



**EBC Water Resources Program:  
The Ongoing Saga of the Massachusetts Small MS4 Stormwater General Permit:  
*What's Next?***

Thursday, November 3, 2016

Greenberg Traurig  
One International Place  
Boston

**AGENDA**

- 8:00 a.m. **Welcome – Blake Martin**, Chair, EBC Water Resources Committee  
Vice President, Weston & Sampson
- Introduction – Hamilton Hackney, Esq.**, Program Chair and Moderator  
Shareholder, Greenberg Traurig
- 8:05 a.m. **Overview of the Massachusetts Small MS4 General Permit**
- **Thelma Murphy**, Stormwater Coordinator, U.S. EPA New England
  - **Douglas Fine**, Assistant Commissioner, Bureau of Water Resources, Massachusetts Department of Environmental Protection
- 8:45 a.m. **Municipal Concerns over the Small MS4 Permit /Issues on Appeal**  
Panel Discussion moderated by Hamilton Hackney, Esq., Greenberg Traurig
- **Brutus Cantoreggi**, DPW Director, Town of Franklin, MA
  - **Rich Niles**, Water Resources Project Manager, Amec Foster Wheeler
  - **Phil Guerin**, President, Massachusetts Coalition for Water Resources Stewardship
  - **Michael Leon, Esq.**, Partner, Nutter McClennen & Fish LLP
- 9:15 a.m. **National Association of Homebuilder's Issues on Appeal**
- **Tom Ward, Esq.**, Vice President, Legal Advocacy, Office of Legal Affairs, National Association of Homebuilders
- 9:35 a.m. **Center for Regulatory Reasonableness' Issues on Appeal**
- **John C. Hall**, Executive Director, Center for Regulatory Reasonableness
- 9:55 a.m. **Q&A Session**
- 10:30 a.m. **Adjourn**

## **PROGRAM CHAIR**

**H. Hamilton Hackney III**, Shareholder  
Greenberg Traurig  
One International Place, Boston, MA 02110  
(617) 310-6090 | [hackneyha@gtlaw.com](mailto:hackneyha@gtlaw.com)

Hamilton has broad experience in the areas of environmental law and commercial real estate. Hamilton represents clients in permit and other administrative proceedings, compliance counseling, enforcement matters, and response cost recovery and property damage actions. His environmental experience includes matters arising under federal, state and local laws relating to asbestos, air and water emissions, hazardous waste, toxic chemicals, wetlands, stormwater, endangered species, environmental impact review, underground storage tanks, solid waste and land use matters. Hamilton regularly advises corporate, real estate and private equity clients with respect to investigating and managing environmental liabilities arising from corporate and real estate transactions, including the purchase, sale and redevelopment of contaminated real estate under state and federal Brownfields programs

## **SPEAKERS**

**Robert "Brutus" A. Cantoreggi**, DPW Director  
Town of Franklin  
DPW Administration Building, 257 Fisher Street, Franklin, MA 02038  
(508) 520-4910 | [rcantoreggi@franklin.ma.us](mailto:rcantoreggi@franklin.ma.us)

Robert Cantoreggi has been the Director of the Department of Public Works in Franklin, MA since 2005. He is directly accountable to the Town Administrator and City Council for all operations of the Department of Public Works in the following areas: Engineering, Highways, Grounds, Solid Waste, Recycling Station, Street Lighting, and Water and Sewer. Prior to joining Franklin, Mr. Cantoreggi was the Director of the Department of Public Works in Millis, MA and Highway and Grounds Superintendent for the Town of Norwood, MA and the City of Cambridge, MA. He has been the Chairman of the Town Planning Board in Millis, MA since 2003. He was a 1st Lieutenant in the United States Army from 1989 to 1993 stationed at Fort Ord in Monterey, CA. Presently Mr. Cantoreggi resides in Millis, MA with his family where he is also a Farmer.

Under Mr. Cantoreggi's direction, Franklin, MA has been at the forefront of drinking water, sewer and stormwater compliance over the last ten years. In 2011, he was selected to testify on EPA National Stormwater rulemaking in Washington D.C., where he represented communities with populations of less than 100,000. He is a highly sought speaker, guest and round table member at numerous conferences on all facets of water, sewer and stormwater regulations & compliance issues as well as union employee / management operations. Some of the conferences Brutus has spoken at include those held by APWA, MMA, NEWEA, NEAPWA, EPA, CRWA and the Maine Stormwater Conference.

