



# 2022 National Clean Water Law & Enforcement Seminar

November 16 – 18 | The Don CeSar | St. Pete Beach, FL

*Current as of October 5, 2022*

*All meeting spaces are on the Lobby Level unless otherwise noted.*

## Wednesday, November 16

**8:00 – 11:45 Registration**

Ballroom Arcade

**9:00 – 12:00 Plenary Session I**

Grand Ballroom Welcoming Remarks

Opening Remarks

### **2022 Seminar Overview**

**Emily Jackson**, Co-Chair, NACWA Legal Affairs Committee  
General Counsel  
Metro Water Recovery | Denver, CO

### **CERCLA Primer**

In light of emerging contaminants such as Per- and polyfluoroalkyl substances (PFAS), clean water attorneys and executives are increasingly having to expand their knowledge of statutes and regulations pertaining to hazardous substance handling, disposal, and remediation. This session will provide Seminar attendees with an overview of the primary federal law governing hazardous substance cleanups that we will hear a lot about over the next three days - the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or "Superfund").

**Erica Spitzig**, Partner  
Taft Stettinius & Hollister LLP | Cincinnati, OH

**Stephanie Biehl**, Partner  
Sher Edling LLP | San Francisco, CA

**10:45 – 11:00 Networking Break**

*Roundtable Discussion*

**Scared Straight: CERCLA Edition**

The clean water sector has heard a lot about the potential liability it could incur if EPA finalizes CERCLA designations for PFOA and PFOS. This panel will be made up of clean water executives and practitioners who know firsthand what a CERCLA lawsuit means for a utility. Learn directly from utility leaders who have gone through CERCLA actions and lived to tell the tale!

Panelists

**Tom Sigmund**, *NACWA President*  
Executive Director  
NEW Water | Green Bay, WI

**Devon Goodrich**, *Co-Chair, NACWA Legal Affairs Committee*  
Senior Counsel, Environmental Law Division  
New York City Department of Law | New York, NY

**12:15 – 2:00 Luncheon**

*King Charles  
Ballroom, 5<sup>th</sup>  
Floor*

**One Brave Attorney vs. One Massive Chemical Company: The Real Story Behind “Dark Waters”**

Come hear from the PFAS O.G., Rob Bilott, referred to by New York Times Magazine as “DuPont’s Worst Nightmare,” as he gives the story behind the story and provides his insights on where he thinks PFAS litigation is headed in 2023 and beyond. With all due respect to Mark Ruffalo, this is the man public clean water executives should hear from as they grapple with the environmental fallout from decades of domestic PFAS manufacturing and use.

**Rob Bilott**, Partner  
Taft Stettinius & Hollister LLP | Cincinnati, OH

**1:45 – 4:30 Registration**

*Ballroom Arcade*

**2:15 – 5:00 Plenary Session II**

*Grand  
Ballroom*

*Roundtable Discussion*

**PFAS PFAS Everywhere! No, really...EVERYWHERE!**

From EPA moving to designate PFOA and PFOS as CERCLA “hazardous substances” to states banning everything from biosolids land application to certain cosmetics, PFAS seems to be in the headlines nearly every day. During this roundtable discussion, a group of experts will highlight the most important legal issues clean water leaders and their lawyers should be watching and provide insights on how the clean water community can prepare for forthcoming PFAS regulations.

**Jessica Kramer**, Senior Policy Advisor and Counsel  
Brownstein Hyatt Farber Schreck, LLP | Washington, DC

**Emily Jackson**, *Co-Chair, NACWA Legal Affairs Committee*

**Amanda Waters**, Counsel  
McGuire Woods, LLP | Tysons, VA

### 3:15 – 3:30 Networking Break

#### *Roundtable Discussion*

#### **Top Clean Water Enforcement and Permitting Developments of the Year (Closed to Press and Regulators)**

This roundtable discussion among a group of legal experts and utility leaders will evaluate the latest trends in permitting and enforcement activities, including the latest in consent decree modifications, EPA's efforts to revise its Financial Capability Assessment (FCA) Guidance, pretreatment enforcement, and the priorities of the US Department of Justice's Environment and Natural Resources Division.

#### Panelists

**Paul Calamita**, Chairman  
AquaLaw | Richmond, VA

**Erika Powers**, Partner  
Barnes & Thornburg LLP | Chicago, IL

**Robert Griffin**, President and Chief Executive Officer  
Shield Engineering, Inc. | Charlotte, NC

#### Closing Remarks

### 6:00 – 7:00 Reception

*Courtyard*

## Thursday, November 17

### 8:30 – 12:00 Registration

*Ballroom Arcade*

### 9:00 – 12:00 Plenary Session III

*Grand*

Opening Remarks

*Ballroom*

**Devon Goodrich**, *Co-Chair, NACWA Legal Affairs Committee*

Introductory Remarks

**Adam Krantz**, Chief Executive Officer  
National Association of Clean Water Agencies | Washington, DC

*Keynote Speaker*

#### **Current Priorities of the White House's Council on Environmental Quality (CEQ)**

The Keynote Address of the conference will look at CEQ's current clean water priorities, including those related to the Justice40 Initiative, and what impacts those actions can have on public utilities.

