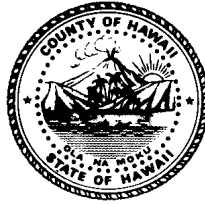


C. Kimo Alameda, Ph.D.
Mayor



Renee N.C. Schoen
Corporation Counsel

J S. Yoshimoto
Assistant Corporation
Counsel

COUNTY OF HAWAII
OFFICE OF THE CORPORATION COUNSEL

101 Aupuni Street, Suite 325 • Hilo, Hawaii 96720 • Phone (808) 961-8251 • Fax (808) 961-8622

April 21, 2025

Via Electronic Mail only

Fredric P. Andes
Barnes & Thornburg
One N. Wacker Drive, Suite 4400
Chicago, Illinois 60606
e-mail: Fredric.Andes@btlaw.com

Dear Mr. Andes:

Re: Fiscal Year 2024-25 Professional Services: Statement of Qualifications (SOQs)

Thank you for submitting your firm's Statement(s) of Qualifications for providing professional services to the Office of the Corporation Counsel, County of Hawai'i. Based upon the information provided, the Department's review committee has determined that your firm is qualified to perform services for the following category(ies):

- CC.1) Attorney/Law (Bankruptcy)
- CC.2) Attorney/Law (Civil Rights Defense)
- CC.3) Attorney/Law (Class Actions)
- CC.4) Attorney/Law (Collections)
- CC.5) Attorney/Law (Commercial Transactions)
- CC.6) Attorney/Law (Condemnation)
- CC.7) Attorney/Law (Constitutional)
- CC.8) Attorney/Law (Construction Litigation)
- CC.9) Attorney/Law (Criminal Defense of County Employees)
- CC.10) Attorney/Law (Drafting of Legislation and Administrative Rules)
- CC.11) Attorney/Law (Enforcement of Federal, State and County Law)
- CC.12) Attorney/Law (Environmental General)
- CC.13) Attorney/Law (Environmental Litigation)
- CC.14) Attorney/Law (Fair Labor Standards Act and other laws related to compensation)
- CC.15) Attorney/Law (Federal and State Tax)
- CC.16) Attorney/Law (General defense in civil matters, including administrative proceedings)
- CC.17) Attorney/Law (General Personal Injury Defense)
- CC.18) Attorney/Law (Land Use, Planning)
- CC.19) Attorney/Law (Procurement)

Fredric P. Andes
Barnes & Thornburg
April 21, 2025
Page 2

- CC.20) Attorney/Law (Public Financing)
- CC.21) Attorney/Law (Public Sector Employment)
- CC.22) Attorney/Law (Real Estate)
- CC.23) Attorney/Law (Regulatory)
- CC.24) Attorney/Law (Worker's Compensation)

Your firm will remain on the Department's List of Qualified Providers of Professional Services until June 30, 2025. For your information, this list may be utilized by any County agency during this time period.

When the need for professional services arises, a selection committee will review the qualifications of firms on the list in the appropriate category. Professional services procurements that equal or exceed \$5,000.00 are posted on the County's website within seven (7) days of the contract award.

Thank you for your interest in providing professional services to the County of Hawai'i. If you have any questions or concerns, please contact Sinclair Salas-Ferguson at sinclair.salasferguson@hawaiicounty.gov or (808) 961-8251.

Respectfully,

Sinclair Salas-Ferguson
Deputy Corporation Counsel
Chair, 2024-25 Professional Services Statement of Qualifications Review Committee

BARNES & THORNBURG

Suite 4400
One N. Wacker Drive
Chicago, Illinois 60606
(312) 357-1313

Fredric P. Andes

Fax (312) 759-5646

April 18, 2025

Renee N.C. Schoen
Corporation Counsel
County of Hawai'i
101 Aupuni Street, Suite 326
Hilo, Hawai'i 96720
e-mail: Sinclair.SalasFerguson@hawaiicounty.gov

Re: Expression of Interest in Providing Clean Water Legal Support Services Under Service Categories CC.12 and CC.13

Dear Ms. Schoen:

The purpose of this letter is to express the interest of Barnes & Thornburg ("B&T") in providing legal support services to the County of Hawai'i regarding Clean Water Act issues.

