2020 National Clean Water Law & Enforcement Virtual Event
November 17 - 19, 2020 | 2:00 pm – 4:00 pm ET

Tuesday, November 17

2:00 – 2:45

SESSION I
Keynote Address
What Will Clean Water Look Like in 2021?
With a major national election in November that has the potential to significantly change the balance of power in the White House and in Congress, not to mention the ongoing environmental and economic impacts of the COVID-19 pandemic, the future of clean water law is very much up in the air as we approach the 50th Anniversary of the Clean Water Act in 2022. Joint us for this keynote presentation on how recent developments will impact clean water law implementation and practitioners in 2021 and beyond.

2:45 – 4:00

SESSION II
Panel Presentation
COVID-19 Legal Considerations for Clean Water Utilities
The COVID-19 pandemic has created a series of unique legal challenges for clean water utility lawyers, both in terms of in-house legal issues and environmental compliance. On the in-house front, legal questions around accommodating health requests for certain employees, setting up new telework policies, and ensuring appropriate return to work protocols are all pressing concerns. At the same time, ensuring compliance with existing Clean Water Act legal requirements has become more complicated. And the emerging science around COVID-19 surveillance testing in wastewater is raising novel legal considerations around liability and privacy concerns. This panel will help unravel many of these COVID-19 related questions and provide helpful considerations for utility lawyers.

Wednesday, November 18

2:00 – 2:45

SESSION III
Panel Presentation
The Role of Environmental Justice in Clean Water
The issue of environmental justice (EJ), and in particular how decisions made under the current framework for federal environmental laws and regulations can have disproportionately negative impacts on low-income communities and communities of color, is quickly gaining importance in national environmental law discussions. The EJ issues specific to water law are especially complex and include water quality concerns (especially around combined sewer overflows), access to water services, and affordability challenges. This panel will explore how clean water utilities and their legal counsel should best include EJ considerations in their compliance and community outreach obligations.
SESSION IV
Panel Presentation
PFAS & Clean Water – What Clean Water Lawyers Should Know
The class of chemicals in the per- and polyfluoroalkyl substances (PFAS) family continues to garner increasing attention as efforts in Congress to further address them ramp up and EPA advances its regulatory processes. These chemical pose unique legal and regulatory challenges for clean water utilities given their ubiquitous presence in treated wastewater and biosolids. But since POTWs are passive receivers of these chemicals, and have no role or responsibility in producing them, it is critical that public utilities not be subjected to strict legal liability mandating costly treatment. Legal experts on this panel will explain the current state of play around PFAS and what clean water utility lawyers need to know.

Thursday, November 19

SESSION V
Panel Presentation
The Supreme Court Has Created a New CWA Permitting Test...Now What? And Does Anyone Actually Know What a “Functionally Equivalent” Discharge Is?
The Supreme Court’s May 2020 decision in County of Maui v. Hawaii Wildlife Fund created a new “functional equivalent” test to determine whether discharges that indirectly reach “waters of the US” require National Pollutant Discharge Elimination System permits. That test has sparked a whole new level of uncertainty around the scope of the NPDES program that will challenge clean water lawyers for years to come. Litigation is percolating in lower courts around the country over what this new test means, and EPA is considering providing additional clarity at the national level. This panel of experts will briefly review the current lay of the land following the High Court’s decision and discuss ramifications for the municipal clean water community.

SESSION VI
Panel Presentation
Developments in Clean Water Law Enforcement
The COVID-19 pandemic may have taken the national spotlight during 2020, but that doesn't mean clean water enforcement issues have left the stage. EPA and states continue to pursue enforcement actions against utilities, and even though EPA issued a temporary policy to address the challenges faced by permittees related to COVID-19, that policy has since expired while the impacts of the pandemic are still being felt. Round out the 2020 Virtual Law Seminar with this panel of clean water enforcement experts as they discuss recent developments all clean water lawyers should know and how to best protect your clients in today’s uncertain enforcement climate.