

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

COMMISSIONERS OF PUBLIC WORKS OF )	Civil Action No. 2:24-cv-02935-RMG
THE CITY OF CHARLESTON (d.b.a. )	
Charleston Water System), Individually and on )	DECLARATION OF F. PAUL CALAMITA
Behalf of All Others Similarly Situated, )	FILED ON BEHALF OF AQUALAW, PLC
)	IN SUPPORT OF APPLICATION FOR
Plaintiff, )	AWARD OF ATTORNEYS' FEES AND
)	EXPENSES
vs. )	
)	
DUDE PRODUCTS INC., )	
)	
Defendants. )	
)	
_____ )	

I, FRANK P. CALAMITA, declare as follows:

1. I am the Chairman of AquaLaw, PLC (“AquaLaw” or the “Firm”). I am submitting this declaration in support of my firm’s application for an award of attorneys’ fees and expenses/charges (“expenses”) in connection with services rendered in the above-entitled action (the “Litigation”).

2. This Firm is counsel for Plaintiff the Commissioners of Public Works of the City of Charleston (d.b.a. “Charleston Water System”) and the Settlement Class.

3. The information in this declaration regarding the Firm’s time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the Litigation and I reviewed these reports (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries as well as the necessity for, and reasonableness of, the time and expenses committed to the Litigation. As a result of this review, reductions were made to the time in the exercise of billing judgment. Based on this review and the adjustments made, I believe that the time reflected in the Firm’s lodestar calculation and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the Litigation.

4. After the reductions referred to above, the number of hours spent on the Litigation by my Firm is 139.4. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney/paraprofessional time based on the Firm’s current rates is \$81,177.50. The hourly rates shown in Exhibit A are consistent with hourly rates in other class action/related litigation for wipes-related matters before this Court. The Firm’s rates are set based on periodic analysis of

rates charged by firms performing comparable work. For personnel who are no longer employed by the Firm, the rate used for the lodestar calculation is based upon the rate for that person in his or her final year of employment with the Firm.

5. My Firm seeks an award of \$2,934.99 in expenses and charges in connection with the prosecution of the Litigation. Those expenses and charges are summarized by category in Exhibit B.

6. The expenses pertaining to this case are reflected in the books and records of this Firm. These books and records are prepared from receipts, expense vouchers, check records and other documents and are an accurate record of the expenses.

7. The identification and background of the Firm and its partners is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 22<sup>nd</sup> day of August, 2024, at Richmond, Virginia.



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FRANK PAUL CALAMITA

**EXHIBIT A***Commissioners of Public Works of the City of Charleston v. Dude Products, Inc..*

Case No. 2:24-cv-02935-RMG

AquaLaw

Inception through August 16, 2024

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i> <i>(\$)</i>	<i>LODESTAR</i>
F. Paul Calamita (30+ years)	(C)	85.6	725	62,060.00
Ellen B. Egen (10+ years)	(SA)	15.6	435	6,786.00
Clay F. Kulesza (3 years)	(A)	31.5	350	11,025.00
Paralegals		6.7	195	1,306.50
<b><i>TOTAL</i></b>		<b><i>139.4</i></b>		<b><i>81,177.50</i></b>

(C) Chairman

(SA) Senior Attorney

(A) Associate

**EXHIBIT B**

*Commissioners of Public Works of the City of Charleston v. Costco Wholesale Corp., et al.*

Case No. 2:24-cv-02935-RMG

AquaLaw

Inception through August 16, 2024

<i>CATEGORY</i>	<i>AMOUNT</i>
Filing and Other Fees	\$1,105.00
Professional product performance testing	\$1,800.00
Settlement Website Hosting	\$29.00
<b><i>TOTAL</i></b>	<b><i>\$2,934.99</i></b>

# **EXHIBIT C FIRM RESUME**

The logo for AQUALAW features the word "AQUALAW" in a bold, sans-serif font. The letters "AQUA" are rendered in a light blue color, while the letters "LAW" are in a dark blue color. The "L" and "A" in "LAW" are connected, and the "W" has a distinctive shape with a sharp peak.

