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AN ENVIRONMENTAL AND ENERGY LAW PRACTICE



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Manko, Gold, Katcher & Fox Presented “Making Waves: The Ripple Effects of the Supreme Court’s New ‘Functional Equivalent’ Test on Clean Water Act NPDES Discharge Permitting



Gotanda



Franey



Elliott

Philadelphia, PA (August 17, 2020) – Manko, Gold, Katcher & Fox’s Brenda Gotanda, Bryan Franey and Megan Elliott presented “Making Waves: The Ripple Effects of the Supreme Court’s New ‘Functional Equivalent’ Test on Clean Water Act NPDES Discharge Permitting”. The August 10 program was a webinar for West LegalEdCenter/ Thomson Reuters.

The presentation described the federal Clean Water Act’s (CWA) NPDES permitting framework and provided an analysis of the Supreme Court’s recent decision in *County of Maui, Hawaii v. Hawaii Wildlife Fund*, which created a new standard for evaluating whether a permit is required when pollutants are discharged from a point source to groundwater and conveyed indirectly to navigable waters. The panel addressed key aspects of the statutory text and the Supreme Court’s decision, including its new “functional equivalent” standard. The panel also explored the potential implications of the decision on current and future permitting, enforcement, and litigation.

Partner Brenda Gotanda has over 25 years of experience representing clients in environmental matters, including wastewater discharge permitting, compliance and enforcement. Her practice addresses a broad range of complex issues involving the regulation of water, waste, air, and chemical substances; business and real estate transactions; sustainability; wastewater and stormwater discharge permitting, TMDL development, and water allocation; site remediation and brownfield redevelopment; occupational safety and health (OSHA); and spill prevention and emergency response. Brenda serves as Co-Chair of the Environmental, Energy & Resources Section of the Hawaii State Bar Association and is a former Co-Chair of the Philadelphia Bar Association's Environmental Law Committee. She serves on the Board of Directors of ThinkTech Hawaii.

Bryan Franey is a partner at the firm and has experience in counseling and representing clients on a range of environmental and energy matters. His practice has focused on regulatory compliance and transactional matters, particularly in the areas of air and water quality, redevelopment, sustainability, permitting, energy efficiency and renewable energy development. Over the last several years, Bryan has primarily worked with complex regulated industries, notably including petroleum refining, chemical processing, oil and gas operations, metal manufacturing, and electric generating facilities.

Associate Megan Elliott concentrates her practice on regulatory issues, OSHA matters, and environmental litigation. She was a summer associate at the firm in 2016.

MGKF concentrates its practice in environmental, energy, litigation, safety and land use law. We proudly celebrate 30 years of representing clients ranging from Fortune 100 corporations to small, privately held enterprises, both in the Mid-Atlantic region and on a national basis. MGKF is also honored to be the top-rated law firm, since 2011, in the Top Workplaces surveys by the Philadelphia Inquirer, Daily News and Philly.com. Offices are located at: 401 City Avenue, Suite 901, Bala Cynwyd, Pennsylvania; 535 Route 38, Suite 145A, Cherry Hill, New Jersey; 5 Penn Plaza, 23rd Floor, New York, NY 10001; and 500 Ala Moana Blvd., Suite 7400, Honolulu, HI. For additional information, visit www.mankogold.com or call 484-430-5700; 856-317-1299; 212-835-1558; or 808-892-4334.

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