

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

COMMISSIONERS OF PUBLIC WORKS OF)	Civil Action No. 2:21-cv-00042-RMG
THE CITY OF CHARLESTON (d.b.a.)	
Charleston Water System), Individually and on)	<u>CLASS ACTION</u>
Behalf of All Others Similarly Situated,)	
Plaintiff,)	DECLARATION OF FRANK P. CALAMITA
vs.)	FILED ON BEHALF OF AQUALAW, PLC
)	IN SUPPORT OF APPLICATION FOR
)	AWARD OF ATTORNEYS' FEES AND
)	EXPENSES
COSTCO WHOLESALE CORPORATION,)	
CVS HEALTH CORPORATION,)	
KIMBERLY-CLARK CORPORATION, THE)	
PROCTER & GAMBLE COMPANY,)	
TARGET CORPORATION, WALGREEN)	
CO. and WAL-MART, INC.,)	
Defendants.)	
_____)	

I, FRANK PAUL CALAMITA, declare as follows:

1. I am a 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.

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.

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. 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.

3. The number of hours spent on the Litigation by my Firm is 337.5. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney/paraprofessional time based on the Firm’s 2021 rates is \$180,124. After approximately April 21, 2021, only time relating to the current settlement has been included. The hourly rates shown in Exhibit A are consistent with hourly rates in other class action/related litigation. 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 “current 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.

4. My Firm seeks an award of \$3,786.68 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B.

5. 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.

6. The identification and background of my 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 10th day of December, at Richmond, Virginia.



FRANK PAUL CALAMITA

EXHIBIT A

Commissioners of Public Works of the City of Charleston v. Costco Wholesale Corp., et al.
Case No. 2:21-cv-00042-RMG
 AquaLaw, PLC

Inception through November 30, 2021

<i>PROFESSIONAL</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Paul Calamita (30 yrs)	(C)	232.0	\$575	\$133,400.00
Amanda Waters (20+ yrs)	(SA)	63.1	\$500	\$31,550.00
Paul Nyffeler (10+ yrs)	(SA)	4.2	\$500	\$2,100.00
Ellen Egen (8 yrs)	(A)	22.2	\$435	\$9,657.00
Law Clerk		9.9	\$225	\$2,227.50
Paralegals		6.1	\$195	\$1,189.50
<i>TOTAL</i>		<i>337.5</i>		<i>\$180,124.00</i>

(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. 2:21-cv-00042-RMG

AquaLaw, PLC

Inception through November 30, 2021

<i>CATEGORY</i>	<i>AMOUNT</i>
Filing and Other Fees	\$402.00
Transportation, Hotels & Meals	\$2,076.42
Teleconference	\$47.68
Professional Printing Costs	\$148.04
Pro Hac Vice (V. Serra & F. Karam)	\$700.00
Federal Express	\$54.96
Miscellaneous	\$357.58
<i>TOTAL</i>	<i>\$3,786.68</i>

EXHIBIT C FIRM RESUME



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 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.

These litigation matters include 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:

- **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't'l 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



F. Paul Calamita

AQUALAW

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Cell: (804) 938-4211

Education:

- J. D. University of Virginia School of Law, Charlottesville, Virginia, 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
- Various Federal District Courts

Professional Experience:

- Aqualaw, Chairman, 2002 - to present, Richmond, VA
- McGuireWoods, Partner, 1992 - 2002, Richmond, VA

Chairman

Paul Calamita has practiced environmental law nationally for 29 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 address emerging contaminants, such as PFAS and 1-4 Dioxane. He has also assisted clients with both surface water and ground water supply, protection and allocation issues.

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.



Chris Pomeroy

AQUALAW

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Education:

- J.D., George Washington University Law School, Washington, D.C., 1996
- B.S. Biology, Fairfield University, Fairfield, Connecticut, 1992

Admitted:

- Virginia
- Maryland
- United States 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

Professional Experience:

- AquaLaw, Co-founder & President, 2002 - to present, Richmond, VA
- McGuireWoods, Associate, 1998 - 2002, Richmond, VA
- Williams Mullen, Associate, 1996 - 1998, Richmond, VA

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

Chris Pomeroy

Continued

several 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.



Justin Curtis

AQUALAW

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Education:

- J.D., University of Richmond, 2008
- B.A., Pennsylvania State University, 2002

Admitted:

- Virginia
- District of Columbia
- United States Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the 4th Circuit
- U.S. District Court for the District of Columbia
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Virginia

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. He represented businesses and trade associations in diverse industries such as electrical generation, fertilizer production, and shale gas production. 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 wide array 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 raw water 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 treatment plant operator.
- Advising municipal water utility on plan to develop new raw water supply and additional storage capacity.
- Assisting client develop technical and legal analysis of the effects of sedimentation on sensitive aquatic species resulting from infrastructure construction
- Negotiating agreement with U.S. Army Corps of Engineers and other interested parties to mitigate historic resource impacts from new raw water 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.



Amanda Waters

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Education:

- J.D., Pace University School of Law, White Plains, NY, 2000
- B.S., Biology, Eastern Kentucky University, Richmond, KY, 1997

Admitted:

- Connecticut
- District of Columbia
- Kentucky
- New York
- Pennsylvania
- Virginia
- West Virginia

Professional Experience:

- AquaLaw, Attorney, 2020 - to present, Richmond, VA
- National Association of Clean Water Agencies, General Counsel, 2013 - 2020, Washington, D.C.
- Water Environment Federation, Dir. Public Advocacy & Outreach, Government Affairs Council, 2012 - 2013, Alexandria, VA
- Sanitation District No. 1 (SD1), Deputy Executive Dir./General Counsel, 2006 - 2012, Fort Wright, KY

Attorney

Amanda Waters joined AquaLaw in 2020, bringing over 20 years of environmental law experience with a focus on the federal Clean Water Act (CWA). She has extensive practical expertise working nationally with utilities on a variety of environmental permitting, compliance, and enforcement issues.