**FIRM RESUME**

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## **1. INTRODUCTION**

AquaLaw PLC is one of the best-known clean water legal/regulatory practices in the United States. The Firm's attorneys, who have backgrounds in natural sciences, engineering, and planning, are sought out by local governments across the country to assist with regulatory, enforcement, litigation, legislative and a wide range of strategic matters.

Since its founding in the early 1990s, AquaLaw has coordinated and counseled national and statewide trade associations of local governments/utilities interested in a wide range of utility-related matters. AquaLaw relies on our broad trade association experience to effectively represent our individual municipal clients, which comprise most of our regulatory and legal practice. We are particularly well-known for developing of some of the most affordable, cost-effective, and flexible compliance strategies for regulated water, wastewater, and stormwater clients. We have consistently secured the approval of these strategies in discharge permits, new or modified state/federal consent decrees (CDs) and enforcement orders, sewer overflow long-term control plans, integrated control plans, wet weather management plans, and other complex legal vehicles.



## 2. Water Utility Litigation Experience

AquaLaw lawyers have handled a wide range of litigation matters for water/sewer utilities across the country over the past decades.

Our Attorneys have handled class action matters regarding flushable wipes and PFAS for public utility clients resulting in seven prior settlements, six with Fortune 50 defendants. Our PFAS representation includes more than two dozen water and wastewater utilities that we have filed suit for against a range of manufacturing defendants. We are representing water systems that are both participating in the pending settlements as well as numerous systems that have elected to opt out, some to pursue their own litigation through AquaLaw. We have also represented water and sewer utilities in class action (and opt-out) litigation regarding a criminal conspiracy to overcharge those utilities for alum products.

We have also handled dozens of discrete enforcement litigation matters in federal and State courts nationwide with remedial program injunctive relief ranging from hundreds of millions of dollars to several billion dollars. Example wastewater utility litigation includes representing the following entities in federal/State litigation over systemwide remedial measures sought by the Federal and State governments:

- **Nashville, TN** (Federal consent decree modification and Long-Term Control Plan modification)
- **Shreveport, LA** (Federal consent decree modification)
- **Alexandria, VA** (Federal consent decree negotiation)
- **Henrico County, VA** (Federal consent decree negotiation)
- **Lowell, MA** (Federal consent decree negotiation and Long-Term Control Plan development)
- **Kansas City, MO** (Federal litigation regarding \$2.4 billion sewer improvement program).
- **Kansas City, KS** (Federal litigation involving approximately \$1 billion sewer improvement program).
- **South Bend, Indiana** (Federal litigation regarding approximately \$500 million sewer improvement program).
- **Fort Smith, Arkansas** (Federal litigation regarding approximately \$500 million sewer improvement program).
- **Delaware County Authority, PA** (Federal litigation regarding approximately \$200 million sewer improvement program).
- **Elkhart, IN** (Federal litigation involving approximately \$250 million sewer improvement program).
- **Hampton Roads Sanitation District, VA** (Federal litigation involving approximately \$2 billion water and sewer improvement program).
- **Evansville, IN** (Federal litigation involving approximately \$500 million sewer improvement program).
- **Indianapolis, IN** (Federal litigation involving approximately \$1.7 billion sewer improvement program).
- **Scranton, PA** (Federal litigation involving approximately \$125 million sewer improvement program).

- **DC Water** (Federal litigation involving approximately \$2 billion sewer improvement program).
- **New York, NY** (State enforcement involving approximately \$2 billion sewer improvement program).
- **Springfield, MO** (State litigation involving approximately \$500 million sewer improvement program).

