

Agenda

Development of Water Laws: Quantity, Quality and Usage *M. Wendaaur*

Development of the common law of water rights
Statutory and regulatory limits on the exercise of water rights
Federal, state and local regulators
Development of the law on water quality preservation
Comprehensive water planning

Understanding Pennsylvania Surface and Ground Water Rights *M. Wendaaur*

Ownership of surface/ground water
Regulation of surface/ground water rights
Obtaining surface/ground water rights
Application and permitting process
Amending surface water rights
Current issues in surface/ground water rights

Water Utility Regulation *J. Povilaitis,
A. Seltzer*

Types of water utilities
Regulation of utility service areas
Application and permitting process for service areas
Utility construction design standards and approvals
Current issues in utility service area regulation

Complying with Water Quality Laws and Regulations *H. Wein*

State and federal water quality regulations
Stormwater regulations
Sewerage regulations
Industrial and agricultural programs
Public water supply
Water wells

Energy Production: Potential Water Supply and Quality Issues *T. Macfarlan,
A. Holtzman*

Water use in energy production
Regulations applicable to conventionals v. renewables
Water need, supply options and challenges
Potential risks to groundwater and surface water
Recent and pending litigation/enforcement cases

Current Issues with the Clean Water Act *T. Macfarlan,
A. Holtzman*

Clean Water Act regulation under the Trump Administration
“WOTUS” rule update
Chesapeake Bay TMDL update
Recent and pending Clean Water Act litigation/enforcement cases

Water Laws and Regulations
Harrisburg, PA - Tuesday, February 20, 2018

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Learning Objectives

You'll be able to:

Explore federal, state and local statutes and regulations affecting Pennsylvania waters.

Understand the law regarding use of groundwater and surface water

Review the process for creating and operating water utilities.

Comply with water quality laws and regulations.

Discuss the use of water for energy production.

Examine Clean Water Act issues under the Trump Administration.



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Understand Pennsylvania surface law and groundwater rights

Identify current issues with the Clean Water Act

Examine water utility regulation

Learn about the development of common law water rights

Comply with water quality laws and regulations

Discuss potential water supply and quality issues in energy production

Continuing Education Credits

Attorneys

6.5 Pennsylvania CLE Hours
7.5 New York CLE Hours
6.5 Ohio CLE Hours

Engineers & Geologists

6.5 PDHs



Faculty

Mark Wendaur *Attorney at Wendaur Law, LLC*
Mr. Wendaur is an attorney dedicated to the areas of energy, real estate, business, and litigation. He holds a Bachelor’s degree in Geology and spent nearly a decade working with oil and gas developers before becoming an attorney. His law firm works with both real estate and energy developers to achieve their business goals.

John F. Povilaitis *Attorney at Buchanan Ingersoll & Rooney PC*
Mr. Povilaitis focuses his practice on administrative law matters with special emphasis on energy, communications, water/wastewater and transportation public utility law. His practice ranges from proactive counseling to litigation before administrative agencies, and appellate matters before state and federal courts. With nearly 20 years of service for the Pennsylvania Public Utility Commission (PaPUC), Mr. Povilaitis has significant regulatory experience in electricity, natural gas, water, transportation and communications law. After joining the Commission in 1978, he served as assistant counsel, federal division deputy chief counsel and first deputy chief counsel before assuming the position of chief counsel in 1989. Mr. Povilaitis served as the Commission’s counsel in the litigation that established the Pike County Doctrine. Since 1990, Mr. Povilaitis has been a course planner and speaker at the Pennsylvania Bar Institute’s biannual Public Utility Law Conference and more recently he has served as a course planner for the biannual PaPUC Bench Bar Conference.

Alan M. Seltzer *Attorney at Buchanan Ingersoll & Rooney PC*
Mr. Seltzer focuses his practice on domestic and international electric and gas matters with a concentration on transactions and litigation/appellate matters before various state and federal

courts and administrative agencies. He has actively represented public utilities and other stakeholders before the Pennsylvania Public Utility Commission for 38 years, particularly in the areas of electricity, gas, water and transportation. His current emphasis is on obtaining the state regulatory approvals for the merger or acquisition of gas and electric utilities, and addressing the real estate, regulatory and financing phases of renewable energy project development. He is co-chair of the firm’s Power Generation, Renewable & Utility Practice Group.

Howard J. Wein *Attorney at Buchanan Ingersoll & Rooney PC*
Mr. Wein’s environmental practice has focused on assisting clients in a wide variety environmental areas, including important water quality, waste management, brownfields, energy and air quality matters at both the state and federal levels. He has handled major environmental litigation in Federal Court, the Commonwealth Court of Pennsylvania and Pennsylvania’s Environmental Hearing Board. Mr. Wein’s litigation work for clients in the oil, gas, energy and natural resources industries has included cases under the Federal Clean Water Act, Pennsylvania Clean Streams Law, the Pennsylvania Non Coal and Coal Surface Mining Acts, the Solid Waste Management Act, the Federal Resource Conservation & Recovery Act, the Oil & Gas Act and the Comprehensive Environmental Response, Compensation and Liability Act (the “Superfund Law”). Throughout his career, Mr. Wein has resolved matters with the Pennsylvania Department of Environmental Protection (DEP) and the United States Environmental Protection Agency (USEPA) as well as state agencies in New York, Ohio, West Virginia and Delaware.

Tad J. Macfarlan *Attorney at K&L Gates LLP*
Mr. Macfarlan is an associate in the firm’s Environment, Land and Natural Resources practice group. He counsels the firm’s

industrial, energy, utility and commercial sector clients on compliance with federal, state and local environmental and land use laws. Mr. Macfarlan has extensive experience working with the regulatory regimes governing air emissions, wastewater and stormwater discharges, wetland and stream protection, solid and hazardous waste management, water withdrawals and supply, chemical and toxic substance controls, release reporting and response, and endangered species preservation. His practice includes project development, transactional, litigation, enforcement defense and regulatory compliance matters.

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 regularly practices before the U.S. Court of Appeals for the Third Circuit, the U.S. District Court for the Middle District of Pennsylvania, Pennsylvania’s appellate and trial courts, and the Pennsylvania Environmental Hearing Board. Mr. Holtzman represents energy industry clients in litigation matters that involve agency enforcement activities, allegations of water and surface contamination, property rights disputes, deed and contract interpretation issues, challenges to permits, and issues that arise under freedom of information laws. Mr. Holtzman, moreover, 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. He likewise helps them to monitor, and draft comments on, proposed environmental regulations and guidance documents.

Registration

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How to Register	
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Continuing Education Credit Information

This seminar is open to the public. It has been approved for 6.5 substantive CLE hours for Pennsylvania attorneys. The Ohio Commission on CLE has approved this seminar for 6.5 CLE hours.

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- **Identifying Energy Efficiency Opportunities in Major Renovations**
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- **Integration of “Energy Modeling” in the Design of High Performance Buildings**
Thurs., Feb. 1, 2018, 1:00 - 2:30 PM CST
- **High Efficiency Building Design Standards**
Fri., Feb. 2, 2018, 11:00 AM - 12:30 PM CST
- **Commissioning and Operation of High Performance Buildings**
Fri., Feb. 2, 2018, 1:00 - 3:00 PM CST

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