

SPEAKER BIOGRAPHY

Hot Topics in Clean Water Law

Webinar Series: Part 4



Christopher Pomeroy

President
AquaLaw PLC
Richmond, VA



Chris Pomeroy dedicates his practice to advising and representing owners, operators and developers of water and other types of regulated infrastructure, including water supplies, treatment facilities, pipelines, and water distribution, wastewater collection and stormwater drainage systems. He also serves as general counsel to the Virginia and Maryland Associations of Municipal Wastewater Agencies, the Virginia and Maryland Municipal Stormwater Associations, and a 106-facility water quality trading consortium known as the Virginia Nutrient Credit Exchange Association.

Mr. Pomeroy has advised clients on hundreds of environmental permits, orders, consent decrees, agreements, and other regulatory and legal actions under the Clean Water Act, Safe Drinking Water Act, and other laws and regulations, leading Chambers USA to recognize Mr. Pomeroy as a “great choice for permitting and enforcement defense” and as “an expert in the Clean Water Act” in *America’s Leading Lawyers for Business (2010)*. Mr. Pomeroy also has extensive experience with general utility matters such as water and wastewater service agreements, local ordinance development, ratemaking, utility formation and mergers, and other aspects of utility law.

In addition to his counseling practice, over the years Mr. Pomeroy has successfully argued several prominent federal Clean Water Act cases resulting in important national precedents, including *Piney Run Preservation Assn. v. Carroll County, Maryland* (4th Cir. 2001) (leading case on the National Pollutants Discharge Elimination System (NPDES) “permit shield” protecting permittees from citizen suit enforcement); *Virginia DOT & Fairfax County v. U.S. Environmental Protection Agency (EPA)* (E.D. Virginia, 2012) (overturning EPA’s first Total Maximum Daily Load (TMDL) regulating water “flow” rather than “pollutants”); and *American Farm Bureau Federation v. U.S. EPA* (3rd Cir. 2015) (upholding the Chesapeake Bay TMDL for Nitrogen, Phosphorus and Sediment and its holistic watershed approach to water quality protection including nonpoint source participation).

Relevant to his National Association of Clean Water Agencies Law Seminar presentation, Mr. Pomeroy has advised and represented numerous Municipal Separate Storm Sewer System (MS4) owners on “next generation” MS4 permits, EPA

inspections and enforcement actions, post-construction stormwater management regulation, water quality trading, and stormwater utility fee systems. He is lead counsel to several MD counties appealing their own Phase I MS4 NPDES permits on precedent-setting grounds, including "Beyond Maximum Extent Practicable" ("BMEP") requirements (decision pending in highest state court).

Mr. Pomeroy and his team are also counsel in a significant pending case concerning stormwater utility fee non-payment by the federal government in *City of Wilmington v. United States*, which is pending in the US Court of Federal Claims.

Mr. Pomeroy earned his BS in Biology from Fairfield University (CT) in 1992, and his JD from George Washington University Law School (DC) in 1996. He co-founded AquaLaw in 2002.