We also have assisted water/wastewater utility clients with a wide range of other litigation matters, including:

- Virginia Association of Municipal Wastewater Agencies v. Virginia Secretary of Natural Resources, Hanover County (Va.) Cir. Ct., 2019-present (counsel for local government wastewater association challenging State-adopted TMDL implementation plan to reduce WWTP wasteload allocations from design capacity to average annual flow basis)
- James River Dischargers Coalition v. USEPA, W.D. Va., 2016-present (counsel for local government wastewater association challenge to EPA-imposed waste load allocations; negotiated favorable long-term Abeyance Order to accommodate favorable state-level water quality standards development, water quality modeling, and wasteload allocation revisions subject to USEPA review and approval)
- Potomac Riverkeeper v. Wheeler, D.C. Cir., 2019-2020 (counsel for intervenor wastewater utilities in successful defense of summary judgment ruling dismissing Riverkeeper's challenge to EPA's approval of Virginia's decision not to list waterbody as impaired due to nutrients under narrative water quality standard)
- American Farm Bureau Federation v. USEPA, Pennsylvania, 3d Cir., 2013-16 (counsel for intervenor local government wastewater associations that successfully protected significant public investments in treatment upgrades and prevented shifting of regulatory burden to municipal point sources) (opinion published at 792 F.3d 281)
- City of Homedale, Idaho v. USEPA, USEPA Environmental Appeals Board, pending as of May 2014 (counsel to intervenor group that successfully argued against the imposition of daily load NPDES permit limits for all TMDL parameters)
- Virginia DOT & Fairfax County v. USEPA, E.D. Va., Alexandria Div., 2012-13 (counsel for plaintiff Fairfax County in successful challenge to EPA's first TMDL for the "flow" of water)
- City of Springfield, MO v. USEPA, W.D. Mo., S. Div., 2011-13 (counsel for plaintiff city in challenge to other early EPA-issued TMDLs for the "flow" of water leading to EPA's withdrawal of the TMDL)

- American Farm Bureau Federation v. USEPA, M.D. Pa., Harrisburg Div., 2011-Present (secured summary judgment order in favor of intervenor-defendant client national and state municipal wastewater associations in litigation regarding Chesapeake Bay TMDL for nutrients)
- Food and Water Watch v. USEPA, D.D.C., 2012-Present (counsel for intervenor-defendant national and state municipal wastewater associations in litigation challenging trading provisions of Chesapeake Bay TMDL for nutrients; case dismissed in client's favor)
- Fauquier County Water & Sanitation Authority v. State Water Control Board, Va. Cir. Ct., 2006-08 (counsel for petitioner sanitation authority challenging Chesapeake Bay TMDL nutrient allocations; negotiated favorable settlement increasing nutrient allocations)
- Frederick-Winchester Service Authority v. State Water Control Board, Va. Cir. Ct., 2006-10 (counsel for petitioner service authority challenging Chesapeake Bay TMDL nutrient allocations; negotiated favorable settlement increasing nutrient allocations)
- City of Charleston, SC, North Charleston Sewer District & Berkeley County v. South Carolina Department of Health and Environmental Control, Various Courts (Administrative, Cir. Ct., and Ct. of App.), 2005-08 (counsel for petitioners in successful challenge to TMDL for Charleston Harbor system)
- Somerset County v. State of Maryland, Md. Cir. Ct., 2000-02 (counsel for petitioner county challenging state-issued TMDL for nutrients)
- City of Salisbury v. State of Maryland, Md. Cir. Ct., 2000-02 (counsel for petitioner city challenging state-issued TMDL for nutrients)
- American Littoral Society v. USEPA, E.D. Va., Alexandria Div., 1997-99 (counsel for intervenor-defendant state municipal wastewater association in statewide TMDL development schedule litigation for Virginia)
- Sierra Club v. USEPA, D. Md., Baltimore Div., 1998-99 (counsel for intervenor-defendant state municipal wastewater association in statewide TMDL development schedule litigation for Maryland; only the second case in the nation to hold against citizen plaintiffs seeking to force EPA to develop TMDLs).

