GROUNDWATER LAW
An American Ground Water Trust Conference
Los Angeles, California

Attendance is limited to the first 120 to register
Register Now (www.agwt.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?

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, OPO; 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

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 |
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<td>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.</td>
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| 2:45 – 4:00: | Session 5: **1,2,3-TCP: DBCP REDUX**  
Panelists: Todd Robins, Robins Borghesi; Scott Summy, Baron & Budd; Larry Riff, Steptoe & Johnson; John Gwinn, City of Shafter, (retired) (invited); Jay Smith, Steptoe & Johnson |
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<td>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.</td>
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| 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 |
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<td>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.</td>
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| 5:30 | **Reception**  
Sponsored by: aquilogic |  
Program for Wednesday, May 21 |

| 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, Schlicter Bogard; Rob Bilott, Taft, Stettinius & Hollister; Libby Stennes, Steptoe & Johnson |
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<td>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.</td>
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| 9:45 – 11:00: | Session 8: **FRACCUSIONS 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) |
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<td>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 fracturing operations. However, proving they are the result of the fracturing 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.</td>
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| 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 |
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<td>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”.</td>
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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, Appropriate Pool

In the past 15 years, the Chino Basin has undergone a transformation from dysfunctional to architype 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.


**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

- **Bronze** $1,000 □
  
  Logo on handbook and on e-mail and printed publicity information
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**PAYMENT** □ CHECK [payable: American Ground Water Trust]

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Credit Card or PO No. ___________________________ Expiration ___

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Registration Name ______________________________

Title/Position _________________________________

Company/Organization __________________________

Address ________________________________

City ______ State _____ Zip ______

Phone ___________ E-Mail _______________________

**HOW TO REGISTER**

- Mail: American Ground Water Trust, 50 Pleasant Street, Concord, NH 03301
- Phone: (800) 423-7748 (9am-4pm eastern)
- Scan and e-mail trustinfo@agwt.org
- Fax: (603) 228-6557

- Register on line [http://www.agwt.org/events](http://www.agwt.org/events)

**CANCELLATION POLICY**

- 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 or Ground Water Agencies
- May 2014 Fresno
  - Water Technology Conference (program partner with International Center for Water Technology)
- May 2014 Los Angeles
  - Ground Water 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 or Ground Water Agencies
AMERICAN GROUND WATER TRUST
(Non-profit 501(c)(3) education organization)
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