Amanda most recently served as General Counsel for the National Association of Clean Water Agencies (NACWA), where she managed the legal advocacy program implementing NACWA's mission to safeguard the interests of municipal wastewater and stormwater utilities.

Amanda previously served as General Counsel & Director of Public Advocacy for the Water Environment Federation, General Counsel & Deputy Executive Director for Sanitation District No. 1 of Northern Kentucky (a public wastewater and stormwater utility), Deputy General Counsel for the State of Kentucky Environmental & Public Protection Cabinet, and as a staff attorney with the West Virginia Department of Environmental Protection.



Lisa Ochsenhirt

AQUALAW

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Education:

- J.D., Marshall-Wythe School of Law, College of William & Mary, 1994
- B.A., University of Virginia, 1990

Admitted:

- Virginia
- District of Columbia
- Maryland
- Pennsylvania

Attorney

Lisa's practice spans a variety of water and utility matters, including stormwater and wastewater permitting and enforcement for individual localities and authorities and related regional and state-level policy matters including the Chesapeake Bay cleanup and biosolids recycling. Lisa has worked throughout EPA's Mid-Atlantic Region and beyond, and routinely advises and represents wastewater and stormwater utilities through the Maryland and Virginia Associations of Municipal Wastewater Agencies (MAMWA and VAMWA, respectively), the Maryland Municipal Stormwater Association (MAMSA), and the Virginia Municipal Stormwater Association (VAMSA).

Currently, a significant portion of Lisa's practice involves counseling localities on Phase I and Phase II MS4 permit development and compliance in Virginia, Maryland, Delaware, West Virginia, Missouri and Kansas. She has also spoken extensively on municipal stormwater issues of critical importance to MS4 owners.

Immediately prior to joining AquaLaw in 2008, Lisa served as Assistant City Attorney for the City of Richmond, Virginia, where she was principally responsible for advising the Department of Public Utilities on water, wastewater, stormwater, natural gas and electric streetlight utility matters. Lisa advised the Virginia capital city in its successful formation of a stormwater utility, including drafting the necessary ordinances.

Lisa's experience also includes prior public service as legal counsel in the Pennsylvania Office of Consumer Advocate, where she represented consumers on water, wastewater, gas, electric and telephone utility matters, including cost-of-service ratemaking, before the Pennsylvania Public Utility Commission. Lisa also represented municipal gas utilities and electric cooperatives before the Federal Energy Regulatory Commission while in private practice in Washington, D.C.



Rosewin Sweeney

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Education:

- J.D., Georgetown University Law Center, Washington, D.C., 1984, *cum laude*
- M.A. History, Johns Hopkins University, Baltimore, Maryland, 1980
- A.B. American Studies, Georgetown University, Washington, D.C., 1977

Admitted:

- Maryland
- U.S. Court of Appeals for the Fourth Circuit
- U.S. District Court for the District of Maryland

Attorney

Rosewin Sweeney joined AquaLaw in 2018. Her practice focuses on environmental regulation, permit negotiation, compliance counseling, agency liaison, defense and resolution of agency and citizen enforcement actions, and environmental litigation under various state and federal laws and regulations.

Prior to joining the firm, Rosewin served 18 years in the Maryland Office of the Attorney General, where she represented the Maryland Department of the Environment (MDE) on all aspects of environmental law. For seven of those years, she was MDE's Principal Counsel, the agency's top lawyer. She advised the agency on proposed legislation and regulations, provided counsel on complex permitting situations, and represented the agency in administrative and civil litigation at the state and federal levels.

More recently, Rosewin was a partner in Venable, LLP's environmental practice in Baltimore, where she represented governmental and private sector clients on a variety of environmental matters under Maryland and federal environmental laws and regulations.

Rosewin has substantial experience with water appropriations, wetlands regulation, water quality protection, wastewater and stormwater management, oil spill remediation, solid waste management, citizen suit defense, and other environmental litigation matters.

Dick Sedgley

Attorney

Dick Sedgley has practiced environmental law since 1987 and environmental engineering since 1970. Prior to joining AquaLaw in 2005, Dick was a partner in a national law firm.

Combining legal and technical skills, Dick advises clients on a broad range of legal matters including permitting, compliance, and business issues, with a focus on water and wastewater, solid and hazardous wastes, criminal and civil enforcement defense, and tailored programs to bring about and maintain compliance.

Dick's focus is not on merely addressing the client's immediate legal problem, but rather on applying skills in discrete regulatory areas with a larger view of the client's interests and well-being. He views permitting, regulatory development, and other tasks as an opportunity to implement solutions for clients in the broadest sense, placing clients in a better position in terms of (1) a solid legal and factual foundation for the approach to a particular problem; (2) utilizing the full flexibility provided by federal and state regulatory programs; (3) allowing the best opportunity for continuing compliance; and (4) capturing the full economic value in facilities and activities.

Education

J. D., University of Richmond, 1987, *Cum Laude*

M. S., Engineering, Virginia Polytechnic Institute and State University, 1977

B. S., Engineering, Virginia Polytechnic Institute and State University, 1970

Professional Certifications & Affiliations

Professional Engineer, Virginia 1977

Water Environment Federation

Admitted

Virginia

Various Federal Courts