The Clean Water Compliance Bootcamp

Advanced Training for Water Professionals

COURSE AGENDA

Day One Instructor: Rolf von Oppenfeld; TESTLaw

7:30 AM **REGISTRATION/COFFEE**

8:00 AM **COMPREHENSIVE OVERVIEW OF THE CLEAN WATER ACT**

Get an overview of what constitutes regulated "water" and a regulated "discharge," how the CWA program works, EPA's goals under the CWA, and other key developments, including the proposed regulations to further refine the scope of federal jurisdiction. Find out how "isolated waters" are treated since the 2001 SWANCC decision by the U.S. Supreme Court. Also learn about "non-attaining" waters and EPA efforts to improve water quality, biomonitoring, biological diversity, and watershed issues.

10:00 AM **BREAK**

10:15 AM **COMPREHENSIVE OVERVIEW OF THE CLEAN WATER ACT (CONTINUED)**

11:00 AM **REGULATION OF PUBLIC WATER SYSTEMS AND UNDERGROUND INJECTION PURSUANT TO THE SAFE DRINKING WATER ACT**

You'll review the mandates of the SDWA and get an overview of drinking water and underground injection regulations. Discover how risk assessments affect the SDWA and how source water contamination may result in toxic tort lawsuits and other liability issues, and learn about the growing trend in lawsuits by (and against) water providers for contaminated water supplies.

12:00 PM **LUNCH ON YOUR OWN OR WITH COLLEAGUES**

1:00 PM **REGULATION OF WASTEWATER DISCHARGES TO THE SANITARY SEWER SYSTEM**

This session reviews the pretreatment requirements facing all industrial discharges. You'll analyze categorical pretreatment standards affecting particular industries and the process for setting local limits. In addition, this session will cover some advanced permitting strategies that allow avoidance or minimization of regulatory burdens under the CWA. Finally, you'll learn about the RCRA/CWA interface and permissible options for managing some hazardous wastes under the CWA instead of RCRA.

2:15 PM REGULATION OF PHYSICAL ALTERATIONS OF FEDERALLY PROTECTED WATERS: THE 404 PERMIT PROGRAM

This section will address the regulatory definition of wetlands and how to identify them on your property. Learn how to obtain permits to physically alter federally protected "water" and your liability in the event of noncompliance with wetland laws. Review the new 2002 nationwide permits and the key conditions for this streamlined permitting option.

2:45 PM BREAK

3:00 PM ENFORCEMENT AND LIABILITY FOR WATER QUALITY CONCERNS

How to Protect Yourself: Analyze recent criminal enforcement policy and trends (including personal and corporate liabilities), discuss civil penalty cases, get a description of EPA administrative enforcement procedures, EPA settlement policies and recent cases, and review citizen suit requirements. Most importantly, learn how to minimize your criminal exposure.

3:40 PM THE TMDL PROGRAM TO CLEAN UP DIRTY WATERS

This brief session will examine EPA's implementation of the TMDL process, the legal framework, information needs, and potential strategies for TMDL actions. Learn about the changes being made by the Bush Administration and the reduced federal role in the TMDL process, including the repeal of the 2000 TMDL Rule and the new watershed trading policy. Section 303(d) of the Clean Water Act requires States to identify and rank waters which cannot meet water quality standards (WQS) following the implementation of technology-based controls. Under Section 303(d), States are also required to establish total maximum daily loads (TMDLs) for listed waters not meeting standards as a result of pollutant discharges.

4:10 PM SELECTED HOT TOPICS/DEVELOPMENTS RELATING TO WATER QUALITY

Review a listing of EPA's priorities and initiatives and learn how those initiatives will impact your long-term strategic planning. Learn how EPA is utilizing the Clean Water Action Plan to focus existing federal programs on the most important remaining problems affecting our water resources, including cooling-water intake rules. Review other legislative and regulatory issues, including new CAFO regulation, and judicial developments.

4:45 PM END OF DAY 1

Day Two Instructor: Carl Huber, Hazen and Sawyer, PC

7:30 AM REGISTRATION/COFFEE

8:00 AM NPDES PERMIT CONSTRUCTION

Understand how NPDES permits are constructed, including the effluent limitation section, general conditions, special conditions, and what is generally negotiable in the permit.

