirty Clean Water Act cases, addressing some of the most important legal issues arising under the Act to the some of the more mind-numbing. As we anticipate the Court's future consideration of the Trump Administration's recent repeal of the Obama Administration's Clean Water Rule, it is a good time to consider the Court's past and future impact on the Clean Water Act's administration over the past five decades.

Richard Lazarus

Howard J. & Katherine W. Aibel Professor of Law
Harvard Law School
Cambridge, MA

9:45 – 10:00

Networking Break

10:00 – 12:00

JW Grand Salon 1-4

Roundtable 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.

Moderator

Bethany Card

Director, Environmental and Regulatory Affairs
Massachusetts Water Resources Authority
Boston, MA

Participants

LaJuana Wilcher

Partner
English Lucas Priest Owsley, LLP
Bowling Green, KY

Fredric Andes

Partner
Barnes & Thornburg LLP
Chicago, IL

Devon Goodrich

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

Deborah Nagle
Director, Office of Science and Technology
Office of Water
US Environmental Protection Agency
Washington, DC

Afternoon

12:00 – 2:00

Lunch on Your Own

1:45 – 4:00

Registration

JW Grand West Foyer

2:00 – 5:00

PLENARY SESSION IV

JW Grand Salon 1-4

Opening Remarks

Hilary Meltzer

Co-Chair, NACWA Legal Affairs Committee

2:00 – 3:30

Roundtable Discussion

JW Grand Salon 1-4

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

Participants

Sam Brown

Partner

Hunton Andrews Kurth, LLP

San Francisco, CA

Allan Gates

Attorney

Mitchell Williams

Little Rock, AR

Chris Pomeroy

President

AquaLaw PLC

Richmond, VA

Erica Spitzig
Attorney
Taft Stettinus & Hollister, LLP
Cincinnati, OH

3:30 - 3:45 Networking Break

3:45 - 5:00 **Ethics**
JW Grand Salon 1-4 This session will use hypothetical scenarios to explore common ethics issues for in-house attorneys, such as confidentiality. 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 **Live Music Capital Reception**
Congress Avenue Terrace, Rooftop Level Austin isn't called the Live Music Capital of the World for nothing. Join us tonight for the ultimate Austin experience. Live music will be performed by Jordan Matthew Young - an artist based out of Austin who has toured internationally and shared the stage with some of the best in American Rock and Blues including ZZ Top.

Friday, November 22

Morning

8:30 - 10:30 Registration
JW Grand Salon 1 Foyer

9:00 – 12:00 **PLENARY SESSION V**

JW Grand Salon 1-4 *Opening Remarks*
Amanda Waters
General Counsel
National Association of Clean Water Agencies
Washington, DC

9:00 – 10:15

JW Grand Salon 1-4

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 LLP
Denver, CO

10:15 – 10:30

Networking Break

10:30 – 12:00

JW Grand Salon 1-4

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.

Moderator

Jeff Kray

Partner
Marten Law
Seattle, WA

Participants

Daniel Gruzca

Counsel
Hunton Andrews Kurth, LLP
Atlanta, GA

Stephen Kuplicki

Operations Manager - Industrial Waste Control & Analytical Lab
Great Lakes Water Authority
Detroit, MI

Jeffrey Longworth

Partner

Barnes & Thornburg, LLP

Washington, DC

Allyn Stern

Of Counsel

Beveridge & Diamond, P.C.

Seattle, WA

Closing Remarks/Adjourn

Amanda Waters

NACWA