In this letter, we are providing the information requested in the Notice to Providers of Professional Services (HR 103D-304). We wish to be considered under service categories CC.12 and CC.13 under that Notice. Each of the requested items is listed below, with the information requested in that item.

1. Name of the firm, contact information including e-mail address, the principal place of business, and location of all of its offices.

The name of the firm is Barnes & Thornburg LLP. The e-mail address of the contact person for this project is fandes@btlaw.com. The firm has no principal place of business. The firm has 23 offices, in the following locations: Ann Arbor, MI; Atlanta, GA; Boston, MA; Chicago, IL; Columbus, OH; Dallas, TX; Elkhart, IN; Fort Wayne, IN; Grand Rapids, MI; Indianapolis, IN; Los Angeles, CA; Minneapolis, MN; Morristown, NJ; Nashville, TN; New York, NY; Palm Beach Gardens, FL; Philadelphia, PA; Raleigh, NC; Salt Lake City, UT; San Diego, CA; South Bend, IN; Washington, D.C.; and Wilmington, DE.

2. The age of the firm and its average number of employees over the past five years.

The firm was formed in 1981, through the merger of two firms that were formed in the 1940's. Its average number of employees (including partners) over the past five years is 1,530.

3. The education, training and qualifications of the firm's key individuals.

The education, training and qualifications of the firm's key individuals are set forth in the attached bio profiles of Fred Andes and Erika Powers, as well as in the attached Statement of Qualifications as to the B&T Water Team's municipal Clean Water Act experience.

4. A list of recent projects and the names of up to five clients who may be contacted, including at least two for whom services were rendered during the preceding year.

Recent projects include the following:

- Capital Region Water (Harrisburg, PA): Assist in negotiating Federal consent decree, help develop Integrated Plan, and work on terms of NPDES permit
- Bloomington-Normal Water Reclamation District (IL): Assist in arranging funding and permitting for project to bring in nearby area served by small failing wastewater system; advise on pretreatment issues as to major industries
- Mishawaka, IN: Counsel client in developing control plan and negotiating modification to Federal consent decree, and assist client with pretreatment program issues
- Metropolitan Council (St. Paul, MN): Advise client on PFAS and phosphorus permitting, control, testing and residuals management issues
- Buffalo Sewer Authority (NY): Work with client in negotiating Federal consent decree
- Citizens Energy (Indianapolis, IN): Help client work with State agency on selenium permitting issues, and assist with implementation of control plan and federal consent decree
- North East Ohio Regional Sewer District (Cleveland, OH): Advise client on PFAS regulatory, permitting, compliance, and testing issues
- Lancaster, PA: Assist client in developing Integrated Plan, help negotiate with State agency on permit issues, work on dispute concerning stormwater flow from adjacent communities

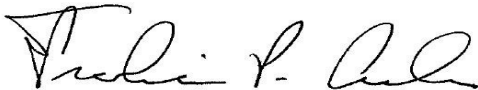
Clients who may be contacted are:

- Barry Handwerger, City Solicitor for Lancaster, PA:
BHandwerger@cityoflanasterpa.gov
- Matt Lentsch, Executive Director of Development and Governmental Affairs for Mishawaka, IN: matthew.lentsch@mishawaka.in.gov
- Tim Ervin, Executive director of Bloomington-Normal Water Reclamation District: tervin@bnwrdil.gov

5. Any promotional or descriptive literature which the firm desires to submit.

The B&T Water Team's Statement of Qualifications as to its municipal Clean Water Act experience is attached.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fredric P. Andes". The signature is written in a cursive style with a large initial 'F'.