**Brenda Mallory** (*Invited*), Chair, Council on Environmental Quality  
Executive Office of the President – The White House | Washington, DC

*Roundtable Discussion*

**Fitting the Puzzle Pieces Together: How Environmental Justice Considerations Can Factor Into Utility Permitting and Compliance Decision Making**

This panel of utility leaders and legal experts will provide an overview of how environmental justice is shaping state and federal regulatory and permitting decisions. The panelists will also discuss real-world examples of challenges utilities have faced when trying to achieve equity objectives – and stories of how they overcame them!

**Alexandra Dunn**, Partner  
Baker Botts, LLP | Washington, DC

**10:45 – 11:00 Networking Break**

*Roundtable Discussion*

**Revised Water Quality Criteria: Pipe Dream or In the Pipe?**

As utilities complete their combined sewer overflow (CSO) long term control plans (LTCPs) and states continue to develop the scientific records surrounding nutrients and emerging contaminants, water quality criteria that take into account unique or site-specific conditions are needed more than ever. But both states and utilities can face major hurdles to getting revised water quality criteria adopted, including those related to environmental justice. This panel will discuss the current legal landscape surrounding water quality criteria development and provide an example of a post-LTCP success story.

Panelists

**Sean Rolland**, Deputy Director  
Association of Clean Water Administrators | Washington, DC

**Ann McIver**, Director, Environmental Stewardship  
Citizens Energy Group | Indianapolis, IN

**Nathan Vassar**, Principal  
Lloyd Gosselink Rochelle & Townsend, PC | Austin, TX

**12:00 – 2:00 Lunch on Your Own**

**1:45 – 4:30 Registration**

*Ballroom Arcade*

**2:00 – 5:00 Plenary Session IV**

*Grand Ballroom Roundtable Discussion*

**You Want Me to Do What? How Narrative Water Quality Standards are Changing Utility Permitting Obligations**

There was once a time when utilities fulfilled their environmental obligations by complying with the clear terms of their NPDES permits. Allegedly. We think maybe in Iowa back in 1987. But in 2022, permitting terms are becoming increasingly subject to reinterpretation, particularly those enforcing narrative water quality standards. In this discussion, top clean water attorneys will explore how states, EPA, and environmental organizations rarely agree on what narrative standards require – or what a narrative standard even *is* – and what clean water utilities can

do to help protect their investments and shield themselves from ever-changing regulatory obligations.

**Lou McMahon**, Partner  
McMahon DeGulis, LLP | Cleveland, OH

### 3:15 – 3:30 Networking Break

*Roundtable Discussion*

#### **Top Clean Water Legal Developments of the Year (Closed to Press and Regulators)**

Major questions doctrine. *Chevron* deference. Environmental law as we know it. It seems like everything is up for grabs in the courts these days. But instead of scouring your old law school notes for the meaning of “nondelegation,” come listen to a panel of top clean water lawyers review the most important court decisions and legal developments of the past year and provide you with critical insights on what they might mean for your utility going forward.

Moderator

**Hilary Meltzer**, Chief, Environmental Law Division  
New York City Law Department | New York, NY

Panelists

**David Chung**, Partner  
Crowell & Moring LLP | Washington, DC

**Drew Silton**, Principal  
Beveridge & Diamond, PC | Washington, DC

**Jordan Wimpy**, Attorney  
Mitchell Williams | Little Rock, AR

#### **Closing Remarks**

**Emily Jackson**, Co-Chair, NACWA Legal Affairs Committee

### 6:00 – 7:00 Reception

*Beach Pavilion*

## **Friday, November 18**

### 8:00 – 10:30 Registration

*Ballroom Arcade*

### 9:00 – 12:00 Plenary Session V

*Grand Ballroom* Opening Remarks

*Ethics Session*

#### **We've Been Hacked! Ethical Obligations for Clean Water Attorneys When Their Utility Has Been the Victim of a Cyber-Attack**

Every clean water executive takes on additional responsibilities when there has been a cyber-attack on a utility. What role should in-house counsel play when there has been a data breach? How do the model rules concerning attorney

competence, record safekeeping, and client communications and confidentiality apply to practitioners at clean water agencies? Come learn more about this critical ethical issue while earning CLE credits!

## 10:45 – 11:00 Networking Break

### *Roundtable Discussion*

#### **Temperatures are Changing, and So Are Utilities - How Climate Change is Driving Utility Infrastructure, Operations and Changing Identities as Well as State and Federal Policies**

We've all seen the headlines about bodies being found in Lake Mead – and, if we're being honest, we've all clicked on the links to read those stories – but there are other complex (and less macabre) challenges and opportunities resulting from climate change and drought conditions. On this panel, utility leaders and industry experts will discuss clean water agency potable reuse and sustainability efforts, increased governance challenges in the wake of climate change, and state and federal efforts to achieve emissions goals and support resiliency efforts.

**Nathan Gardner-Andrews**, Chief Advocacy & Policy Officer  
National Association of Clean Water Agencies | Washington, DC

### **Closing Remarks**