



Clear water decisions™

STORM WATER MANAGEMENT AT SEAPORTS: Balancing Permit Requirements, Tenant Relations & Budgets

AAPA Conference
San Francisco, California
May 1, 2012

About WSource®



About John L. Fiveash

- Managing Director of WSource Group LLC
- Lead Executive Consultant
- Clean Water Act Criminal Defense Attorney
- Of Counsel to Lewis, Longman & Walker, P.A.



- ◆ Significant experience in consulting multi-tenant facilities in storm water program development and management.
- ◆ Significant experience at representing multi-tenant facility directors and management in criminal and civil Clean Water Act investigations and court cases.

Today's Discussion

What a CWA Indictment Looks Like

How to Avoid an Inspection being Elevated to Criminal

The Fundamentals of a Great Storm Water Management Program

What a CWA Indictment Looks Like

- Simpler than you might have imaged.
- In many cases, contains intentional and negligent counts.
- Government has the option of charging the entity, facility management or other personnel.
- The effort to “push” a criminal or serious civil investigation back down to the administrative level.
- Multi-tenant facilities like ports need a program - a storm water management plan is not sufficient.

Avoiding an Inspection being Elevated to Criminal

- Some inspections start off criminal, others civil.
- The effort to “push” a criminal or serious civil investigation back down to the administrative level.
- Even if you win an acquittal in a CWA criminal case, it is not over without a global settlement.

What the Government is Looking for:

1. Violations of your storm water permit.
2. Violations of your SWPPP.
3. Violations of the CWA.

The Fundamentals of a Great Storm Water Management Program

- It all starts with asking the right questions.
- It becomes meaningful when a lasting program, not just a plan, is put in place.
- Sending you back to port with survey results from your colleagues and a checklist to discuss with your management team.

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I will be staying until the final session Thursday, and would be pleased to discuss your issues or questions.

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