



2024 National Clean Water Law & Enforcement Seminar

November 13 - 15 | El Conquistador Tucson | Tucson, AZ

Current as of October 3, 2024

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

Wednesday, November 13

Morning

8:00 – 12:00

Satellite Desk

Registration

9:00 – 12:00

Turquoise III

Plenary Session I

9:00 – 9:20

Welcoming Remarks

Diane Taniguchi-Dennis, *NACWA President*
Chief Executive Officer
Clean Water Services | Hillsboro, OR

2024 Seminar Overview

Devon Goodrich, *Co-Chair, Legal Affairs Committee*
New York City Department of Law | New York, NY

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

9:20 – 10:45

Clean Water Act Primer

Gear up for the next three days of legal discussions with this perennial favorite back-to-basics course on all things Clean Water Act. Whether you're new to water world or a seasoned environmental law veteran, you'll be glad you sat in to hear one of the best in the business provide a rundown of the statutory requirements underpinning all the latest law and enforcement developments facing the sector today. From citizen suits and antidegradation policies to National Pollutant Discharge Elimination System (NPDES) permitting requirements, this is your one-stop shop to get up to speed before we're off to the races.

Erika Powers, *Partner*
Barnes & Thornburg, LLP | Ann Arbor, MI

10:45 – 11:00

Networking Break

11:00 – 12:15

Turquoise III

Strategic Communications for Lawyers: How Counsel Can Help Guide Utility Outreach Strategies Without Being a Total Buzz Kill

Between increasing awareness around contaminants of concern such

as PFAS, the need to attract a more dynamic workforce, and rising costs leading to greater affordability challenges, development of effective communications strategies has never been more important for public clean water agencies. But no one can ruin a perfectly good public outreach plan quite like a risk-averse lawyer. This panel of utility executives, in-house counsel, and communications professionals will discuss tips and tricks attorneys can use to provide productive legal advice on utility communications strategies while still being good “team players.”

Moderator

Jean Smith, *Co-Chair, Communications & Public Affairs Committee*
Director of Administration and External Affairs
Northeast Ohio Regional Sewer District | Cleveland, OH

Panelists

Mickey Conway, *NACWA Vice President*
Chief Executive Officer
Metro Water Recovery | Denver, CO

Mike Witt, *NACWA Board Member*
General Counsel
Passaic Valley Sewerage Commission | Newark, NJ

Bess McCoy, *Co-Chair, Communications & Public Affairs Committee*
Manager, Public Affairs
Metropolitan St. Louis Sewer District | St. Louis, MO

Afternoon

12:15 – 2:00

Turquoise II

Luncheon Keynote Speaker – Inquiring Utilities Want to Know: What’s on the Minds of EPA’s Chief Enforcement Officials?

Come join us over lunch to hear our keynote speaker, Director of Civil Enforcement at EPA’s Office of Civil Enforcement and Compliance Rosemarie Kelley. Learn about EPA’s recent enforcement activities and future priorities relevant to clean water utilities straight from the horse’s mouth while having a front row seat to ask all those burning questions about the approaches the Agency intends to take to implement key national environmental policies in the coming months.

Rosemarie Kelley, Director of Civil Enforcement
Office of Civil Enforcement
US Environmental Protection Agency | Washington, DC

2:00 – 4:30

Satellite Desk

Registration

2:15 – 5:00

Turquoise III

Plenary Session II

2:15 – 3:30

Turquoise III

Not Your Mother’s Citizen Suits: Hot Trends in Citizen Enforcement

While reasonable minds may differ, we have a hard time believing that the lawmakers penning the Clean Water Act could have envisioned the sheer volume of lawsuits being brought by citizen plaintiffs these days. Environmental organizations challenging state antidegradation policies, groups of farmers seeking to compel EPA regulation of PFAS in biosolids, and activists looking to give environmental justice initiatives

teeth are some of the topics this panel of legal experts will cover.

Panelists

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

James Slaughter, Partner
Beveridge & Diamond PC | Washington, DC

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

3:30 – 3:45

Networking Break

3:45 – 5:00

Turquoise III

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 developments in clean water utility permitting and enforcement activities. From consent decrees and stipulated penalties to PFAS trends and compliance schedules, come listen as our highly experienced panel fills you in on the recent activities you may not have heard about yet but need to know.

Moderator

Fredric Andes, Partner
Barnes & Thornburg LLP | Chicago, IL

Panelists

David Denard, NACWA Board Member
Director of Environmental Services
Jefferson County Commission | Birmingham, AL

F. Paul Calamita, Chairman
AquaLaw PLC | Richmond, VA

Martha Thomsen, Partner
Baker Botts, LLP | Washington, DC

5:00

Closing Remarks

Evening

5:30 – 6:30

The Last

Territory

Welcoming Reception

Thursday, November 14

Morning

8:30 – 12:00

Satellite Desk

Registration

9:00 – 12:00

Turquoise III

Plenary Session III

9:00 – 9:05

Opening Remarks

9:05 – 10:30

I Can Feel It Coming In the Air Tonight: Clean Air Act Challenges

Facing Clean Water Utilities

Clean Water Act issues aren't the only ones keeping wastewater and stormwater utility counsel up at night. From implementation of the ozone national ambient air quality standards (NAAQS) to environmental justice challenges of critical infrastructure permitting, utilities are increasingly facing legal and regulatory issues arising under the Clean Air Act. Join this panel of experts as they discuss what utilities are up against and what might be coming down the pike.