### **Water Litigation Experience – Permits**

- Center for Regulatory Reasonableness v. USEPA, D.C. Cir., 2017-present (counsel to Massachusetts coalition of localities challenging EPA Region 1's Small MS4 General

Permit due to excessive burden beyond CWA's "Maximum Extent Practicable" standard; negotiated favorable settlement for modification of general permit)

- Maryland Department of the Environment v. Carroll County, Md. Court of Appeals, 2018-19 (counsel to Frederick County in appealing its MS4 NPDES stormwater permit's Chesapeake Bay nutrient requirements due to excessive burden beyond statutory "Maximum Extent Practicable" standard CWA grounds; sharply divided court handed down 4-3 decision upholding permit; opinion published at 465 Md. 169; also counsel in three other ongoing similar cases on behalf of four other localities pending at various levels of state court system)
- Maryland Department of the Environment v. Anacostia Riverkeeper, Md. Court of Appeals, 2014-16 (counsel for amici local government stormwater association arguing against imposition of MS4 permit conditions requiring strict and immediate compliance with water quality standards and more onerous nutrient TMDL implementation requirements; opinion published at 447 Md. 88)
- City of Lowell, Massachusetts (NPDES Permit appeal pending before the US EPA Environmental Appeals Board; challenging daily maximum limits, general water quality standards compliance, combined sewer overflow bypass restrictions, general boilerplate errors)
- Parkersburg, Fairmont, and Wheeling, West Virginia Permit appeals (2019 - appealing numerous aspects of these three NPDES Permits; in the process of entering very favorable settlement agreements for all three resulting in more appropriate ammonia limits, mercury limits, CSO control provisions and allowing blending at a sanitary wastewater treatment plant)
- Fauquier County Water & Sanitation Authority v. State Water Control Board, Va. Cir. Ct., 2007-08 (counsel for petitioner service authority contesting inappropriate nutrient discharge limits assigned by regulatory agency to client's treatment plant)
- Frederick-Winchester Service Authority v. State Water Control Board, Va. Cir. Ct., 2007-10 (counsel for petitioner service authority contesting inappropriate nutrient discharge limits assigned by regulatory agency to client's treatment plant)
- Crutchfield v. Hanover County, Virginia, 4th Cir., 2002-03 (counsel for amici local government wastewater association in wetlands permit appeal; opinion published at 325 F.3d 211)
- Piney Run Preservation Ass'n v. Carroll County, Maryland, 4th Cir., 2000-01 (counsel for amici state municipal wastewater associations in lead case interpreting Clean Water Act's "permit shield" defense; opinion published at 142 F.3d 769)

- Various NPDES Permit Appeals: Charleston Sanitary Board, WV; Princeton, WV; Buckannon, WV; Huntington, WV; Follansbee, WV; Charleston, SC; North Charleston Sewer District, SC; Berkeley County, SC; Easley, SC; Summerville, SC; Sullivan's Island, SC, Isle of Palms, SC; Elkhart, IN; District of Columbia MS4; Fitchburg, MA; Scranton, PA; Carroll County, MD; Charles County, MD; Frederick County, MD; Harford County, MD; Salisbury, MD; Somerset County, MD; New Castle County, DE (defense), among others.