Mr. Cantoreggi has a Bachelor of Science Degree(s) in Business and in Plant and Soil Science from the University of Massachusetts in Amherst. He is licensed in Water Distribution, Water Treatment, Pesticide Applications and is recognized as an Army Airborne Paratrooper.

**Douglas Fine**, Assistant Commissioner  
Bureau of Water Resources  
Mass Department of Environmental Protection  
One Winter Street, Boston, MA  
(617) 292-5792 | douglas.fine@state.ma.us

In March 2015, Douglas Fine became the Assistant Commissioner for Water Resources at the Massachusetts Department of Environmental Protection (MassDEP). In this role, Mr. Fine oversees the agency's work on protecting critical inland and coastal water resources by controlling point and nonpoint sources of pollution; safeguarding public drinking water supplies; ensuring public access to the waterfront, and administering revolving loan programs that help the state's towns and cities improve their environmental infrastructure. Mr. Fine has served in various policy and operations positions at MassDEP since 1989, most recently as Assistant Commissioner for Planning & Evaluation. Prior to joining MassDEP, Mr. Fine worked for the Massachusetts Audubon Society, where he worked on outreach and education. Mr. Fine graduated from Antioch College in Yellow Springs, Ohio, with a Bachelor's degree in Environmental Studies, and earned a Master of Public Administration from Harvard University's Kennedy School of Government.

**Philip D. Guerin**, President  
Massachusetts Coalition for Water Resources Stewardship  
Director of Water & Sewer Operations, Worcester Department of Public Works & Parks  
20 East Worcester St, Worcester, MA 01604  
(508) 929-1300 x2109 | guerinp@worcesterma.gov

Phil Guerin is a 1982 graduate of Worcester Polytechnic Institute with a Bachelor of Science degree in Environmental Science and is a Registered Sanitarian in Massachusetts.

Mr. Guerin has been employed by the City of Worcester for 32 years. Currently, he is the Director of Water & Sewer Operations for the Worcester Department of Public Works and Parks and oversees DPW&P's largest divisions. He is responsible for a combined budget of \$70 million and 200 staff positions that manage, operate and maintain the City's drinking water, wastewater collection and stormwater systems. In addition to his duties with DPW&P, he serves as an alternate on the Designer Selection Board for the City of Worcester and represents the City on the Board of Directors of the Upper Blackstone Water Pollution Abatement District.

He is a founding member and current President of the Massachusetts Coalition for Water Resources Stewardship. He is also a Past-President of the Massachusetts Water Works Association and currently Co-Chair of MWWA's Legislative Advisory Committee as well as a member of the Program Committee.

**John C. Hall**, Executive Director  
Center for Regulatory Reasonableness (CRR)  
1620 I Street, N.W., Suite 701, Washington, DC 20006-4033  
(202) 600-7071 | jhall.crr@gmail.com

John Hall is the Executive Director of the Center for Regulatory Reasonableness and President of Hall & Associates, both located in Washington, DC. The Center is a coalition of municipalities and industrial entities working to ensure proper application of the Clean Water Act based on up-to-date and sound scientific analyses. CRR connects nationally-recognized experts with multi-sector clients to resolve complex regulatory and technical matters. Hall & Associates also specializes in resolution Clean Water Act issues through application of state of the art scientific analysis, legal advocacy, and innovative regulatory implementation.

Mr. Hall is a nationally recognized expert on water quality standards, effluent limit development, and NPDES permitting issues. He holds degrees in mathematics, environmental engineering, and law. As a persistent advocate for common sense and cost-effective environmental regulation, he has represented municipal interests in over 45 states including numerous New England communities.

**Michael Leon, Esq.**, Partner  
Chair, Environmental and Energy Law Practice Group  
Nutter McClennen & Fish LLP  
155 Seaport Boulevard, Boston, MA 02210  
(617) 439-2815 | mleon@nutter.com

Michael A. Leon is a partner in the Real Estate and Finance Department, and a member of the Environmental and Land Use group. His practice is concentrated in the areas of environmental, land use, zoning, municipal and real estate law.

Michael's environmental practice includes the representation of municipalities, public authorities and business entities in infrastructure development, wastewater regulation, water supply, wetlands and waterfront development, hazardous waste remediation, air quality permitting, solid waste, and other regulatory matters. He counsels commercial and industrial clients in all aspects of environmental regulation, permitting and enforcement. He is currently representing several regional wastewater treatment facilities in connection with Clean Water Act permitting and enforcement matters.

