

GROUNDWATER LAW

An American Ground Water Trust Conference

Los Angeles, California



Attendance is limited to the first 120 to register
Register Now (www.aqwt.org/events)

Tuesday and Wednesday, May 20-21, 2014
Marriott Marina del Rey

4100 Admiralty Way, Marina del Rey, CA 90292

WHAT IS IT ALL ABOUT and WHO SHOULD BE THERE?

↓ Scroll down for program details and hotel and registration information ↓

This program will be a great opportunity for a comprehensive update on the impact of court decisions and legislation on the use and management of California's water resources (with a focus on groundwater). At the conference, panels of lawyers and regulators will discuss the latest legal developments in water resources, water rights, water quality, and groundwater contamination. This includes enhanced aquifer recharge, basin adjudication, drought measures, naturally occurring metals, and an alphabet of industrial pollutants.

The target audience for this event includes water utility and water district staff, City/County staff, State and Federal regulators, lawyers, water engineers and consultants, academics, environmental NGOs and anyone else interested in legal issues affecting groundwater-rights, ownership, protection and use.

➔ 17.0 General CLE credits for Attorney Continuing Education ◀

Program for Tuesday May 20th

7:30 – 8:15: **Registration, Exhibitor Set-Up and Continental Breakfast**

8:15 Welcome: **Andrew Stone**, American Ground Water Trust

8:30 – 9:45: Session 1: **FROM ALPHA TO OMEGA CHEMICAL**

Panelists: **Gene Lucero**, OPOG; **Greg Paterson**, Musick Peeler & Garrett; **Steve Hoch**, Morris Polich & Purdy; **Bret Stone**, Paladin Law Group

The Omega Chemical property in Whittier was a refrigerant/solvent recycling and treatment facility. A variety of chemicals released at the property have impacted groundwater, notably chlorinated solvents, Freon compounds, hexavalent chromium and perchlorate. However, numerous industrial facilities, many with known groundwater contamination, are located down-gradient of the Omega Chemical property. Water supply wells in the vicinity have been impacted by industrial contaminants. The panel will discuss this complex groundwater contamination issue, and the status of cost recovery actions to fund remediation.

9:45 – 11:00: Session 2: **ARE THE FIREWORKS OVER? RIALTO PERCHLORATE SETTLEMENTS**

Panelists: **Barry Groveman**, Musick Peeler & Garrett; **Jeffrey Dintzer**, Gibson Dunn; **Jim Meeder**, Allen Matkins; **Bill Funderburk**, Castellon & Funderburk; **Scott Sommer**, Pillsbury

In the mid-1990s, perchlorate was detected in water supply wells in the Rialto-Colton-Fontana area. A variety of sources were identified, including landfill operations, rail yards, and fireworks manufacturing. After ten years and over \$100 million spent on protracted, adversarial litigation, settlements between the primary responsible parties, US government, and water utilities have been reached. The panel will discuss the project history, legal strategies, the key technical issues, and the lessons learned on "what not to do" as much as "what to do".

11:00 – 11:15: **Break**

11:15 – 12:30: Session 3: **MTBE - THE OXY-MORON: NEW HAMPSHIRE DECISION AND MDL LITIGATION**

Panelists: **Tracey O'Reilly**, Miller Axline & Sawyer; **Vic Sher**, Sher Leff; **William Stack**, Archer & Greiner; **Jeremiah Anderson**, King & Spalding

In the wake of successful settlements and judgments for the City of Santa Monica and South Lake Tahoe, numerous MTBE contamination lawsuits were brought by various water utilities, cities, and States. These cases were consolidated as multi-district litigation (MDL) in Federal court in New York. Many cases have subsequently been settled or dismissed. The panel will discuss the current status of the cases remaining within the MDL, as well as recent settlements/judgments in New York City, New Hampshire, and Maryland cases.

