

Agenda

Overview of Water Laws in Kentucky *W. B. Early, III*

Water quality and water quantity
Development of the common law of water rights and water quality
Agriculture Water Quality Act
Clean Water Act
Safe Drinking Water Act

Waters of the United States *W. T. Gorton, III*

Section 404 permitting
Jurisdiction of the Clean Water Act
Court decisions
Regulatory definitions
Recent developments

Industrial Pretreatment of Wastewater *J. Cave*

Relationship to Section 402 Permits
Source of pretreatment requirements
Compliance issues
Enforcement
Special considerations

Water Utility Regulation *R. Moore*

Types of water utilities
Regulation of utility service
Current issues in utility service area regulation

Municipal Stormwater Compliance *S. Southall*

Defining municipal separate storm sewer systems
Requirements based on city size
Available permits
Minimum control measures
Compliance and enforcement

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Kentucky Water Laws and Regulations
Lexington, KY - Tuesday, October 23, 2018

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Learning Objectives

You'll be able to:

Review water quality laws, including the Clean Water Act, the Agricultural Water Quality Act and the Safe Drinking Water Act.

Learn about recent developments in determining the jurisdiction of the Clean Water Act.

Explore industrial pretreatment of wastewater, and its relationship to Section 402 permits.

Discuss water utility regulation.

Learn about municipal stormwater permitting, compliance and enforcement.



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Review the Clean Water Act and the Safe Drinking Water Act

Identify current issues in utility service area regulation

Examine laws/regulations surrounding the waters of the United States

Explore industrial pretreatment of wastewater

Discuss the development of the common law of water rights and water quality

Learn about municipal stormwater compliance

Continuing Education Credits

Attorneys

6.5 Kentucky CLE Hours
6.5 Indiana CLE Hours
6.5 Ohio CLE Hours

Floodplain Managers

6.5 ASFPM CECs

Professional Engineers

6.5 HSW CPE Hours/PDHs



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Faculty

W. Blaine Early III *Attorney with Stites & Harbison*
Mr. Early’s work with industry includes advice on compliance, permitting, transactions, response to enforcement actions, participation in regulatory development, and related administrative and civil litigation. He has extensive experience with matters involving the Clean Water Act, Safe Drinking Water Act, CERCLA, RCRA, mining and reclamation, sustainability, and agriculture. He is former chair of the American Bar Association’s Water Quality and Wetlands Committee of the Section of Environment, Energy & Resources, and he is a past chair of the Kentucky Bar Association’s Environmental Section. Before law, Mr. Early was a professor of Biology and chair of the Biology Department at Cumberland College in Williamsburg, Kentucky. He earned a Ph.D. degree in Biology from the University of Louisville, and a J.D. degree from the University of Kentucky.

Bill Gorton III
Chair of Stites & Harbison’s Environmental, Natural Resources & Energy Service Group
Mr. Gorton is national counsel to numerous clients on natural resource, environmental regulatory and land and water resources matters. He has been counsel in the development of more than 10 power plants. He has been lead counsel to numerous surety companies regarding over \$4 billion in financial guarantees on bankrupt and/or defaulting mining operations, hazardous waste facilities and solid waste disposal facilities throughout the United States. Mr. Gorton has been primary environmental counsel in the development of interstate pipeline associated with major natural gas resource development. He also counsels on large natural resource and energy, waste industry, business or corporate transactions, and project development assessing and addressing environmental regulatory issues and accomplishing clients’ goals. Mr. Gorton is admitted to practice in Kentucky and Pennsylvania.

Jennifer Cave
Attorney with Stites & Harbison’s Environmental, Natural Resources & Energy Service Group
Ms. Cave works closely with businesses to ensure compliance with state and federal environmental laws and regulations. Her experience includes assisting and advising clients on the Clean Air Act and state air pollution laws as well as applying for, negotiating the terms of, and complying with air permits, including Title V and Prevention of Significant Deterioration

(PSD) permits, NPDES wastewater permits, and solid waste landfill permits. She has significant experience defending clients in administrative and civil enforcement actions and citizen suit litigation. Ms. Cave also counsels domestic and international manufacturers on the importation and sale of mobile sources, including non-road engines, vehicles and equipment under the Clean Air Act. Ms. Cave is admitted to practice in Kentucky and Washington.

