Seminar Agenda

**Common Law Water Rights – Surface Water and Groundwater**
- H. Pollard V.
- J. Richardson Jr.
  - Riparian rights in Virginia
  - Common law groundwater rights in Virginia
  - Other common law actions (pollution, obstruction of water, etc.)

**Understanding Virginia Groundwater Rights**
- C. Gill
  - Ownership of groundwater
  - Regulation of groundwater withdrawal
  - Application and permitting process
  - Current issues in groundwater rights

**Virginia Surface Water Withdrawal Permitting and Water Supply Planning**
- H. Pollard V.
  - Legislative policy
  - Permit program
  - Permit process issues and challenges
  - Water supply planning

**Current Issues with the Clean Water Act**
- J. Richardson Jr.
  - The continuing saga, defining “Waters of the United States”
  - “Waters of the State” in Virginia
  - USACE v. Hawkes Co., Inc. (U.S. Supreme Court, May 31, 2016)

**Water Utility Regulation**
- J. Ritter
  - Types of water utilities in Virginia
  - Scope of State Corporation Commission regulation
  - Regulation of water utility rates
  - Regulation of water utility service areas
  - Current issues

**Wastewater and Stormwater Discharges**
- H. Pollard V.
  - Wastewater discharge permit program
  - Stormwater discharge program
  - Recent developments

**Ethical Issues in Water Law and Regulation**
- J. Richardson Jr.
  - Ethical issues in representing water clients
  - Conflicts of interest
  - Who is the client?

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### Learning Objectives

You’ll be able to:

**Understand** ownership of groundwater and regulation of withdrawal in Virginia.

**Discuss** Virginia surface water withdrawal permitting and water supply planning.

**Examine** wastewater and stormwater discharge programs.

**Outline** scope of State Corporation Commission regulation of water utilities.

**Consider** current issues related to the Clean Water Act.

**Review** ethical issues in water law and regulation.
Faculty

Henry R. (Speaker) Pollard, V., an attorney at Williams Mullen in its Richmond office. He brings a combined science and business education background to his practice, which is concentrated in environmental, water supply, wastewater and coastal resiliency law. Mr. Pollard assists business, development, trade group, governmental and individual clients with issues such as water quality, wastewater, stormwater management, wetlands, water rights, solid and hazardous waste, Superfund liability, petroleum and chemical storage, brownfield and voluntary remediation, air pollution, asbestos and mold contamination, cultural resources, and species protection at federal, state and local levels. His practice also includes compliance and permitting assistance, enforcement defense, water supply planning and contracts, property and business transactions, land use proceedings, and legislative and regulatory affairs. Before entering private practice, Mr. Pollard worked for the Virginia Department of Environmental Quality’s Office of Enforcement, where he led and coordinated statewide hazardous waste enforcement actions.

Jesse J. Richardson, Jr., is an associate professor and the lead land use attorney at the Land Use and Sustainable Development Law Clinic at the West Virginia University College of Law. Before coming to WVU, Mr. Richardson was an associate professor at Virginia Tech. His research and experience focuses on land use law and water law. He began his legal career in private practice in his home town of Winchester, Virginia. Mr. Richardson presently serves on the board of directors of the American Agricultural Law Association and is the president-elect. Mr. Richardson previously served on the Virginia Water Policy Technical Advisory Committee. He was honored with the 1999 Professional Scholarship Award from the American Agricultural Law Association, the 2004 William E. Wine Award for a history of teaching excellence from Virginia Tech (the highest teaching award granted by the university), and the 2009 University College of Law Distinguished Alumni Achievement Award.

Christopher M. Gill, LEED® AP, is a partner and chair of both the Real Estate and Environmental practice groups at Christian & Barton, L.L.P, in Richmond. He typically represents developers, landowners, local governments and government agencies in commercial real estate matters involving property transactions, real estate use and a variety of environmental issues. In the past year he has been recognized by The Best Lawyers in America, Virginia Super Lawyers and Virginia Business Magazine’s Legal Elite in the real estate category. Mr. Gill earned his law degree from the University of Richmond School of Law, and his undergraduate degree from the University of Virginia.

James G. Ritter is an associate in the Energy and Telecommunications practice group at Christian & Barton, LLP, in Richmond. He focuses on regulatory matters before state and federal administrative entities involving electric, natural gas, and water utilities and cable companies. Mr. Ritter also has experience working on behalf of telecommunications providers and local governments in Virginia. He earned his law degree from Washington & Lee University School of Law and his undergraduate degree from the University of Virginia.

About the Seminar

Hyatt Place Richmond/Arboretum
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Continuing Education Credit Information
This seminar is open to the public and is approved by the Virginia MCLE Department for 7.0 CLE hours, including 1.0 ethics hour, for Virginia attorneys.
This course also offers 7.0 PDHs to Virginia professional engineers to whom the subject matter is professionally relevant. Educators and courses are not subject to preapproval in Virginia.
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.

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Registration

Water Laws and Regulations
Richmond, VA - Friday, September 9, 2016

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