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THE ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES PRESENTS. . .

**Developments in Water & Wastewater Law**

*A Seminar for Public Agency Attorneys*

November 14 - 16, 2001

Savannah Marriott Riverfront

Savannah, GA

*Wednesday, November 14*

*Morning*

8:00 - 4:00

Registration

8:30 - 8:45

*Welcoming Remarks*

8:45 - 12:00

**GENERAL SESSION I**

8:45 - 9:30

*Panel Discussion*

*How Sewer Overflows Happen: Let's Go Underground*

*This session is your guide to how sewer pipes really work. The panelists will use visuals to show what happens to sewer pipes over time and to explain why pipes overflow during certain conditions, including grease clogs, collapses, and other interferences. The panel will provide perspectives on the relative impact of wet weather sources on overall water quality.*

9:30 - 10:45

*Panel Discussion*

*The Clean Water Act, Wet Weather, and The Real World*

*This panel will focus on the interaction between the Clean Water Act's combined sewer overflow, sanitary sewer overflow, and storm water programs. The panel will explain the different legal constructs and challenges of making these programs work together under the Clean Water Act. The panel also will highlight existing wet weather programs and their key features, and give conference attendees a sense of where the programs are headed for the future.*

10:45 - 11:00

*Break*

11:00 - 12:00

*Roundtable Discussion*

*Coping with Wet Weather: AMSA Member Agency*

## **Experiences**

*This dynamic roundtable discussion will focus on concrete lessons learned and innovative approaches taken by municipalities across the country as they navigate through various wet weather challenges.*

12:00 - 1:15

**Luncheon Address - Welcome To Savannah**

*Afternoon*

1:15 - 4:30

## **GENERAL SESSION II**

1:15 - 2:15

### **Total Maximum Daily Loads: An Updated Primer**

*This session will provide a primer on the Clean Water Act's total maximum daily load (TMDL) program with a strong emphasis on how the July 2000 TMDL rule, new cases, new guidance and new criteria that have recently emerged have affected the program and POTW interests. This panel will frame the key issues in the TMDL program, discuss the TMDL landscape, and develop legal arguments and strategies to ensure that TMDLs meet the required scientific and legal standards.*

2:15 - 3:15

### **TMDLs & NPDES Permitting: Watch Out, They're Here**

*Upstream of an impaired segment? Your waterbody hasn't been listed? Think you're safe? Think again! TMDLs are now starting to dramatically alter the NPDES permitting program before, during, and after TMDL development. This panel will discuss how TMDL concepts are beginning to sneak into NPDES permitting decisions before and after listing, as well as before and after TMDL development. This panel also will analyze impacts prelisting, post listing (the interim permitting problem) and during TMDL development (the allocation problem) and provide the legal arguments you'll need to protect your permitting interests.*

3:15 - 3:30

**Break**

3:30 - 4:30

### **TMDLs Gone Bad . . . What's a POTW to do?**

*Despite your best efforts your TMDL process is going in the toilet—figuratively speaking, of course. What do you do? Should you form a Discharger Coalition to get a greater voice in the process? How exactly do you do that? What form should it take? How does it get funded? This panel will discuss the pros and cons of forming and working through a Discharger*

*Coalition as opposed to doing it on your own.*

*If all else fails, there is always an appeal. But when should you appeal? Where should you appeal—federal or state court? This panel also will discuss the various appeal strategies available to protect your interests.*

4:30 Adjourn

5:30 - 6:30 Welcoming Reception

### **Thursday, November 15**

*Morning*

8:30 - 8:45 Registration

8:45 - 12:00 **GENERAL SESSION III**

8:45 - 10:15 *Advanced Negotiation Techniques for Water Practitioners*  
*Permit discussions with the local regulators. Preparing your neighbors for your facility's next noisy expansion project. Getting a watershed coalition together and making it work. Lawsuits in court. Water practitioners confront a multitude of negotiation situations in their daily work. But when do we have the time to reflect on and improve our skills—to make the next negotiation more efficient and more satisfactory to our agencies? The time is now. AMSA brings one of the nation's premiere environmental negotiators to the second day of the Law Seminar, who will use AMSA member agency negotiation experiences to sharpen our skills. Seminar attendees will leave the conference with new ideas for negotiating more effectively.*

