



A comprehensive update on new developments regarding
Clean Water & Wetlands in California

Waters of the US redefinition, the NEPA rewrite, and other regulatory and legislative developments; practical tips for resolving water quality issues
August 27 & 28, 2020 | Virtual Via Interactive Zoom Broadcast,

Agenda—Day 1

8:30 Registration Opens

9:00 Introduction & Overview

Shawn D. Hagerty, Esq., *Program Co-Chair*
Best Best & Krieger ~ San Diego, CA
Nicole E. Granquist, Esq., *Program Co-Chair*
Downey Brand ~ Sacramento, CA

9:15 **The Changing Scope of Federal Clean Water Act (CWA) Jurisdiction: The Trump Administration's Changes to the Definition of "Waters of the US" and Other Developments**

Update on repeal of the 2015 WOTUS rule, the proposed replacement rule; potential impact of the NEPA rewrite on wetlands and other permitting

Lowry A. Crook, Esq.
Best Best & Krieger ~ Washington, DC

Recent and pending court cases, including the County of Maui case on indirect discharges into Waters of the US via hydrologically connected groundwater, and the interplay of court cases with the new substantive and procedural rules

Peter W. McGaw, Esq.
Buchalter ~ San Francisco, CA

10:30 Break

10:45 **Clean Water and Wetlands Developments in California**

2019 State Water Resources Control Board (SWRCB) wetlands regulations and Regional Water Quality Control Board trends; update on related court cases

Meghan A. Quinn, Esq.
Downey Brand ~ San Francisco, CA

State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters of the State: An overview of the Procedures' goals, scope and content and an update on the State Water Board's implementation plan.

Paul Hann, *Chief, Watersheds and Wetlands*
CalEPA State Water Res Control Board
Sacramento, CA

12:15 Lunch (on your own)

1:30 Anticipating Day-to-Day Section 401 and 404 Permitting Impacts

Updates to nationwide permits; exemptions and exemptions from exemptions; options for expedited review; analysis of hypothetical project scenarios to determine triggers for state jurisdiction

Nicole E. Granquist, Esq., Program Co-Chair

Factors to consider for 401 and 404 projects

Meghan A. Quinn, Esq.

Downey Brand ~ San Francisco, CA

Justin Semion,

Principal and Technical Services Director

WRA Inc ~ San Rafael, CA

3:15 Break

3:30 Emerging Section 402 NPDES Issues

Implementation of California's first-in-nation Stormwater Permit incorporating Total Maximum Daily Loads (TMDLs) and Numeric Effluent Limits (NELs)

Maureen F. Gorsen, Esq.

Alston & Bird ~ Sacramento, CA

Regional stormwater management: Update on MS4 permit litigation relating to Los Angeles Regional Water Quality Control Board requirements for more effective watershed management infrastructure to reduce pollution from stormwater

John J. Harris, Esq.

Casso & Sparks ~ City of Industry, CA

5:00 Continue the Exchange of Ideas: Virtual Reception for Faculty and Attendees

Grab your favorite beverage and snack for a moment of comradery and a less structured discussion of California's response to current water quality challenges

Agenda—Day 2

9:00 Emerging Pollutants of Concern

Emerging pollutants of concern: Case study of PFAS claims and the interplay with water quality regulatory standards

Susan C. Paulsen, Ph.D., P.E., Principal Scientist & Practice Director

Exponent ~ Pasadena, CA

9:45 Toxics Control

Update on California's Revised Toxicity Provisions; the interplay between the provisions and NPDES permitting

Stephen L. Clark,

Vice President & Special Projects Director

Pacific EcoRisk ~ Fairfield, CA

Practical issues from an operator's perspective

Joshua Westfall, Environmental Scientist

Sanitation Districts of Los Angeles County ~ Whittier, CA

10:45 Break

11:00 Impossible-to-Regulate Discharges: Case Study of The Housing Crisis and Homelessness

Homeless encampments with unregulated discharges and the need for comprehensive large-scale programs to address the causes: How can we provide time for program design, implementation, and results while avoiding enforcement suits during that process?

Shawn D. Hagerty, Esq., Program Co-Chair,

Moderator

Amanda Carr,
Deputy Director, Environmental Resources & Public Works
County of Orange ~ Orange, CA
Mike Antos, Ph.D.,
Senior Integrated Water Management Specialist
Stantec Consulting ~ Pasadena, CA
Ken Schiff, *Deputy Director*
Southern California Coastal Water Research
Costa Mesa, CA

12:30 Evaluations and Adjourn

Who Should Attend

Attorneys, environmental, real estate and land use professionals, property owners and governmental officials involved with water quality, wetland, and habitat issues

About the Conference

Last December, the Environmental Protection Agency and the Army Corps of Engineers finalized repeal of the 2015 Clean Water Rule defining the Waters of the United States (WOTUS). The result is to narrow the scope of federal jurisdiction over water infrastructure and wetlands under the Clean Water Act. The repeal is part of a broad Trump Administration effort to roll back environmental protections.

In this program our distinguished panel of experts will take a close look at the federal administrative and case law developments, including appeals filed by environmental groups, and then take a detailed look at California's response to the rollback. Local, state, and federal regulation under the Clean Water Act will remain in flux while the court cases and election year politics play themselves out.