### **Water Litigation Experience – Enforcement**

- AquaLaw lawyers have advised many owners of large sanitary or combined sewer systems in resolving state and federal enforcement, including all of the largest matters in Virginia for the past decade or more, including Arlington County, Hampton Roads Sanitation District, and Roanoke/Western Virginia Water Authority. We have successfully represented sewer/storm sewer system owners in numerous cases including Indianapolis, Kansas City, Missouri, Unified Government of Wyandotte County, KS, Fort Smith Arkansas, Shreveport, LA, DELCORA, PA, City of Pittsburg/PWSA, Passaic Valley Sewerage Authority, Buffalo Sewer Authority, City of South Bend, City of Elkhart, City of Topeka, KS, Springfield, Missouri, St. Joseph, Missouri and numerous other utilities nationwide.
- USEPA & Commonwealth of Pennsylvania v. Scranton (Pa.) Sewer Authority, M.D. Pa. 2011-12 (defended Authority in civil lawsuit filed by USEPA and State over CSO/SSOs and related matters where, after motions practice and extensive discovery, AquaLaw forced mediation and achieved favorable settlement.)
- USEPA & State of Indiana v. Evansville Water and Sewer Authority, S.D. Ind., 2011-12 (defended Authority in civil lawsuit filed by USEPA and State where, after extensive discovery, AquaLaw forced mediation and achieved favorable settlement.)
- Maryland v. City of Salisbury, Cir. Ct. Wicomico Co., 2012 (defended City in civil litigation filed by State over failure to achieve Chesapeake Bay nutrient limits and achieved favorable settlement allowing City until 2017 to comply)
- Sackett v. USEPA, U.S. Sup. Ct., 2011-12 (counsel for amici local government associations in Supreme Court case that established right of permittee to challenge compliance orders unilaterally issued by EPA)
- C.S. Hines, Inc. v. Hampton Roads Sanitation District, Va. Cir. Ct., 2007-08 (counsel for defendant sanitation district in appeal of district's pretreatment enforcement action)

- Southern New Castle Co. Alliance v. Secretary Dep't Natural Resources & Env't'l Control, Del. App. Bd., 2007 (counsel for defendant county; successful dismissal of citizen suit challenging County's NPDES permit)
- Indmar, Inc. v. Sussex Service Authority, Va. Cir. Ct., 2006 (counsel for defendant service authority in appeal of authority's pretreatment enforcement action)
- In re City of Salisbury, Maryland, U.S. EPA Env't'l App. Bd., 1999-2002 (counsel for respondent city in EPA enforcement action)

### **Water Litigation Experience – Construction**

- Scranton (Pa.) Sewer Authority, Scranton Ct. of Common Pleas, 2012-Present (represent Authority in litigation against design firm, major equipment vendor and others relating to failed WWTP upgrade)
- Scranton (Pa.) Sewer Authority, M.D. Pa., 2011-12 (represent Authority in litigation against national engineering firm and other entities over failure to develop acceptable overflow control plan)
- City of Salisbury, MD, Cir. Ct. Wicomico Co., 2010-12 (represented City in litigation against a wide range of parties (design engineer, construction manager, equipment vendors, etc.) over extensive failure of \$80 million WWTP upgrade)
- City of Fairmont, WV, Fairmont Cir. Ct., 2009-11 (represented City in litigation against national membrane manufacturer, engineering firm and HVAC designer of failure of water plant upgrade)

### **Water Litigation Experience – Miscellaneous**

- City of Wilmington (De.) v. United States, Fed. Cl., 2016 (counsel for City in ongoing stormwater utility fee nonpayment litigation against federal DoD agency in U.S. Court of Federal Claims)
- Potomac Riverkeeper, Inc. v. Commonwealth of Virginia, Va. Cir. Ct., 2013-16 (counsel for amici local government wastewater association in successfully arguing for sensible regulation of biosolids that preserves marketability of this important resource)
- Scranton Sewer (Pa.) Authority v. PENNVEST, Commonwealth Ct., 2012-Present (represent Authority in litigation against PENNVEST, the State's Clean Water Act State Revolving Loan Fund authority, over ownership of POTW-generated nutrient credits)
- Edison Electric Institute v. USEPA, D.C. Cir., 2002-04 (counsel for petitioner national municipal wastewater association in challenge to EPA Whole Effluent Toxicity rules)