He was the court-appointed receiver responsible for closing a large solid waste disposal facility in eastern Massachusetts, which has been transformed into a large public open space and recreation facility. On behalf of redevelopment and transportation authorities, he has managed land assembly, remediation and redevelopment projects which have included multi-modal transportation facilities, industrial and office parks, and recreational facilities. He also serves as a manager and trustee on behalf of energy and industrial clients to manage the remediation, redevelopment and disposition of contaminated properties.

In the area of waterfront regulation and development, Michael has represented public and private clients in the permitting of major infrastructure facilities, such as regional transportation facilities, passenger and cargo facilities, seaport and terminal dredging projects, and wastewater treatment facilities.

Michael has been a member of NAIOP's Executive Committee, served as chair of the Regulatory Committee of the Massachusetts Clean Water Council, past chairman of the Boston Bar Association's Solid Waste Committee, and is co-chair of the Private Bar Campaign of MetroWest Legal Services. He also serves on the Board of Save the Harbor/Save the Bay.

**Thelma Murphy**, Stormwater Coordinator  
U.S. EPA New England  
5 Post Office Square - Suite 100, Boston, MA 02109-3912  
(617) 918-1615 | murphy.thelma@epa.gov

Thelma Murphy is the Section Chief for the Stormwater and Construction Permits Section at EPA New England. She began this position in March 2012. Prior to assuming this role, Ms. Murphy was the regional storm water coordinator, a position she began in 1995. Her section oversees the implementation and oversight of the storm water program in all areas except enforcement. Ms. Murphy also provides oversight for other regionally issued general permits such as dewatering general permit, remediation general permit, non-contact cooling water and others. She has worked on the development and implementation of all stormwater general permits (Construction General Permit (CGP), the Multi-Sector General Permit (MSGP) and the Small MS4).

Ms. Murphy's section recently reissued the Massachusetts Small MS4 General Permit and is currently working on the reissuance of the Small MS4 General Permits for New Hampshire. Other permits include drafting the individual permits for Boston and MassDOT, reissuance of the remediation general permit, the potable water general permit and the hydro- electric power generating permits. There is also participation in the national workgroup for the reissuance of the CGP and response to the remand provisions of the Phase II stormwater regulation. Her section also works with the states authorized to implement the NPDES program to provide support in their implementation of their storm water programs.

She has been at the EPA since 1987. During her years there, she's worked as an NPDES permit writer, the regional biosolids (aka sewage sludge) coordinator, and as mentioned previously, the regional stormwater coordinator. She has a Bachelor's Degree in Chemical Engineering from the University of Massachusetts at Amherst.

**Rich Niles**, Water Resources Project Manager

Amec Foster Wheeler | Environment & Infrastructure  
271 Mill Road, Chelmsford, MA 01824  
(978) 392-5355 | Cell: (978) 303-7447 | rich.niles@amecfw.com

Rich Niles is a Water Resources Project Manager at Amec Foster Wheeler with over 16 years of experience providing consulting services to municipalities. He has worked with over thirty municipalities across New England to develop and implement stormwater management programs since the inception of the small MS4 Permit. He specializes in stormwater financing and he has been involved in numerous stormwater finance programs with over two dozen municipalities.

**Tom Ward, Esq.**, Vice President, Legal Advocacy, Office of General Counsel

National Association of Home Builders  
1201 15<sup>th</sup> Street, NW, Washington, DC 20005  
(800) 368-5242 | tward@nahb.org

Tom obtained his undergraduate degree in Mechanical Engineering from the University of Delaware and graduated from Widener University School of Law in 1994. Currently, he is working on an LLM in Environmental Law at George Washington University.

Tom joined NAHB's Litigation Department in the fall of 1999. Currently, he manages the NAHB litigation efforts, develops NAHB's legal strategies and provides litigation support to local home builders associations. He also supports NAHB's lobbyists when requested, and coordinates with NAHB's regulatory staff to identify government activities (i.e. regulations or guidance documents) that may require involvement by the Litigation Department. The issues that Tom has helped NAHB litigate include: wetland determinations, stormwater permitting, Fair Housing Act accessibility, federal flood insurance requirements, endangered species listing and critical habitat decisions, and unlawful taking of private property.

Before attending law school, Tom worked as an engineer where (as a consultant) his major responsibility was reviewing air pollution permit applications for the state of New Jersey. After graduating from law school, Tom worked for two government-consulting firms in the Washington, D.C. area. With these firms he worked on Department of Defense contracts where he drafted environmental policies, developed environmental impact statements, and provided regulatory assistance in the privatization of specific Naval functions.