

# CONTINUING LEGAL EDUCATION

## THE BAR ASSOCIATION OF SAN FRANCISCO



The Environmental Law Section presents

### The Supreme Court's County of Maui decision – what it means and what's next

**Wednesday, June 24, 2020**

MCLE Registration: 2:00 - 2:00 p.m.

MCLE Program: 2:30 - 3:45 p.m.

#### Speakers

##### **Rick Frank**

Director, California Environmental Law & Policy Center  
U.C. Davis School of Law

##### **Samuel Brown**

Partner, Hunton Andrews Kurth, LLP

##### **Adam Link**

Executive Director, California Association of Sanitation Agencies

#### Moderator

##### **Karen Donovan**

SF Bay Conservation and Development Commission

In its recent County of Maui decision, the U.S. Supreme Court held that the Clean Water Act requires an NPDES permit for direct discharges or "when there is the functional equivalent of a direct discharge." The opinion gave some guidance on the factors to be considered but noted that these determinations will be case-specific. In this panel, the speakers will discuss the decision and the factors set forth by the Court, as well as the level of uncertainty created by the Court's decision. Attorneys can tune into this discussion to learn how states, municipalities, businesses, and even individual landowners can move forward in compliance with this decision and learn what this means for projects in the Bay Area.

#### Topics

- The recent County of Maui decision
- The criteria for "functional equivalence" or "roughly similar means"
- Implementing the "functional equivalent" standard
- What this may mean for future WOTUS challenges

Section Chair: Catherine W. Johnson, Environmental General Counsel LLP

#### MCLE: 1 Hour

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#### Pre-registration is required.

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