12:30 - 1:30: **Lunch**

Lunch-time presentation: PEOPLE VS POLLUTION: SANTA MONICA'S SUCCESS IN GW LITIGATION

Speaker: **Joseph Lawrence**, City Attorney, Santa Monica

Local groundwater resources can provide over 70% of the water demands of the City of Santa Monica. However, all three of the City's well fields have been impacted by contamination: Charnock and Arcadia by MTBE, and Olympic by solvents and 1,4-dioxane. The City initiated litigation

against various oil companies responsible for the MTBE contamination, achieving settlements valued at almost \$400 million. In addition, the City recently reached a settlement with parties responsible for the solvents and 1,4-dioxane valued at over \$120 million.

1:30 – 2:45: Session 4: COUNTY IN-SOLVENT-SEE: OCWD VOC LITIGATION

Panelists: Duane Miller, Miller Axline & Sawyer; Ed Conner, Connor Fletcher (invited); Steve Elie, Musick Peeler & Garrett; Norm DuPont, Richards Watson Gershon

OCWD is responsible with managing a groundwater basin that provides drinking water to over two million people. Numerous facilities have released chemicals that have contaminated this groundwater, notably with chlorinated solvents and perchlorate. The OCWD is implementing groundwater restoration projects in two areas(North Basin and South Basin), and has initiated litigation to recover costs associated with these programs. The panel will discuss these ongoing cases, and recent decisions affecting the course of the litigation.

2:45 – 4:00: Session 5: 1,2,3-TCP: DBCP RE-DUX

Panelists: Todd Robins, Robins Borghei; Scott Summy, Baron & Budd; Larry Riff, Steptoe & Johnson; John Gwinn, City of Shafter, (retired) (invited); Jay Smith, Steptoe & Johnson

In the 1980s and 1990s, soil fumigants such as DBCP were detected in water supply wells in agricultural communities and cities throughout California. This resulted in substantial litigation between these plaintiffs and the manufacturers of the fumigants, notably Dow and Shell Chemical. Starting in 2000, a new, highly-toxic chemical was detected in these wells – 1,2,3-TCP. 1,2,3-TCP is a minor constituent in soil fumigants, but it has a California PHG of 0.7 ppt. The panel will discuss the new round of litigation associated with this contaminant.

4:00 – 4:15: Break

4:15 - 5:30: Session 6: MANAGEMENT OR MADNESS: REGULATORY FRAMEWORKS FOR GROUNDWATER

Panelists: Christian Marsh, Downey Brand; Tony Rossmann, Rossmann & Moore; Scott Slater, Brownstein Hyatt Farber Schreck

California is facing the third worst drought in the past 100 years and pressure is mounting for the regulation of groundwater. Without a State based regulatory system, the question is what are the non-litigation alternatives for Counties and other water utilities. The panel will discuss the options from Contracts for local management to SWRCB action and possible legislative intervention.

5:30

Reception

Sponsored by:



Program for Wednesday, May 21

↓ Scroll down for program details and hotel and registration information ↓

7:30 – 8:15: Registration and Continental Breakfast

8:15: Summary of day one presentations and discussions

8:30 – 9:45: Session 7: NO LONGER WATER-PROOF: C8/PFC LITIGATION

Panelists: Roger Denton, Schlichter Bogard; Rob Bilott, Taft, Stettinius & Hollister; Libby Stennes, Steptoe & Johnson

Perfluorinated compounds (PFCs) are a large group of manufactured chemicals that have been widely used to make everyday products more resistant to stains, grease, and water. Perfluorooctanesulfonic acid (PFOS), perfluorooctanoic acid (PFOA), and PTFE (Teflon) are now being widely detected in the environment, resulting from direct releases at manufacturing facilities or when PFCs are a constituent in other materials. The panel will discuss the litigation associated with this group of emerging contaminants.

9:45 – 11:00: Session 8: FRACCUSATIONS OR INFRACTUATION: LEGAL ASPECTS OF FRACKING

Panelists: Charles Corell, King & Spalding; Gene Tanaka, BBK; Marc Bern, Napoli Bern; Steve Fleischli, NRDC (invited); James Pierce, CA Dept. Of Conservation (invited)

Hydraulic fracturing is a subject that is in the news every day. Cheap, domestic shale gas is supporting economic recovery. Impacts to human health, water supplies and real property have been documented in the vicinity of fracking operations. However, proving they are the result of the fracking can be challenging. The panel will discuss ongoing litigation associated with hydraulic fracturing, as well as the causes of action that are being used by private parties, water utilities, State government, and environmental groups, and the defense against these actions.

