

Agenda

Complying with Water Quality Laws and Regulations

General overview of state and federal water quality regulations
Sewage permitting under NPDES and Pennsylvania-issued permits
Stormwater regulations and permitting under NPDES program
Wastewater discharge regulations under Safe Drinking Water Act including
Underground Injection Control program

P. Bruder, Jr.
R. Hurst

Facility Construction Permitting Under PADEP Chapter 92 Regulations

Publicly-owned treatments works (POTW)
Agricultural permits (manure storage facilities)

P. Bruder, Jr.
R. Hurst

Regulation of On-lot Sewage Facilities and Local Sewage Planning Requirements Under PADEP Chapters 71-73 Regulations

P. Bruder, Jr.
R. Hurst

Current Issues Under the Clean Water Act

“Waters of the United States” update
Regulation of groundwater
CWA Section 401 – state water quality certifications
CWA Section 404(c) - EPA veto authority

A. Holtzman
T. Macfarlan

Understanding Pennsylvania Water Rights

Common law and the ownership of water rights in Pennsylvania
The public trust doctrine and the Environmental Rights Amendment
Pennsylvania statutes addressing or implicating water rights
Roles of the various regulatory agencies regarding water rights
Ownership of land underlying waterways
Public easement in waterways

P. Zaepfel

Pennsylvania’s River Basin Commissions – Background and Current Issues

Susquehanna and Delaware River Basin Commissions
Importance of interstate water compacts and their role in a complicated
environmental regulatory environment
Nexus between energy development and water use both for the natural gas
and electric generation industries
Regulation of the consumptive use of water and related mitigation
Delaware River Basin Commission’s moratorium on, and proposed ban of,
natural gas development and related litigation

C. Nestor
J. Oyler

Water Utility Regulation

Types of water utilities
Overview of Public Utility Commission regulation of water utilities
Current hot topics impacting water utility regulation

A. Bakare

Pennsylvania Water Laws and Regulations

Camp Hill, PA - Friday, February 21, 2020



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Learning Objectives

You'll be able to:

Review the full spectrum of federal and state water quality regulations.

Understand regulation of publicly-owned sewage treatment works.

Describe regulations pertaining to on-lot sewage facilities.

Discuss current issues under the Clean Water Act.

Review the common law of Pennsylvania water rights, including the public trust doctrine.

Explore developments involving the Susquehanna and Delaware River Basin Commissions.

Discuss Public Utility Commission regulation of Pennsylvania water utilities.



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Review Pennsylvania Department of Environmental Quality (PADEP) regulation of sewage facility construction

Discuss Public Utility Commission regulation of water utilities

Examine Pennsylvania common law and statutes governing water rights

Understand state and federal water quality laws and regulations

Outline current issues under the Clean Water Act

Review developments concerning the Susquehanna and Delaware River Basin Commissions

Continuing Education Credits

Professional Engineers
6.5 PDHs

Professional Geologists
6.5 PDHs

Pennsylvania Attorneys
6.5 CLE Hours



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Faculty

Paul J. Bruder, Jr. *Shareholder at Mette, Evans & Woodside*

Mr. Bruder serves as chair of the Mette, Evans & Woodside Environmental Practice Group. He previously served as an attorney with the Pennsylvania Department of Environmental Protection. In the area of environmental law, Mr. Bruder focuses his practice in federal and state regulatory compliance, solid waste planning, sewage facilities planning, brownfield remediation and development, storage tank permitting and remediation, and water quality matters. Mr. Bruder counsels clients with respect to construction issues, lead paint and asbestos abatement, and he regularly handles matters involving administrative law, including state-issued licenses or permits.

Randall G. Hurst *Of Counsel at Mette, Evans & Woodside*

During his 20 years in the wastewater treatment consulting industry, Mr. Hurst developed an interest in the regulatory aspect of the field, which led him to pursue his law degree. Focusing his practice on environmental, public utility and land use, he now represents individuals and municipalities. Mr. Hurst has authored many articles on wastewater treatment, water quality standards and professionalism. He has presented on storm water management, industrial pretreatment programs, water quality standards, emergency preparedness at treatment plants, and state standards for plant operators.

