

Agenda

Development of Water Laws: Quantity and Usage

E. Swaim

- Development of the Arkansas common law of water rights
- Arkansas statutory and regulatory limits on the exercise of water rights
- Arkansas water quantity regulations
- Arkansas water plan
- Reserved federal rights
- Role of the Arkansas water districts
- Levee issues

Understanding Arkansas Groundwater Rights

E. Swaim

- Ownership of groundwater
- Arkansas regulation of groundwater rights
- Obtaining groundwater rights
- Critical groundwater areas
- Current issues in groundwater rights
- Arkansas water well drilling regulations

Complying with Water Quality Laws and Regulations

J. Wimpy

- Arkansas and federal water quality regulations
 - Revisions to Definition of Waters of the United States
 - Water quality trading
 - 401 water quality certification
 - Nutrient/phosphorus issues
- Stormwater regulations
- Sewerage regulations
- 404 Wetland Program developments

Transfer/Sale of Water/Water Project Development Issues

W. Wright, Jr.

- Key agreement terms
- Types of agreements
- Endangered Species Act issues/developments
- National Environmental Policy Act issues/developments
- Key water project/treatment contract issues
- EPA water transfer rule
- Utility service areas

Financing Water/Wastewater Projects

M. Allgood/J. Bryant

- Capital planning and infrastructure
- Infrastructure identification
- Project identification – what can be financed and how
- Initial steps including required approvals
- The bond marketing and closing process
- Post-closing issues
- Post-issuance compliance

Water Ethics - Environmental Context

S. Spencer

- Ethical issues in water use
- Ethical issues in real estate development
- Ethical issues in water transactions

Arkansas Water Laws and Regulations

Live, Interactive Webinar - Thursday, September 24, 2020



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Learning Objectives

You'll be able to:

Discuss the Arkansas water plan and the role of Arkansas water districts.

Understand groundwater rights and Arkansas water well drilling regulations.

Comply with water quality laws, including stormwater regulations, sewerage regulations and nutrient restrictions.

Learn about the transfer, sale and development of water under federal and state law.

Finance water and wastewater projects.

Discuss ethical issues in water use and development.

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Arkansas Water Laws and Regulations

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Learn about Arkansas water quantity regulations

Discuss critical groundwater rights

Identify Arkansas and federal water quality issues

Examine water transfer/sale/development uses

Explore ethical issues in water transactions

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Attorneys

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(1.0 Ethics)

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Faculty

Edward Swaim has served as executive director of the Bayou Meto Water Management District since April of 2019. The district was formed in 1991 to provide irrigation water, flood control, and wildlife habitat to over 750,000 acres in Lonoke, Jefferson, Prairie and Arkansas counties. Prior to working for Bayou Meto, he had been chief of the Water Management Division of the Arkansas Natural Resources Commission since October of 2010. Mr. Swaim was general counsel (2003 to 2010) and associate general counsel (1995 to 2001) for the Commission and an assistant Attorney General (2001 to 2003). All three positions with the Natural Resources Commission included legal, data, policy and programmatic support for the Bayou Meto and Grand Prairie projects. From 2001 to 2012, he served as a Judge Advocate officer in the Army Reserve. He is from England, Arkansas, which is in the Bayou Meto project area. Mr. Swaim earned a bachelor's degree from Hendrix College and a law degree from the University of Arkansas School of Law.

Jordan Wimpy is counsel with Mitchell, Williams, Selig, Gates, & Woodard, P.L.L.C., and a member of the law firm's Environmental Practice Group. His practice focuses on environmental, agriculture, energy, and natural resource issues. Mr. Wimpy regularly represents trade associations, utilities, and business clients in administrative rulemaking matters and all aspects of the environmental permitting, compliance, and enforcement processes. He studied law at Vermont Law School where he received both his juris doctor and Master of Environmental Law & Policy degrees with high honors. Mr. Wimpy is immediate past-chair of the Arkansas Bar Association's Environmental Law Section. He currently serves as co-chair of the American Bar Association's Section of Environment, Energy, and Resources, Agricultural Management Committee.

