

FOCUSED. RESPONSIVE. EXPERIENCED.

# ENVIRONMENTAL LAW GROUP

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## Water Permitting and Compliance Counseling

Regulators and the public alike are increasingly aware of the impact modern society has upon the quantity and quality of the nation's waters. As a result, being able to navigate successfully the vast sea of intertwined federal and state water laws is frequently key to getting a project approved, a deal closed, or a dispute resolved.

ELG attorneys have extensive experience with all aspects of federal and state regulation of water, and ELG has for years been named a Tier 1 firm in the Minneapolis Metro area for Water Law in the annual list of the nation's top law firms compiled by U.S. News and World Report - Best Lawyers.

### AMONG THE MATTERS WE REGULARLY WORK ON ARE THE FOLLOWING:

#### NPDES PERMITS

Assisting clients in obtaining, defending and negotiating conditions in NPDES permits and comparable state permits, addressing permit conditions, compliance schedules, water transfers, industry-specific new source performance standards and effluent guidelines, anti-degradation analyses, and defense of enforcement actions.

#### STORM WATER PROGRAM

Helping clients meet storm water permit obligations for construction and operation, either through general permits or separately negotiated NPDES permit provisions, developing Storm Water Pollution Prevention Plans, qualifying for the No Exposure Exemption, conducting benchmark monitoring, and responding to exceedances.

#### SECTION 401 CERTIFICATIONS

Assisting clients in obtaining 401 certifications and securing favorable terms and procedures from certifying agencies.

#### GROUNDWATER

Assisting clients in negotiating permit terms regarding groundwater quality and helping clients obtain approval for necessary groundwater appropriations.

#### WETLANDS

Helping clients navigate the myriad overlapping federal, state, and local wetland laws and regulations to gain project approvals.

#### SECTION 404 PERMITS

Advising clients on large projects and developments that require a section 404 "dredge or fill" permit from the U.S. Army Corps of Engineers; assisting clients with all stages of the 404 process, including the initial jurisdictional determination, the evaluation of whether a discharge site is the "least environmentally damaging practical alternative" (LEDPA), and to what extent mitigation will be required.

EXAMPLES OF ELG'S RECENT WATER EXPERIENCE INCLUDE:

- » Working with numerous commercial and industrial clients to obtain necessary and reasonable NPDES, state discharge, and water appropriation permits
- » Drafting and submitting extensive comments on behalf of a client regarding the revised definition of "waters of the United States" proposed by EPA and the U.S. Army Corps of Engineers
- » Defending a wetland mitigation plan
- » Negotiating resolution of a landowner's Notice of Violation from the U.S. Army Corps of Engineers
- » Challenging the Minnesota Pollution Control Agency's interpretation of a water quality standard to protect wild rice and working with clients and industry representatives to formulate revised water quality regulations for the protection of wild rice
- » Negotiating permit renewals for major industrial installations, including compliance plans and revised limits
- » Resolving issues associated with discharge limit exceedances, including WET test failures
- » Negotiating permit requirements addressing de-icing activities at a major metropolitan airport
- » Assisting clients with understanding and meeting pretreatment program requirements
- » Helping resolve discharge limit issues with POTWs
- » Helping industrial clients to respond to and resolve various enforcement actions arising out of alleged violations of their water discharge permits

- » Representing a client accused of filling and altering the stream flow of a creek without a section 404 permit under the Clean Water Act
- » Defending clients in storm water construction project enforcement actions



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