- Ohio Valley Env'tl Coalition v. Whitman, S.D. W. Va., 2003-04 (counsel for intervenor-defendant state municipal water quality association in litigation regarding state antidegradation regulations)
- Blanton v. Amelia County, Va. Sup. Ct., 2000-01 (counsel for amici local governments in biosolids land application case)
- Pneumo Abex Corp. v. High Point, Thomasville and Denton Railroad Co., 4th Cir., 1997-98 (counsel for amici manufacturer associations in useful product/recycling Superfund liability case) (opinion published at 142 F.3d 769)
- City of Danville v. Commonwealth of Virginia, 1990s (represented wastewater utilities members in litigation challenging biosolids regulations and achieved favorable settlement)
- Arlington County v. Commonwealth of Virginia, 1990s (represented wastewater utilities in litigation over CWA water quality standards and achieved favorable settlement after litigation through the Court of Appeals level)

### **3. Attorney Biographies**



# Paul Calamita

## *Chairman*

Paul Calamita co-founded AquaLaw in 2002 with Chris Pomeroy. Over the prior decade, Paul practiced as a full time Clean and Safe Drinking Water Act lawyer with a national law firm.

Paul Calamita has practiced environmental law nationally for over 30 years.

He is first and foremost an environmental counselor and negotiator. He has considerable national experience advising businesses and local governments in all major facets of the Clean and Safe Drinking Water Act and environmental compliance.

Paul has had the privilege to work with a wide range of business clients – from the elite of the Fortune 500 to the local elite – and some of the largest communities in the country to the smallest towns, townships, and boroughs.

In addition to environmental compliance advice, Paul has helped his clients to negotiate cutting edge permits, orders, decrees, and a wide range of other environmental and utility-related agreements. He also has handled a wide range of administrative and judicial proceedings and has successfully lobbied state and federal agencies and legislatures on environmental and funding-related matters.

Paul has considerable experience with water supply, allocation, security and regionalization.

More recently, he has assisted a wide range of clients to proactively and strategically address emerging contaminants, such as PFAS and 1-4 Dioxane. AquaLaw has also been retained by numerous utilities to assist them with bring PFAS-related claims against manufacturers of PFAS chemicals, including complaints filed in the PFAS Multidistrict Litigation pending in Charleston, South Carolina.

Paul has represented public utilities in approximately 30 states during his career. He serves as General Counsel to the national Wet Weather Partnership and five statewide water/sewer utility associations. Through his wealth of experience, creativity, and seasoned judgment he delivers holistic and durable solutions for leading public utilities nationwide.

## **Education**

J. D. University of Virginia School of Law, Charlottesville, Virginia, 1992

Law Review: *Virginia Environmental Law Journal*, Member, Article Review Board, 1990

Law Review: *Journal of Law and Politics*, Member, Articles Editor, 1990-1992

B. S. Biology, College of William and Mary, Williamsburg, Virginia, 1987

**Admitted**

Virginia

Maryland

Missouri

West Virginia

South Carolina

North Carolina

United States Supreme Court

United States Court of Appeals for the District of Columbia Circuit

U.S. Court of Appeals for the 1st Circuit

U.S. Court of Appeals for the 4th Circuit

U.S. Court of Appeals for the 8th Circuit

U.S. District Court for the Eastern District of Virginia

U.S. District Court for the District of Maryland

U.S. District Court for the Southern District of West Virginia

U.S. District Court for the District of Columbia

U.S. District Court for the Western District of Missouri

U.S. District Court for the District of South Carolina

U.S. District Court for the Middle District of North Carolina

# Chris Pomeroy

*President*

Chris Pomeroy co-founded AquaLaw in 2002 with Paul Calamita. Today, AquaLaw is nationally recognized for its expertise on environmental and business matters concerning water supply, wastewater treatment, stormwater management, utilities, and natural resources. Chris' practice is primarily dedicated to advising and representing owners, operators and developers of water and other types of regulated infrastructure, including water supplies, treatment facilities, pipelines, and water distribution, wastewater collection and stormwater drainage systems.

Local governments, utilities and other businesses routinely seek Chris' advice on permitting, compliance, and enforcement defense under the Clean Water Act, Safe Drinking Water Act, and other federal and state environmental laws and regulations. Chambers USA recognizes Chris as a "great choice for permitting and enforcement defense" and as "an expert in the Clean Water Act" in *Chambers USA: America's Leading Lawyers for Business 2010*. Chris has advised clients on hundreds of environmental permits, orders, consent decrees, agreements, and other regulatory and legal actions.