Fredric P. Andes

Barnes & Thornburg's Water Team

Statement of Qualifications – Municipal Clean Water Act Issues

The Water Team at Barnes & Thornburg can assist cities and other municipal entities in complying with Clean Water Act regulatory and permitting requirements for wet weather and other municipal discharges, including:

- Advising on overall Combined Sewer Overflow (CSO), Sanitary Sewer Overflow (SSO) and Municipal Separate Storm Sewer System (MS4) compliance strategies
- Developing Integrated Plans (IPs) to prioritize and manage municipal investments in compliance obligations
- Analyzing NPDES permits and suggesting/negotiating necessary modifications
- Evaluating wet weather and wastewater management programs, including Nine Minimum Controls (NMC), Capacity Management, Operation, and Maintenance (CMOM) plans, and stormwater control plans
- Representing the municipality or utility before state and federal agencies
- Negotiating consent decrees, agreed orders, and other enforcement agreements with state/federal agencies
- Defending the municipality or utility in state and federal court on enforcement matters
- Assisting in the development, negotiation, and implementation of regulatory relief through nutrient reduction plans, Total Maximum Daily Loads (TMDLs), watershed permits, Use Attainability Analyses (UAAs), site-specific water quality criteria, and variances from applicable criteria

A National Team...

Our Water Team includes attorneys with years of experience helping municipalities solve difficult wet weather and other Clean Water Act challenges. Members include:

Fred Andes	Chicago, IL	(312) 214-8310
Erika Powers	Ann Arbor, MI	(734) 489-4806
Ian Surdell	Chicago, IL	(312) 214-4851
Rich Glaze	Atlanta, GA	(404) 264-4012
Paul Drucker	Indianapolis, IN	(317) 231-7710
Kathleen Waak	Indianapolis, IN	(317) 231-6402
Alexander Bandza	Chicago, IL	(312) 214-5633

Members of the Water Team have developed a national water quality practice, which serves municipal, industrial, and trade organization clients. We are active in all areas of clean water law, including permitting, enforcement, compliance, CSO and SSO control, TMDLs and impairment listings, water quality standards, stormwater issues, and effluent guidelines, among others.

In addition to our individual client work, we represent the Federal Water Quality Coalition (FWQC), a national group made up of municipal and industrial members and trade organizations, which is active in federal and state water quality rulemaking, policy issues, and litigation matters. Fred Andes formed the FWQC in 1998, and serves as its coordinator. The matters that we handle for the FWQC involve issues such as water quality standards, UAAs, the definition of "waters of the United States," listing of impaired waters, TMDL development and implementation, NPDES permitting, watershed permitting, water quality trading, modeling, mixing zones, variances, stormwater discharges, endangered species, bacteria, nutrients, mercury, dissolved oxygen, whole effluent toxicity, ammonia, selenium, chlorides, fish tissue standards, and biological criteria.

The Water Team has also formed a group of regulated stormwater dischargers, the Federal StormWater Association (FSWA), to affect regulatory and permitting decisions being made by EPA on stormwater discharge issues. Jeff Longworth coordinates activities of this group. FSWA has filed comments on numerous EPA

stormwater permits and regulatory proposals, continues to engage in dialogue with EPA regarding the direction of the Federal stormwater permitting and regulatory programs.

As a result of our national and state work on water quality issues, the Water Team has developed a thorough knowledge of the Clean Water Act, water quality regulations, and EPA policies, as well as related state statutes and rules. We serve as water counsel for national clients, with facilities from Massachusetts to Hawaii and from Minnesota to Texas. While assisting those clients, we have gained experience dealing with a broad range of state regulatory policies. With each new project, we have demonstrated a consistent ability to quickly become familiar with state laws, regulations, and policy guidance. We also have been active in the development of new state laws and regulations, including on mercury issues.