11:00 – 11:15: Break

11:15 – 12:30: Session 9: GRAPES OF WRATH: PASO ROBLES ADJUDICATION

Panelists: Rob Saperstein, Brownstein; Richard Zimmer, Clifford Brown (invited); Paeter Garcia, Best Best & Krieger; Ernest Conant, Young Wooldridge

Groundwater resources in Paso Robles are under increasing pressure due to population increases, a move to more water-intensive viticulture, and the current drought. Like Santa Maria during the past 15 years, the parties holding water rights are facing a possible adjudication battle. It used to be "whiskey is for drinkin' and water is for fightin' over", but now it is "Zinfandel is for sipping and water is for fighting over".

12:30 – 1:30: **Lunch**

Lunch-time presentation: Bill Funderburk, VP of the Board, Los Angeles Department of Water & Power
RESPONSES TO WATER CHALLENGES PRESENTED BY THE DROUGHT

1:30 – 2:45: Session 10: **THE WORTH OF WATER: GROUNDWATER GOVERNANCE**

Panelists: **Peter Kavounas**, General Manager CBWM; **Mark Kinsey**, Board Member; **Bob Kuhn**, Board Member; **Geoff Vanden Heuval**, Board Member; **Ken Jeske**, Non-Ag Pool; **Marty Zvirbulis**, Appropriative Pool

In the past 15 years, the Chino Basin has undergone a transformation from dysfunctional to archetype of successful groundwater management. 100,000's of acre-feet of water is produced, stored, leased, transferred and distributed within the Chino Basin each year without harm to the environment or any user. Successful public and private partnerships have helped generated more than a billion dollars in economic benefits to the overlying Inland Empire. It all starts with governance. Key stakeholder representatives will offer their perspectives on how it happens.

2:45 – 4:00: Session 11: **DIVIDE AND CONQUER: LESSONS FROM RECENT ADJUDICATIONS**

Panelists: **Henry Weinstock**, Nossaman; **Ed Casey**, Alston & Bird (invited); **Jeff Dunn**, Best Best & Krieger; **James Markman**, Richards Watson

In the past 20 years, many rural areas of southern California have experienced dramatic population growth and/or changes in agricultural practice (e.g. cattle to vines). These changes have placed increased stress on local groundwater resources, and resulted in adjudication of basins. The lessons learned from recent adjudication (e.g. Santa Maria and Antelope Valley), will be discussed by panel members involved in these actions.

4:00 – 4:15: **Break**

4:15 - 5:30: Session 12: **DESALINATION AND GROUNDWATER / A "NEW WATER" COCKTAIL**

Panelists: **Rob Donlan**, Ellison, Schneider & Harris; **Russ McGlothlin**, Brownstein Hyatt Farber Schreck; **Dennis Williams**, Geoscience Support Services

With California's 840 miles of coastline, the application of ocean desalination technology would appear to be an obvious source for supply augmentation. However, there are many complex environmental and economic issues for ocean desalination. From a legal and technical perspective, desalting brackish groundwater may be a much less litigious and much faster route to "new water" for California.

5:30: **Closing Remarks and Adjourn**

↓ **Scroll down for hotel and registration information and sponsorship opportunities** ↓

HOTEL INFORMATION:

Location: **Marriott Marina del Rey Hotel**, 4100 Admiralty Way, Marina del Rey, CA 90292. Tel. **(310) 301-3000**

Valet Parking: \$20 per day (Tell the valet you are attending the Groundwater Law Conference)

Rooms: Conference rate of \$199/night + taxes. Conference code: Groundwater Legal Conference.
(Block rate cut off Mon. May 5)

Reservations: (800) 228 9290 or (310) 301-3000.

