



# ROCKY MOUNTAIN

MINERAL LAW FOUNDATION

Water Law Webinar Series:

## The Supreme Court's Ruling in *County of Maui*: What Does It Mean for Water Practitioners?

Friday, June 26th, 2020

NOON PDT, 1:00 PM MDT, 2:00 PM CDT, 3:00 PM EDT



**Richard J. Lazarus**

Howard and Katherine Aibel  
Professor of Law,  
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Cambridge, MA



**Barton H. "Buzz" Thompson Jr.**

Robert E. Paradise Professor  
of Natural Resources Law,  
Stanford Law School,  
Stanford, CA



**Craig P. Wilson (Moderator)**

Managing Partner,  
K&L Gates,  
Harrisburg, PA

**Only \$45 for members and \$60 for non-members!**  
**One hour of CLE available**

### Special Offer!

**Webinar registrants may credit the entire registration fee for this webinar against the registration fee for the Virtual Water Law Institute on November 19, 2020.**

**Registration opens soon!**

# **The Supreme Court's Ruling in *County of Maui*: What Does It Mean for Water Practitioners?**

This past April, the Supreme Court resolved a significant legal issue that had split the lower courts: “Whether the Clean Water Act requires a permit when pollutants originate from a point source but are conveyed to navigable waters by a nonpoint source, such as groundwater.” Surprising many Court watchers who had anticipated that the environmental plaintiffs would lose big before the Justices, the Court ruled six to three that the conveyance of pollutants through groundwater did not automatically render the Clean Water Act’s permit requirement inapplicable. The Court’s ruling has the potential to expand significantly the scope of the Act to waters with a hydrologic connection to a surface navigable waters, but the precise extent of that expansion is far from clear. This presentation will discuss the Court’s opinion and seek to identify its implications for water practitioners.

## **Speaker Bios**

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### **RICHARD J. LAZARUS, Howard and Katherine Aibel Professor of Law, Harvard Law School, Cambridge, MA**

RICHARD LAZARUS is the Howard and Katherine Aibel Professor of Law at Harvard University, where he teaches environmental and natural resources law, Supreme Court advocacy, and torts. He has represented the United States, state and local governments, and environmental groups in the United States Supreme Court in 40 cases and has presented oral argument in 14 of those cases. His primary areas of legal scholarship are environmental and natural resources law. In addition to many law review articles, he has published three books. His most recent book, *The Rule of Five*, tells the story of *Massachusetts v. EPA*, the historic 2007 Supreme Court ruling that serves as the legal basis of the federal government’s authority to regulate greenhouse gas emissions. He graduated from Harvard Law School in 1979 and has a B.S. in chemistry and a B.A. in economics from the University of Illinois.

### **BARTON H. “BUZZ” THOMPSON, JR., Robert E. Paradise Professor of Natural Resources Law, Stanford Law School, Stanford, CA**

BUZZ THOMPSON is the Robert E. Paradise Professor in Natural Resources Law at Stanford Law School and Of Counsel to the law firm of O’Melveny & Myers. He also is a Senior Fellow at the Stanford Woods Institute for the Environment, where he was the founding Perry L. McCarty Director and currently directs the institute’s Water in the West program. He has worked globally on water issues for over 40 years and was the Special Master for the United States Supreme Court in *Montana v. Wyoming*, an interstate water dispute involving the Yellowstone River system. He serves on the boards of multiple conservation organizations, including as Chair of the Resources Legacy Fund and a California trustee for The Nature Conservancy. He is a past member of EPA’s Science Advisory Board.

### **CRAIG P. WILSON, Managing Partner, K&L Gates, Harrisburg, PA (moderator)**

CRAIG WILSON is a partner with K&L Gates and practice group coordinator for the firm’s global environment, land and natural resources practice group. Mr. Wilson concentrates his practice in the areas of energy, environment and natural resources, and has counseled clients who are developing and operating energy projects and other commercial and industrial projects, clients who are seeking environmental permits and zoning and land development approvals from government agencies, clients who are exploring for, producing and transporting natural gas, clients who are acquiring and operating agricultural properties and facilities, clients who are engaged in mining or quarrying, and clients who are parties to business transactions or litigation involving potential environmental rights or liabilities. Mr. Wilson has worked extensively on matters involving regulation of water resources, including regulation under the Clean Water Act.