...With National Municipal Experience

Barnes & Thornburg's Water Team is proud to have assisted the following municipalities, public utilities, trade organizations, and other associations in resolving a variety of water quality challenges:

- Anderson, IN
- Aurora, IL
- Bloomington-Normal Water Reclamation District, IL
- Boise, ID
- Buffalo Sewer Authority, NY
- Capital Region Water, Harrisburg, PA
- Columbia City, IN
- Corpus Christi, TX
- Danbury, CT
- Danville Sanitary District, IL
- Decatur, IL
- Deerfield, IL
- Deer Park, TX
- Denver Metro Wastewater Reclamation District, CO
- DuPage County, IL
- DuPage River/Salt Creek Workgroup, IL
- East Bay Municipal Utility District, Oakland, CA
- Evansville, IN
- Frankfort, IL
- Fox River Water Reclamation District, Elgin, IL
- Gary Sanitary District, IN
- Genesee County, MI
- Glenbard Wastewater Authority, Lombard, IL
- Granite City, IL
- Great Neck Water Pollution Control District, NY
- Greater Peoria Sanitary District, IL
- Hamilton County Water and Wastewater Treatment Authority, TN
- Haverhill, MA
- Honolulu, HI
- Illinois Association of Wastewater Agencies
- Indiana CSO Coalition
- Indianapolis, IN
- Joliet, IL
- Kenilworth, IL
- Kokomo, IN
- Lafayette, IN
- La Porte, IN
- Lancaster, PA
- Lawrence, IN
- Lima, OH
- Logansport, IN
- Los Angeles, CA
- Lowell, MA
- Meriden, CT
- Metropolis, IL
- Metropolitan Council Environmental Services, St. Paul, MN
- Metropolitan Water Reclamation District of Greater Chicago, IL
- Michigan City, IN
- Mishawaka, IN
- Muncie, IN
- Municipal Integrated Planning Alliance
- Narragansett Bay Commission, Providence, RI
- National Association of Clean Water Agencies
- Naperville, IL
- New York City, NY
- Nezperce, ID
- North Shore Water Reclamation District, IL
- Orange County Sanitation District, CA
- Peoria, IL
- Peru, IL
- Rochelle, IL
- Rock River Water Reclamation District, IL
- St. Charles, IL
- San Diego, CA
- Sanitation District No. 1 of Northern Kentucky, KY
- Sanitation Districts of Los Angeles County, CA
- Shoshone, ID
- South Bend, IN
- Southington, CT
- Springfield, MA
- Superior, WI

- Terre Haute, IN
- Thorn Creek Basin Sanitary District, Chicago Heights, IN
- Torrington, CT
- Upper Blackstone Water Pollution Abatement District, Millbury, MA
- Upper Neuse River Basin Association, NC
- Urbana-Champaign Sanitary District, IL
- Wallingford, CT
- Western Coalition of Arid States
- Wheaton Sanitary District, IL
- Airport trade associations and more than 80 municipal airports nationally

The Water Team has a broad range of experience dealing with the many water quality issues facing municipalities and public utilities. Our municipal work has included compliance advice; commenting on and negotiating state and federal permits, regulations, and policy guidance; appeals of permits, TMDLs, regulations, and other agency actions; and defense against agency civil and criminal enforcement activities. We have submitted numerous variance applications for our municipal clients, and have helped communities conducting water-effect ratios and dissolved metals translator studies in order to obtain site-specific criteria. We have also assisted communities in developing and modifying industrial pretreatment programs, including updating sewer use ordinances and local limits studies, as well as investigating fish kill incidents.

We have served individual municipal and utility clients across the country, as well as national and state trade organizations and other associations, such as the National Association of Clean Water Agencies (NACWA), the Western Coalition of Arid States (WESTCAS), the Indiana CSO Coalition, and the Illinois Association of Wastewater Agencies. Barnes & Thornburg is a legal affiliate member of NACWA, and developed a TMDL Handbook – which included sections related to CSOs – for NACWA members. Water Team members frequently present at conferences held by NACWA and State municipal groups on municipal water issues, including wet weather, CSO, and SSO issues, and integrated planning. Fred Andes received the President’s Award from WESTCAS, an organization of more than 100 water agencies in western states, in recognition of his distinguished service to their members on water quality issues. He also received the 2015 Illinois Award from the Illinois Association of Wastewater Agencies, for outstanding contributions in the water field.