8:45 AM NPDES TECHNOLOGY-BASED LIMITATIONS

Learn how technology-based standards are developed, revised, and incorporated into NPDES permits; the circumstances where "best engineering judgment" is employed; its relationship to "anti-backsliding;" and the circumstances where fundamentally different factors, "economic necessity," and innovative technology variances may be available. In this session, you'll learn how to establish a chemical specific approach and full effluent toxicity approach, including development of water quality criteria and water quality standards. You'll discuss mixing zones, review steps in determining which parameters are included in an NPDES permit, and understand the full effluent characterization process, waste load allocations, and the variables in establishing actual water-quality-based permit limitations.

9:15 AM NPDES WATER QUALITY-BASED LIMITATIONS

Learn more about state and federal roles; application preparation and submittal; signatory requirements; and special rules for new discharges. You'll review the types of applications including Consolidated Permit Form 1, Industrial Process Form 2C,

Storm Water Form 2F, and Storm Water Notice of Intent (NOI). Also, a discussion on how to complete the application, including strategies to be considered, will be presented.

10:00 AM **BREAK**

10:15 AM **WATER QUALITY-BASED LIMITATIONS (CONTINUED)**

11:00 PM **NPDES PERMIT APPLICATIONS**

Learn about these forms and how to answer key portions advantageously.

12:00 PM **LUNCH ON YOUR OWN OR WITH COLLEAGUES**

1:15 PM **PRETREATMENT PERMITS**

More perspective on the process of applying for and obtaining a good pretreatment permit.

2:00 PM **MONITORING AND INSPECTIONS**

In this session, you'll learn how to monitor frequency, strategies, and reports; reporting certification; routine and non-routine reporting procedures and requirements.

2:45 PM Break

3:00 PM **OTHER CRUCIAL FACTORS IN WASTEWATER PERMITTING**

Discuss how permit limits are expressed (mass vs. concentration), bioavailability of metal, use of detection limits, and selection of monitoring frequencies.

3:45 PM **REVIEWING A DRAFT PERMIT; DO YOU KNOW WHAT YOU SHOULD BE DOING AT THIS STAGE?**

Learn new strategies for conducting a thorough review of the draft permit.

4:15 PM **WASTEWATER PERMIT APPEALS AND NEGOTIATIONS**

Understand the procedures for requesting a hearing, strategies to prevail, and negotiating tips. Learn how hearing decisions are made and appealed to resolve permit issues favorably without a hearing. Learn how the administrative process lays the foundation for litigation strategies.

5:15 PM **END OF DAY TWO**

Day Three Instructor: Jay Collert, Director, Aarcher Institute

8:00 AM **SPILL PREVENTION CONTROLS AND COUNTERMEASURES PLAN**

In this section, you will receive an overview of the current SPCC regulations along with a complete review of all recently finalized rules and any proposed rules issued by the EPA. A discussion of secondary containment and specific/sized secondary containment will help determine possible impacts to your facility. Can you self-certify your SPPC Plan? This section will help you determine if you qualify and the caveats you face should you decide to self-certify. Lots of new regulatory changes have recently been enacted or proposed.

9:00 AM **BREAK.**

9:15 AM **SPILL PREVENTION CONTROLS AND COUNTERMEASURES PLAN (CONTINUED)**

11:00 AM **LUNCH ON YOUR OWN OR WITH COLLEAGUES**

12:00 PM **STORMWATER MANAGEMENT FROM THE EXPERT PERSPECTIVE**

You'll get an overview of the storm water regulations and the NPDES connection, including the role of agencies, states, the regulatory process and a listing of useful Web sites. As the program moves fully into Phase II, what are the key changes that have been made in storm water regulation and enforcement? Review the storm water jurisdictional triggers and EPA decision trees on regulated activities, what types of permits are available, storm water pollution, activities-based discharges, overflows, storm water monitoring, and storm water control practices.

1:00 PM **BREAK**

1:30 PM **STORMWATER MANAGEMENT (CONTINUED)**

2:30 PM **END OF COURSE**

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