Rob Moore *Attorney with Stites & Harbison*
Mr. Moore is an attorney in the Stites & Harbison’s Frankfort office where he focuses his practice in the areas of civil litigation and appeals, business, utility, environmental, OSHA, administrative law, municipal law and estate planning. Mr. Moore has represented numerous local and national clients in complex administrative matters, including environmental and OSHA matters. He has served as the City Attorney for Frankfort, Kentucky’s Capital City, since 2004. In serving in this capacity, Mr. Moore has represented the City with respect to litigation, employment issues, tax issues, environmental issues, and many other matters. He has also represented many clients in complex civil litigation, including representing national interstate pipeline companies in federal and state courts in toxic tort litigation, cases resulting from pipeline ruptures and in condemnation cases. Mr. Moore has also represented clients in litigation with the Kentucky Attorney General’s Office. He is admitted to practice in Kentucky and California.

Scott Southall *Vice President of Sustainability and Marketing at CDP, Engineers*
Mr. Southall is vice president of sustainability and marketing at CDP, Engineers in Lexington, Kentucky. CDP is a multidisciplinary design firm with offices in Lexington and Louisville. Mr. Southall is a registered landscape architect in Kentucky and Ohio, a LEED accredited professional BD+C with the US Green Building Council (USGBC) and a certified planner with the American Planning Association. He works with municipalities across Kentucky to assist with design, implementation, and compliance with obligations of municipal separate storm sewer system (MS4) permits. His sustainability design experience includes urban and site design for institute and community facilities with an emphasis on education and public outreach pertaining to green infrastructure (GI), low impact development (LID) and sustainable sites. Mr. Southall serves as facilitator for USGBC Kentucky Community Market Leadership Advisory Board and recently completed a two-year term serving on the Board of Directors the Southeast Stormwater Association (SESWA).

Seminar Information

Four Points by Sheraton Lexington
1938 Stanton Way
Lexington, KY 40511
(859) 259-1311

Registration	Lunch (On your own)
8:00 - 8:30 am	12:45 - 1:45 pm
Morning Session	Afternoon Session
8:30 am - 12:45 pm	1:45 - 4:30 pm

Tuition
\$279 for individual registration
\$259 for three or more simultaneous registrations.
Each registration includes a complementary continental breakfast and printed seminar manual.
Receive a reduced tuition rate of \$101 by registering to be our on-site coordinator for the day. For availability and job description, please visit www.halfmoonseminars.org.

How to Register

- Visit us online at www.halfmoonseminars.org
- Mail-in or fax the attached form to 715-835-6066
- Call customer service at 715-835-5900

Cancellations: Cancel at least 48 hours before the start of the seminar (CDT), and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another seminar or the CD/manual package. You may also send another person to take your place.

Continuing Education Credit Information

This seminar is open to the public and offers 6.5 approved CLE hours to Kentucky, Indiana, and Ohio attorneys.

This course offers 6.5 HSW continuing professional education hours to professional engineers in Kentucky. Educators and courses are not subject to preapproval in Kentucky.

The Association of State Floodplain Managers has approved this course for 6.5 CECs.

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.

Can’t Attend? Order the CD/Manual Package:
An audio recording of this seminar is available for \$289 (including shipping). Allow five weeks from the seminar date for delivery. Please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Registration

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Tuition
() I will be attending the live seminar. Single Registrant - \$279.00 . Three or more registrants from the same company registering at the same time - \$259.00 each.
() I am not attending. Please send me the CD manual package for \$289.00 . (S&H included. Please allow five weeks from seminar date for delivery)
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