More Hotel info: <http://www.marriott.com/hotels/travel/laxmb-marina-del-rey-marriott/>

SPONSORSHIP OPPORTUNITIES:

Platinum \$2,500 □

Sponsorship of reception or one of the luncheons, microphone time for company representative, + Gold level benefits

Gold - \$2,000 □

Logo on web and on e-mail and printed publicity information, full-page (b & w) advertisement in handbook, company brochure included in handout package

Silver - \$1,500 □

Logo on web and on e-mail and printed publicity information, half-page (b & w) advertisement in handbook

Bronze - \$1,000 □

Logo on handbook and on e-mail and printed publicity information

REGISTRATION FORM (also on-line: www.agwt.org)			
Groundwater Law - Marina del Rey (Los Angeles)			
Registration and payment also available on-line www.agwt.org/events	Tues	Wed	Both Days
	20-May	21-May	May 20-21
Check days for registration è	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Registration	<input type="checkbox"/> \$300	<input type="checkbox"/> \$300	<input type="checkbox"/> \$475
AGWT (Employees of AGWT corporate members)	<input type="checkbox"/> \$275	<input type="checkbox"/> \$275	<input type="checkbox"/> \$425
Government Employee (Local, State, Federal)	<input type="checkbox"/> \$250	<input type="checkbox"/> \$250	<input type="checkbox"/> \$400
Full-Time Student (ID required at Registration)	<input type="checkbox"/> \$100	<input type="checkbox"/> \$100	<input type="checkbox"/> \$175
Presenters (Day of presentation is complimentary)	<input type="checkbox"/> \$200	<input type="checkbox"/> \$200	
CD (pdfs of PowerPoints; \$200 for non-registrants)	<input type="checkbox"/> \$100		
Exhibit Table (You must also register to attend.)	<input type="checkbox"/> \$500 (both days of conference)		
(Separate form for each registrant)	Total	➔	\$.....

PAYMENT CHECK [payable: American Ground Water Trust]

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<p>HOW TO REGISTER</p> <p>➔ Mail: American Ground Water Trust, 50 Pleasant Street, Concord, NH 03301</p> <p>➔ Phone: (800) 423-7748 (9am-4pm eastern)</p> <p>➔ Scan and e-mail trustinfo@agwt.org</p> <p>➔ Fax: (603) 228-6557</p> <p>➔ Register on line</p> <p>http://www.agwt.org/events</p>
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<p>CANCELLATION POLICY</p> <ul style="list-style-type: none"> ● Cancellations received by 5 pm (ET) 5 days prior to the start of the event will receive a full refund less \$25 processing fee. ● Cancellation 4 to 2 days prior to the start of the event will receive a 50% registration refund. ● Cancellations one day before the start of the event or on the day of the event are considered "No Shows." Refunds will not be made for "No Shows" (Substitutions gladly accepted). ● The AGWT will not cancel a program because of bad weather conditions. Except that, in the event of an event cancellation resulting from, (but not limited to) circumstances such as a state mandatory evacuation or a fire at the program facility, the AGWT will reschedule the event and honor registrations as payment for the new event.

American Ground Water Trust Programs in California		
July 2013	Agoura Hills	Hydraulic Fracturing Conference (Monterey Shale Issues)
Nov 2013	Riverside	Ground Water Institute for Teachers (hosted by Western Municipal Water District)
Nov 2013	Tulare	San Joaquin Valley Groundwater Overdraft Conference
Nov 2013	Lakewood	Well & Pump Performance Workshop (techniques for cost saving and optimizing performance)
Feb 2014	Ontario	Annual Aquifer Conference in partnership with Association of Ground Water Agencies
May 2014	Fresno	Water Technology Conference (program partner with International Center for Water Technology)
May 2014	Los Angeles	Groundwater Law
Nov 2014	Modesto	Well & Pump Performance Workshop (Program for utility managers and well-field operators)
Nov 2014	Lakewood	Well & Pump Performance Workshop (Program for utility managers and well-field operators)
Feb 2015	Ontario	Annual Aquifer Conference in partnership with Association of Ground Water Agencies



AMERICAN GROUND WATER TRUST

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Ground Water Information, Awareness & Education since 1986.

This is what we do:

- ~ Promote efficient and effective groundwater management
- ~ Showcase groundwater science and technology solutions
- ~ Increase citizen, community and decision-maker awareness
- ~ Facilitate stakeholder participation in water resource decisions
- ~ Communicate the environmental and economic value of groundwater