Moderator

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

Panelists

Emily Jackson, Co-Chair, Legal Affairs Committee
Metro Water Recovery | Denver, CO

Megan Berge, Partner
Baker Botts, LLP | San Francisco, CA

10:30 – 10:45

Networking Break

10:45 – 12:15

PFAS Toolkit: Best Practices for Avoiding and Defending Against Liability Claims Related to PFAS in Wastewater and Residuals

As more utilities begin to monitor for PFAS in their influent, effluent, and biosolids, it is becoming increasingly critical for clean water agencies to proactively assess and reduce their liability exposure and respond to threatened legal action in a way that helps maximize chances for a favorable outcome. This panel of seasoned experts will explore PFAS through the lens of utility risk management, covering topics ranging from the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to industrial pretreatment, notices of intent to sue letters (NOIs), Clean Water Act permit shield protections, and insurance coverage.

Panelists

Jeff Kray, Partner
Marten Law | Seattle, WA

Louis McMahon, Partner
McMahon DeGulis LLP | Cleveland, OH

Matt Edling, Partner
Sher Edling LLP | San Francisco, CA

Afternoon

12:15 – 2:00

Lunch on Your Own

1:45 – 4:00

Satellite Desk

Registration

2:00 – 5:00

Turquoise III

Plenary Session IV

2:00 – 3:30

It's a Small World After All: Regional Differences – and Similarities – in Clean Water Act Implementation

Clean water utilities know all too well that often times approaches to

Clean Water Act permitting and enforcement can depend largely on your state and regional regulators. Such differences are likely to become even more pronounced now that courts are not required to give deference to federal agency decisions. But even taking into account these differing regulatory strategies, clean water utilities in different parts of the country nevertheless face similar legal challenges. This panel of experts from various States and EPA Regions will discuss key Clean Water Act permitting and water quality issues and how they are being handled in their respective necks of the woods.

Moderator

Beth Card, Senior Policy Advisor
Smith, Costello & Crawford | Boston, MA

Panelists

Joan Card, Managing Partner
Culp & Kelly, LLP | Phoenix, AZ

Rebecca Weidman, Deputy Chief Operating Officer
Massachusetts Water Resources Authority | Boston, MA

Jennifer Harrington, General Counsel & Legislative Liaison
Narragansett Bay Commission | Providence, RI

Jared Voskuhl, Manager of Regulatory Affairs
California Association of Sanitation Agencies | Sacramento, CA

3:30 – 3:45

Networking Break

3:45 – 5:00

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

Curious about the potential implications of upending a bedrock administrative law principle that had been in place since 1984? Wondering if any regulations are going to escape judicial scrutiny in light of the Supreme Court's ruling in *Corner Post*? Just want answers with respect to when the heck agency enforcement is akin to a "common law" cause of action pursuant to *Jarkesy*? Come listen to a panel of top clean water lawyers review the most important court decisions and legal developments of the past year and analyze the impacts they could have on your utility's operations.

Moderator

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

Panelist

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

Devon Goodrich, Co-Chair, Legal Affairs Committee
New York City Department of Law | New York, NY

Erika Spanton, Principal
Beveridge & Diamond, PC | Seattle, WA

Evening

5:30 – 6:30

Sunset Point

Reception

Friday, November 15

Morning

8:30 – 10:30

Satellite Desk

Registration

9:00 – 11:30

Turquoise III

Plenary Session V

9:00 – 9:05

Opening Remarks

9:05 – 9:50

Turquoise III

Business and Legal Issues Informing Equitable Risk Allocation

As the use of collaborative delivery methods for the design and construction of new water/wastewater projects continues to expand, public utilities are seeking to find an equitable balance of risk allocation between their agencies and collaborative delivery teams. This session will define the fundamental risks to be considered for new capital investment and explore when such risks represent business decisions, legal decisions, or both. The session will also address best practices for utility managers to seek advice of counsel prior to finalizing risk allocation to improve project outcomes.

Panelist

Mark Alpert, Executive Director
Water Collaborative Delivery Association | Denver, CO

9:50 – 10:00

Networking Break

10:00 – 11:30

Turquoise III

Where AI and the Law Collide: Maintaining an Ethical Practice in the Artificial Intelligence Age

With clean water utilities increasingly considering artificial intelligence (AI) to help perform various tasks, utility counsel are faced with a number of ethical considerations. Come hear two expert attorneys discuss concerns related to confidentiality and cloud-based platforms, bias in AI algorithms potentially leading to biased legal advice or outcomes, and ownership of and accountability for AI-generated work. And earn your ethics CLE credits to boot!

Panelists

Jeff Lantz, Chief Executive Officer
Esquire Interactive, LLC | Oro Valley, AZ

Desire'e Martinelli, Director of Marketing
Esquire Interactive, LLC | Oro Valley, AZ

11:30 – 11:35

Closing Remarks