#### **Opening Remarks**

#### **Keynote Presentation: Advanced Negotiation Techniques for Water Practitioners**

Professor Lawrence E. Susskind  
Ford Professor of Urban and Environmental Planning  
Massachusetts Institute of Technology  
Senior Fellow, Harvard Law School  
Director, MIT-Harvard Public Disputes Program

10:15 - 10:30 *Break*

10:30 - 11:30                    ***Negotiation Skills In Action: POTW Case Studies***  
*Seminar attendees now will focus on a series of real world POTW negotiation experiences. Professor Susskind will apply his techniques to each of these situations and give Seminar attendees food for thought on how to tackle the next negotiation we face most effectively.*

***Negotiating Geographically: Watershed Coalitions***  
*This panel will focus on the essentials of preparations for the negotiation, and study the challenging dynamics of negotiating complex environmental issues using two watershed case studies.*

11:30 - 11:45                    ***Remarks***  
   Professor Lawrence E. Susskind

11:45 - 1:00                      ***Lunch & Congressional Keynote Address***

*Afternoon*

1:00 - 2:00                      ***Negotiating Among Many: Multi-Jurisdictional Agreements***  
*This panel will provide techniques to improve the efficiency of multi party negotiations—and ways to “make the pie larger” for all involved.*

2:00 - 2:15                      ***Break***

2:15 - 3:15                      ***Negotiating Under the Gun: Enforcement Actions***  
*This discussion will explore techniques to ensure success in the most heated of negotiations.*

3:15 - 3:45                      ***Negotiating With Neighbors: Facility Siting and Expansion***  
*This final discussion will explore ways to ensure project success and to build and enhance relationships with communities.*

3:45 - 4:00                      ***Closing Remarks***  
   Professor Lawrence E. Susskind

5:00 - 6:30                      Reception

***Friday, November 16***

*Morning*

8:30 - 11:00                      Registration

8:30 - 1:00                      ***GENERAL SESSION IV***

8:30 - 9:15

**Opening Remarks**

*Perspectives*

**Keynote Address**

***Making Ten Fiefdoms One Kingdom: Regional***

*This dynamic keynote from a regional leader will identify ways to harmonize the U.S. Environmental Protection Agency (EPA) and Regional Office approaches.*

9:15 - 10:15

**Clean Water Concurrent Sessions I**

*During the concurrent sessions, Seminar attendees may choose between a variety of smaller group sessions on current, targeted, and timely clean water topics.*

***The Ins and Outs of Fish Advisories***

*This panel will address impaired waters listings based on fish tissue, converting fish tissue findings to water quality standards, the role of the Food and Drug Administration standards, and other developments in this arena.*

***Practical Research Resources for Busy Water Professionals: The Web and Beyond***

*This session will provide a valuable overview of various internet resources for POTW attorneys and water professionals, including an introduction to the comprehensive website [www.NPDESTMDL.com](http://www.NPDESTMDL.com).*

10:15 - 10:30

*Break*

10:30 - 11:30

**Clean Water Concurrent Sessions II**

***The Great Lakes Initiative: A Prelude to National Policy?***

*This panel will review some of the unique, and sometimes controversial, provisions of the Great Lakes Initiative (GLI). The discussion will assess the likelihood – and pros and cons – of applying GLI approaches in non-GLI states.*

***Nutrient Water Quality Standards***

*This engaging discussion will focus on how nutrients impact waters, provide an overview of EPA's efforts to regulate nutrients, and discuss how these efforts affect your facility's operations.*

11:30 - 11:45

*Break*

11:45 - 12:45

*Legal Ethics for Public Agency Attorneys*

*A nationally recognized expert on legal ethics will provide guidance on the ethical challenges faced by public agency attorneys. A question and answer period will follow the presentation.*

12:45 - 1:00

*Closing Remarks/Adjourn*