

NACWA Hot Topics in Clean Water Law Webinar –
June 7, 2017



NAVIGATING UNCERTAIN WATERS: COMPLIANCE STRATEGIES IN THE NEW EPA

Nathan E. Vassar

Lloyd
Gosselink
ATTORNEYS AT LAW



OPPORTUNITIES VS. WAIT-AND-SEE

- Resisting “take it easy” mode/Engaging Opportunities
- Compliance Audit/CMOM Gap Analysis
- Integrated Plans



ONGOING PRACTICES

- Enforcement Priorities targeting wastewater/stormwater
- Inertia for ongoing cases
- State Enforcement

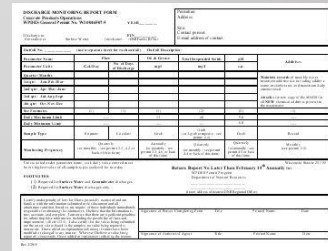


WHAT'S NEW IN ENFORCEMENT

- Stipulated Penalty Approach/Updates



- Implementation of “Next Gen” Compliance



Section	Item	Value	Unit	Notes
Table 1	Item 1	100	kg	
	Item 2	200	kg	
	Item 3	300	kg	
	Item 4	400	kg	
Table 2	Item 1	500	kg	
	Item 2	600	kg	

WHAT'S NEW IN ENFORCEMENT

- Enforcement in light of WOTUS expected changes



- Citizen Suit Push (as discussed by Karen Hansen)

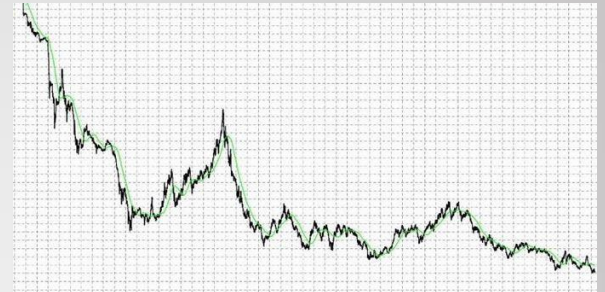
COMPLIANCE STRATEGIES

- Regulator Relationships:
 - Don't Wait for Appointees
 - Acting Regional Administrators
 - Communications with state regulators



COMPLIANCE STRATEGIES

- Planning for Future Compliance
- Scrubbing and Updating Utility Wish Lists
- Don't Assume No Action (*see* State/Citizen initiated actions)



IF THERE IS BREATHING ROOM...

- Use it! Pursue identified improvements/practices
 - Don't plan on lax enforcement
 - Be mindful: \$51,570/violation/day
 - Five-year compliance goals/anticipate new requirements



- Stakeholder Engagement (including decision makers/ratepayers)

**Manage Stakeholder
Relations**

Questions?

NATHANE. VASSAR

nvassar@lglawfirm.com

(512) 322-5867