Our goal in this conference is to give you an opportunity to develop strategies for moving projects forward in a way compatible with changing state and local environmental protection goals. This includes anticipated impacts on Section 401 and 404 permitting and on emerging Section 402 issues. We'll explore Perfluorinated "forever" Chemicals (PFCs) as emerging pollutants of concern and the interplay between California's Revised Toxicity Provisions and NPDES permitting. We'll wrap up with a discussion of how to deal with homeless encampments and the resulting unregulated discharges.

We hope you'll join us for both the program and the virtual reception at the end of the first day. Register soon to reserve your seat!

~ Nicole E. Granquist, Esq. of Downey Brand and Shawn D. Hagerty, Esq. of Best Best & Krieger, Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$895 with a group rate of \$805 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$670. For students, people in their job for less than a year, and public interest NGO's, our rate is \$447.50. All rates include admission to all program sessions, food and beverages at breaks, and course materials. Make checks payable to Law Seminars International.

As an added value bonus, you'll receive access to audio and video recordings for playing or downloading at no extra charge.

Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, August 21, 2020. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 9.5 California MCLE, 9.25 AICP planner, and 9.25 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio podcasts and video replays, with course materials, are available for download or on a flash drive at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within five business days after the program or from the date we receive payment.

Faculty

Nicole E. Granquist, Program Co-Chair, is Chair of the Natural Resources Group at Downey Brand. Her practice is devoted entirely to water quality regulatory compliance, enforcement defense, and litigation.

Shawn D. Hagerty, Program Co-Chair, is a partner at Best Best & Krieger. He works with public agencies on federal and state water quality and water supply issues. He also advises clients regarding compliance with National Pollutant Discharge Elimination System permits and related work triggered by the Endangered Species Act.

Mike Antos, Ph.D., is a Senior Integrated Water Management Specialist at Stantec Consulting. As a social scientist with experience in integrated watershed management and planning, he focuses on how members of overburdened communities can be part of water policy and planning efforts.

Amanda Carr is the Deputy Director, Environmental Resources & Public Works for the County of Orange. She formerly served as the Water Quality Administrator for the City of Irvine and Chief of Water Quality Planning for the County of Orange.

Stephen L. Clark is Vice President and Special Projects Director at Pacific EcoRisk. He focuses on research and testing in the areas of aquatic ecotoxicology and environmental chemistry. His recent toxicity research has been on the effects of contaminants on aquatic organisms at the cellular/biochemical level (e.g., "biomarkers").

Lowry A. Crook is a partner at Best Best & Krieger. He represents public and private clients on water infrastructure, the Clean Water Act, environmental review and permitting, ecosystem restoration, and disaster resilience and recovery issues. He previously served in senior positions at the White House and federal agencies governing a wide range of environmental and natural resource issues

Maureen F. Gorsen is a partner at Alston & Bird. She defends clients in federal and state enforcement actions, including hazardous waste, stormwater, and air quality. She is the former Director of the California Department of Toxic Substances Control (DTSC) and spearheaded the California Green Chemistry Initiative.

Paul Hann is the Chief of the Watersheds and Wetlands section within the State Water Resources Control Board. He oversees the state's Water Quality Certification program as well as the state's Non-Point Source program.

John J. Harris is a partner at Casso & Sparks. His environmental litigation practice has included many CERCLA cases and contaminated property cleanup and cost recovery cases. He also has negotiated remediation agreements and consent decrees with California environmental agencies and the U.S. Environmental Protection Agency.

Peter W. McGaw is Of Counsel to the Buchalter firm. He represents private businesses and public agencies on a wide range of environmental issues. He also serves as Co-Chair of the Environmental Task Force for the East Bay Leadership Council.

Susan C. Paulsen, Ph.D., P.E., is a Principal Scientist & Practice Director at Exponent. Her experience includes projects involving hydrodynamics, hydrology, aquatic chemistry, and the environmental fate of a range of constituents. She has expertise designing and implementing field and modeling studies of dilution and analyzing the fate and transport of organic and inorganic pollutants, including DDT, PCBs, PAHs, copper, lead, and selenium, in surface and groundwater and in sediments.

Meghan A. Quinn, Downey Brand, has a deep understanding of chemicals to assist clients with regulation and remediation of chemicals and toxics in a variety of media. This includes helping clients navigate Proposition 65, the Toxic Substances Control Act, the Consumer Products Safety Act, state-specific materials restrictions laws, and the Resource Conservation and Recovery Act.

Ken Schiff is Deputy Director at Southern California Coastal Water Research. In addition to managing day-to-day operations, he is responsible for developing the long-term vision for the research agency.

Justin Semion is a Principal and Technical Services Director at WRA Inc. He focuses his work on guiding clients to outcomes that benefit organizational goals and contribute to environmental sustainability. He has managed hundreds of diverse projects involving the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), regulatory permitting, restoration and habitat management, habitat mitigation planning and monitoring, and essential fish habitat evaluation.

Joshua Westfall is an Environmental Scientist for the Sanitation Districts of Los Angeles County where his primary focus is ensuring compliance with environmental regulations.