A Creative, Collaborative Philosophy

We believe that creativity is one of the primary strengths of the Water Team. Our attorneys help clients – including municipalities and public utilities – develop innovative solutions to difficult water quality problems. For example, we worked with a statewide group of Indiana communities, as well as regulators and environmental groups, to develop a new state law that provides regulatory relief for CSO communities by establishing long-term compliance schedules during implementation of CSO Long Term Control Plans (LTCPs), and by creating a new wet weather limited use subcategory, under which full body contact recreational criteria are suspended during and after wet weather events. Our lawyers were instrumental in drafting that bill and working with other stakeholders to get the law passed by the legislature and signed by the governor. In another matter, we were able to obtain an innovative agreement to settle litigation over a problematic TMDL for one of our California municipal clients. That agreement set forth a cutting-edge facilitated alternative dispute resolution process to develop changes to applicable water quality standards and address numerous issues with the disputed TMDL.

The Water Team generally approaches problems using a collaborative approach. We know how to work well with a variety of interested parties – including municipal and industrial clients, agency regulators, and community and environmental groups – and we are adept at forming both formal and informal coalitions to accomplish client goals. We have significant experience working with EPA Headquarters, EPA Regions, and states to resolve major water quality issues. Water Team members have served on two EPA Federal Advisory Committee Act (FACA) committees on water issues, and are active on advisory panels for national organizations such as the Water Environment Federation (WEF). Because of this work – and our collaborative philosophy – we have developed many strong relationships with agency management and staff, and have been able to achieve positive results for clients by leveraging those relationships. In the process, we have developed a national reputation for credibility, integrity, and creative problem-solving.

This does not mean that we are reluctant to make use of legal remedies – just that we tend to view their use as necessary only when the parties have tried but cannot reach agreement on appropriate solutions. We understand the value of legal remedies in those situations, and have been involved in administrative and civil litigation at both state and federal levels in matters involving wastewater and stormwater discharge permits, CSO and SSO enforcement issues, water quality standards, TMDLs, effluent limitations guidelines, and other rulemakings.

Integrated Planning Leadership

The Barnes & Thornburg Water Team has played a major role in the development and implementation of the EPA's "Integrated Planning" initiative for communities facing stormwater and wastewater management challenges. Our involvement began in 2009, when the Water Team helped the U.S. Conference of Mayors initiate a dialogue with EPA regarding more flexible implementation of the Agency's CSO compliance and enforcement program. Water Team members helped prepare detailed issue papers for the Conference of Mayors on key wet weather topics, including affordability concerns, extended compliance schedules, a focus on environmental benefits, green infrastructure, and sustainability issues. Water Team members participated in numerous meetings with Conference staff, leading mayors, and personnel from EPA and the U.S. Department of Justice (DOJ), including the leaders of the EPA Office of Water and the Office of Enforcement and Compliance Assurance. As the discussions broadened and the concept of Integrated Planning became the focus of the dialogue, Water Team members continued to participate, and provided extensive input to the positions being advocated by the Conference. The Water Team also convened a group of interested communities, the Municipal Integrated Planning Alliance (MIPA), to provide input into Conference activities, and consulted regularly with the members of MIPA throughout the Conference of Mayors/EPA discussions.

As the EPA has developed and implemented its Integrated Planning Framework, Water Team members have built strong relationships with responsible EPA staff. In addition to active participation with EPA personnel during the Conference of Mayors efforts, Water Team members also have been involved in all of the public workshops EPA held throughout the country while it was drafting the Framework. Water Team members developed detailed comments on the draft Framework for MIPA, and worked with EPA staff to address client issues as the Framework was finalized. Those discussions continue as the Framework is now being implemented and issues arise that will merit clarification and/or revision.

