

The Clean Water Act at 50: An Interdisciplinary Symposium

Friday, April 8, 2022

*Case Western Reserve University School of Law
Coleman P. Burke Center for Environmental Law*

8:00 am – 8:45 am

Breakfast

8:45 am – 8:55 am

Welcome & Introduction

Jonathan H. Adler, Professor of Law, Case Western Reserve University School of Law & Director, Coleman P. Burke Center for Environmental Law

8:55 am - 10:25 am

Panel I

The Flow and Ebb of “Waters of the United States:” Broader Lessons for Statutory Interpretation

Nina Mendelson, Joseph L. Sax Collegiate Professor of Law, University of Michigan School of Law

A Unified Theory of Clean Water Act Jurisdiction: Avoiding Statutory Atomization

Robert Adler, Distinguished Professor of Law, University of Utah College of Law

Unsettled Waters: Shifting Rationales, Artillery, and Strategies in Protecting and Contesting Federal “Waters of the United States”

William Buzbee, Professor of Law, Georgetown University Law Center, Edward and Carole Walter Professor chair, Faculty Director, Georgetown Law’s Environmental Law & Policy Program

Moderator: Jay Pendergrass, Class of 1979, Vice President for Programs and Publications at the Environmental Law Institute

10:25 am - 10:45 am

A View from the EPA

Elizabeth Cisar, senior advisor for EPA’s Office of Water, Environmental Protection Agency

10:45 am – 10:55 am

Break

10:55 am – 12:25 pm

Panel II

Has the Time Come to Distinguish WOTUS between Section 402 and Section 404—and Could the Agencies Do It?

Robin Kundis Craig, Robert C. Packard Trustee Chair in Law, USC Gould School of Law

Evaluating TMDL Successes

Annie Brett, Professor of Law, University of Florida Levin College of Law

What Happens when the Low-hanging Fruit Can't be Harvested? The CWA and the Economic Damages from Nutrient Pollution

Sheila Olmstead, Professor at the Lyndon B. Johnson School of Public Affairs, University of Texas at Austin

Moderator: Professor Beth Nagusky, Class of 1982, Adjunct Professor at Case Western Reserve University School of Law

12:25 pm – 1:15 pm

Lunch

1:15 pm – 2:45 pm

Panel III

What is Clean Water Worth? And to Whom?

Bonnie Keeler, Associate Professor and Co-Director of the Center for Science, Technology, and Environmental Policy, University of Minnesota's Humphrey School of Public Affairs

Modernizing Regulatory Review of the Clean Water Act

David Keiser, Professor, Department of Resource Economics, University of Massachusetts Amherst

No Net Loss of What: Ecosystem Services and Wetlands Mitigation Banking

J.B. Ruhl, Director of the Program on Law & Innovation and Co-director of the Energy, Environment, and Land Use Program, Vanderbilt University

James Salzman, Donald Bren Distinguished Professor of Environmental Law, UCLA School of Law

Moderator: Andre Monette, Class of 2006, Managing Partner, Best Best & Krieger LLP

2:45 pm – 2:55 pm

Break

2:55 pm - 4:25 pm

Panel IV

Dispatches from an Alternative Clean Water Act Reality

Dave Owen, Professor of Law, University of California- Hastings School of Law

How the Successes and Failures of the CWA have Fueled the PTD & Rights of Nature Movements

Erin Ryan, Associate Dean for Environmental Programs and Professor, Florida State University

Is the Clean Water Act Obsolete

Jonathan H. Adler, Professor of Law, Case Western Reserve University School of Law & Director, Coleman P. Burke Center for Environmental Law

Moderator: Professor Randi Leppla, Director, Environmental Law Clinic at Case Western Reserve University School of Law

4:25 pm

Closing Remarks

Co-sponsored by the Case Western Reserve Law Review