Over the years, Chris has handled a wide variety of litigation in federal and state courts and before administrative agencies, including appeals of regulations and permits and defense of agency or citizen enforcement actions. Chris has successfully argued several prominent federal Clean Water Act cases resulting in important national precedents, including *Piney Run Preservation Assn. v. Carroll County, Maryland* (4th Cir. 2001) (leading case on the NPDES "permit shield" protecting permittees from citizen suit enforcement); *Virginia DOT & Fairfax County v. U.S. EPA* (E.D. Virginia, 2012) (overturning EPA's first TMDL regulating water "flow" rather than "pollutants"); and *American Farm Bureau Federation v. U.S. EPA* (3rd Cir. 2015) (upholding the Chesapeake Bay TMDL for Nitrogen, Phosphorus and Sediment and its holistic watershed approach to water quality protection including nonpoint source participation).

Chris has extensive experience with general utility matters such as water and wastewater service agreements, local ordinance development, ratemaking, utility formation and mergers, and other aspects of utility law. He routinely handles negotiation, drafting and administration of complex contracts for, among other things, the financing, construction, and operation of water infrastructure projects. He has longstanding appointments as chief legal

counsel to a half dozen entities in the water industry and routinely serves as special counsel to numerous others.

Chris is also a registered lobbyist with a proven track record for developing and implementing legislative strategies and passing or defeating legislation concerning natural resources, environmental regulation, and utility management. Over the course of many years, he has had a major impact on environmental and utility legislation particularly in Virginia. One especially notable effort was as lead lobbyist for the enactment of Virginia's 2005 Point Source Nutrient Credit Exchange Program legislation and subsequent amendments for expansion.

Among many other water quality trading projects, permits and contracts, most notably Chris was the corporate organizer and a lead developer of the Virginia Nutrient Credit Exchange Association, Inc., which is considered the largest, most active water quality trading operating entity in the United States. He has continuously served as general counsel alongside the utility and industry executives comprising the Board of Governors of the Exchange since its incorporation in 2005.

### **Education**

J.D., George Washington University Law School, Washington, D.C., 1996, With High Honors

Law Review: *GW Journal of International Law & Economics*, Member

Moot Court Board, Member

Order of the Coif, Member

B.S. Biology, Fairfield University, Fairfield, Connecticut, 1992, *cum laude*

Honors Program, Member

AED Pre-Med Honor Society, Member

### **Professional Affiliations**

Virginia State Bar, Environmental Law Section (Chair, 2001-2002)

Local Government Attorneys of Virginia

Virginia Association of Counties

Virginia Municipal League

Virginia Water & Waste Authorities Association

Virginia Forever Board of Directors

Maryland State Bar Assn, Environmental Law & State/Local Govt Law Sections

Water Environment Federation (Including Virginia & Chesapeake Chapters)

American Water Works Association (Including Virginia Chapter)  
National Association of Clean Water Agencies, Legal Affairs Committee

**Admissions**

Virginia Bar

Maryland Bar

U.S. Supreme Court

U.S. Court of Appeals for the D.C. Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Federal Claims

Various Federal District Courts

# Justin Curtis

## *Vice President*

Justin joined AquaLaw in 2013, bringing expertise assisting clients in a wide array of environmental matters including permitting, regulatory compliance, litigation, and enforcement defense. Prior to joining AquaLaw, Justin practiced in the environmental group of a national law firm in Washington, D.C. Before that, Justin served for two years as a law clerk to U.S. District Judge Thomas E. Johnston in the Southern District of West Virginia.