Walter G. Wright, Jr. is a member of the law firm of Mitchell, Williams, Selig, Gates & Woodyard in Little Rock, Arkansas, practicing in the areas of environmental, energy and water law. Prior to that, he served as assistant general counsel, Petroleum Marketers Association of America in Washington, D.C. from 1985-1987 and on the Minority Staff of the United States House of Representatives, Energy and Commerce Committee in the mid-1980s. He has also served as an adjunct professor at the University of Arkansas at Little Rock, School of Law since 1989. Mr. Wright also serves as general counsel to the Arkansas Oil Marketers Association, Arkansas Recyclers Association and Arkansas Manufactured Housing Association. He received his B.S. and J.D. degrees from the University of Arkansas and a Masters of Law from George Washington University in Washington, D.C.

Webinar Information

Log into Webinar 8:00 - 8:30 am CDT	Break 11:40 am - 12:10 pm CDT
Morning Session 8:30 - 11:40 am CDT	Afternoon Session 12:10 - 3:50 pm CDT

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Michele Simmons Allgood is an attorney at the law firm of Mitchell, Williams, Selig, Gates & Woodyard. She has over 20 years of municipal finance experience. Ms. Allgood has extensive experience in all areas of municipal finance, including bond counsel, underwriter's counsel, issuer's counsel, trustee's counsel and borrower's counsel. Clients for whom Ms. Allgood has provided assistance include state agencies, cities, counties, facility boards, and commissions.

John Bryant is an attorney at the law firm of Mitchell, Williams, Selig, Gates & Woodyard, and practices primarily in the area of public finance, with experience in taxable and tax-exempt, and public and private finance transactions. He serves regularly in a variety of roles including bond counsel, underwriter's counsel, issuer's counsel, trustee's counsel and borrower's counsel. Mr. Bryant has served as lead counsel for transactions involving multiple types of issuers across the State of Arkansas and across the country, including multiple financing projects for water projects around the State.

Stuart Spencer focuses his practice on environmental, energy, and natural resources issues. He served in various legal and managerial positions at the Arkansas Division of Environmental Quality (DEQ) for roughly 10 years. At DEQ, he served as the Office of Air Quality (OAQ) associate director. In his role as OAQ associate director, he was the senior manager of major Clean Air Act programs including implementation of the National Ambient Air Quality Standards, Title V and New Source Review permitting, the Clean Power Plan and its successor, the Affordable Clean Energy Rule, and Regional Haze. He also served as DEQ's legal policy advisor and as general counsel and served as an attorney in DEQ's Office of Law and Policy. He applies his broad experience as an environmental regulator to advise industry clients on a wide range of complex legal issues. Mr. Spencer earned his Juris Doctor from the University of Arkansas at Little Rock William H. Bowen School of Law, and received his Bachelor of Arts in Political Science from Harding University. He is a former president of the Association of Air Pollution Control Agencies and is a member of the American, Arkansas and New York Bar Associations.

Additional Learning

Stormwater Basins and Underground Systems

- Mon., Sept. 14, 2020 | 12:00 pm – 4:00 pm CDT
- Tues. Sept. 15, 2020 | 12:00 pm – 3:30 pm CDT

Wastewater Collection and Treatment System Design

- Mon., Sept. 14, 2020 | 10:00 am - 1:30 pm CDT
- Tues. Sept. 15, 2020 | 10:00 am - 1:30 pm CDT

Advanced HEC-RAS Modeling

- Wed., Sept. 16, 2020 | 8:30 am - 12:30 pm CDT
- Thurs. Sept. 17, 2020 | 8:30 am - 12:00 pm CDT

Erosion and Sediment Control

- Wed., Sept. 16, 2020 | 11:00 am - 2:00 pm CDT
- Thurs., Sept. 17, 2020, 11:00 am - 2:00 pm CDT

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