Anthony R. Holtzman *Attorney at K&L Gates LLP*

Mr. Holtzman's practice is focused on environmental law, constitutional law, appellate litigation, gaming law, and commercial litigation. He represents energy industry clients in agency enforcement activities, allegations of water and surface contamination, property rights disputes, deed and contract interpretation issues, challenges to permits, and freedom of information laws. Mr. Holtzman advises energy industry clients on Pennsylvania and federal regulatory compliance issues, including stream crossing, spill remediation, waste processing, stormwater discharge, mechanical integrity, sensitive species, permitting, and reporting issues.

Tad J. Macfarlan *Associate at K&L Gates LLP*

Mr. Macfarlan is an associate in the firm's environment, land and natural resources practice group. He counsels energy, industrial, utility and commercial sector clients on compliance with federal, state and local environmental and land use laws. He works with regulatory regimes governing wastewater and stormwater

discharges, wetland and stream protection, air emissions, solid and hazardous waste management, water withdrawals, chemical and toxic substance controls, release reporting and response, and preservation of endangered species, cultural resources and historic properties.

Patrick H. Zaepfel *Attorney with Zaepfel Law PC*

Mr. Zaepfel is a solo practitioner focusing his practice on environmental and business law. He is also the general counsel at Rettew Associates, Inc., a multidisciplinary professional services firm. He is a former assistant counsel at the Pennsylvania Department of Environmental Protection, and he formerly served as environmental and regulatory counsel with the P. H. Glatfelter Company. He was a founding editor of *The Environmental Lawyer* while at George Washington University, and he is author of materials published by PBI, ABA and law review on environmental topics.

Christopher R. Nestor *Partner at with Overstreet & Nestor, LLC*

Mr. Nestor has an administrative law and litigation practice with an emphasis on environmental, energy and land use matters. He appears regularly before state and federal agencies and courts and local municipal bodies in connection with zoning and land development matters. Mr. Nestor represents state and national trade associations, and he has prosecuted civil actions brought against local and state government officials. Mr. Nestor advises clients on issues with landfills, oil refineries, surface mines and natural gas power plants.

Jason E. Oyler *General Counsel, Susquehanna River Basin Commission (SRBC)*

The SRBC regulates the withdrawal, consumptive use and diversion of water into and out of the Susquehanna River Basin in New York, Pennsylvania, and Maryland. Prior to joining the SRBC, Mr. Oyler was assistant counsel with the Pennsylvania Department of Environmental Protection, and he was assistant counsel for the Pennsylvania Fish and Boat Commission. He received his J.D. degree from Georgetown University Law Center.

Adeolu A. Bakare *Member of McNees Wallace & Nurick LLC*

Mr. Bakare practices in the firm's Energy & Environmental Group. Mr. Bakare focuses on issues involving water, sewer, and stormwater utility services, as well as electricity, natural gas, and oil pipeline matters. He counsels several municipal water, sewer, and stormwater systems, and he represents consumers of large investor-owned water utilities. Prior to joining the firm, he served as a prosecutor at the Pennsylvania Public Utility Commission.

Seminar Information

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1150 Camp Hill Bypass
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\$289 for individual registration
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Continuing Education Credit Information

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Professional engineers and geologists seeking continuing education credit in other states will be able to claim the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

The Pennsylvania CLE Board has approved this event for 6.5 Substantive CLE hours for Pennsylvania attorneys.

Attendance will be monitored and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

Additional Learning

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Soil Mechanics and Slope Stability

- **Soil Investigation and Classification**

Tues., Feb. 25, 2020, 11:00 AM - 1:00 PM CST

- **Reviewing Hydraulic and Mechanical Properties of Soils**

Tues., Feb. 25, 2020, 1:30 - 3:00 PM CST

- **Determining and Increasing Bearing Capacity**

Wed., Feb. 26, 2020, 11:00 AM - 1:00 PM CST

- **Determining and Increasing Slope Stability**

Wed., Feb. 26, 2020, 1:30 - 3:00 PM CST

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Registration

Pennsylvania Water Laws and Regulations

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