Since joining AquaLaw, Justin has successfully represented clients on a range of matters relating to water supply, water quality, and water infrastructure development. Recent representative matters include:

- Guiding a regional municipal water authority through federal and state permitting processes for new surface water intake and transmission main.
- Obtaining groundwater withdrawal permit from heavily regulated aquifer for another regional municipal water authority.
- Challenging U.S. EPA disapproval of state water quality standard on behalf of municipal wastewater utility.
- Assisting client develop technical and legal analysis of the effects of sedimentation on sensitive aquatic species from utility infrastructure.
- Negotiating agreement with U.S. Army Corps of Engineers and other interested parties to mitigate historic resource impacts from new pump station.
- Working with municipal water utility to develop legal strategy to protect water quality in reservoir serving as city's water supply.
- Representing a city before state public utility commission in water and wastewater ratemaking case.
- Defending utility against federal citizen suit for sanitary sewer overflows.
- Defending two localities against inverse condemnation claims related to flooding attributed to storm sewers.
- Representing a locality in a contested FERC dam license proceeding.
- Advising parties on environmental compliance and permitting for over 50 solar, wind, and energy storage projects.

## **Education**

J.D., University of Richmond, 2008, *magna cum laude*

Law Review: University of Richmond Law Review, Allen Chair Editor

John Marshall Scholar

McNeill Law Honor Society

B.A., Pennsylvania State University, 2002

**Professional Affiliations**

American Bar Association, Section on Environment, Energy, and Resources, Committee on Environmental Enforcement and Crimes Committee, Vice Chair 2012-2013

**Admitted**

Virginia

District of Columbia

Various Federal Courts

# Ellen Egen

## *Attorney*

Ellen's broad environmental legal experience and relevant academic training make her the firm's "go to" attorney for complex legal and regulatory matters. She has successfully addressed cutting edge permitting, development, and operation issues for clients.

Ellen assists clients both before and after there are potential legal issues, both in the administrative arena and in litigation. Recent regulatory representation areas include state and EPA permit reviews and associated appeals; exploring the limits of municipal authority in different jurisdictions; and analyzing and drafting various comments on state and federal rulemakings, including NPDES programs and permits, operating staff licensure and staffing, and water quality standards development.

Ellen has a strong command of federal environmental laws as well as a multitude of counterpart state laws. She plays a critical role in preparing detailed regulatory reports for State Industry Associations and membership meetings. Ellen is skilled at identifying and interpreting state legislation which would affect firm clients and client associations.

She has directly supported the firm's many litigation matters, navigating complicated legal questions, drafting effective briefing, organizing related discovery, and keeping clients apprised. Ellen also assists clients with enforcement defense as well as modifying enforcement documents (i.e., federal consent decrees) to better achieve client programmatic goals.

Ellen has analyzed PFAS legal developments nationwide and attends regular state agency stakeholder meetings on PFAS regulatory efforts. Her work also includes submitting comments on behalf of clients regarding the groundbreaking rulemakings on PFAS, such as the potential CERCLA designation and the proposed MCLs for PFOA/PFOS.

While predominantly working on water law, from past work experience Ellen is familiar with the other major environmental statutes critical to successful utilities including the Clean Air Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act.

In addition to her demonstrated dedication to the environmental practice field, she is also a Fulbright Scholar (Hamburg, Germany 2009-2010).



Her professional affiliations include:

- Virginia State Bar, Environmental Section, Board of Governors
- Richmond Bar Association Environmental & Energy Law Section, Chair
- American Bar Association Section of Environment, Energy, and Resources, Member

**Education**

LL.M., Environmental Law, Vermont Law School, 2014, *magna cum laude*

J.D., The University of Mississippi School of Law, 2013, *cum laude*

*Mississippi Law Journal*, Executive Articles Editor

Environmental Law Society, President

B.A., Environmental Studies and German, University of North Carolina at Chapel Hill, 2008

**Professional Affiliations**

Virginia State Bar, Environmental Section, Board of Governors

Richmond Bar Association Environmental & Energy Law Section, Chair

American Bar Association Section of Environment, Energy, and Resources, Member

**Admitted**

Virginia

North Carolina

Alabama

U.S Supreme Court

M.D. North Carolina