After several years of implementation under the Integrated Planning Framework, it was apparent to national municipal groups that Integrated Planning needed to be adopted into the Clean Water Act itself – to provide clear Congressional direction to EPA, and to provide a strong, stable legal basis for municipalities that are interested in pursuing Integrated Planning. Due to its expertise in this area, the B&T Water Team, working with the firm's D.C. Government Services team, were retained by NACWA to help enact an integrated planning bill. B&T helped to develop the legislation, and then helped to get it passed in a bipartisan manner through both Houses of Congress, and then signed into law by the President in January of 2019. Since the legislation was passed, the Water Team has worked with several clients to move their Integrated Plans forward using the new process, and we have engaged with EPA, NACWA, the U.S. Conference of Mayors, and other regulated parties, in order to ensure that EPA effectively implements the Clean Water Act amendment.

Consistent with these Integrated Planning efforts, the Water Team has helped clients obtain greater flexibility in consent decree and long term control plan requirements. For example, Water Team members assisted the City of Indianapolis in modifying a consent decree to save the City hundreds of millions of dollars, while achieving substantial environmental benefits earlier than otherwise required. In addition, Water Team members led consent decree negotiations for the City of South Bend, which resulted in an agreement that provides the City with significant flexibility in sizing its gray infrastructure investments to take advantage of reductions obtained through the use of green infrastructure and innovative technologies.

Water Team members have provided detailed Integrated Planning briefings to communities around the country, including presentations to NACWA conferences, a series of Integrated Planning workshops sponsored by NACWA and WEF in various locations nationwide, and numerous other conferences of municipal groups. For example, Water Team members have been asked to speak on Integrated Planning issues at WEF's annual WEFTEC conference, as well as meetings of the Illinois Association of Wastewater Agencies, the Indiana Water Environment Association, the Indiana Association of Cities and Towns, WESTCAS, the Kansas Water Environment Association, the New England Water Environment Association, and the Massachusetts Coalition for Water Resources Sustainability, among others. We are available to serve as a resource for communities and organizations interested in Integrated Planning.

Water Team leadership on Integrated Planning issues continues as individual communities develop their own Integrated Plans. We have helped the City of Lima, Ohio obtain the first integrated plan that has been incorporated into a court-approved consent decree. We helped the Evansville, Indiana Water and Sewer Utility Board save at least \$200 million by renegotiating its federal consent decree and developing an Integrated Overflow Control Plan. With our assistance, the Springfield (MA) Water and Sewer Commission obtained EPA approval of its Integrated Plan, which is being implemented through an administrative order. We have been

working with other communities in California, Massachusetts, Illinois, Indiana, Ohio, and Pennsylvania, which have either submitted or are preparing Integrated Plans. In addition, we are helping communities in Connecticut, Rhode Island, New York, Texas, Pennsylvania, and elsewhere evaluate the potential benefits of Integrated Planning.

Wet Weather Experience

As part of our municipal practice, we have worked with many communities on CSO and SSO issues. We represent several municipalities with combined and/or separate sanitary sewer systems, which have developed or are working on plans to reduce the impacts of CSOs and SSOs on their receiving waters and communities, including some already under consent decrees with state agencies, EPA, and DOJ. This work has included development and submission of a variety of municipal planning documents, including the following:

- Integrated Plans
- CSO Long Term Control Plans
- SSO Abatement Plans
- Financial Capability Assessments
- Alternative Affordability Evaluations
- Asset Management Plans
- Green Infrastructure Plans
- CSO Operational Plans
- Nine Minimum Controls Compliance Plans
- Interim Measures Plans
- Capacity, Management, Operation and Maintenance (CMOM) Plans
- Inflow and Infiltration Monitoring Studies
- Stream Reach Characterization and Evaluation Reports
- Sewer System Characterization and Monitoring Programs
- CSO Public Notification Plans
- Bypass Elimination Plans
- Standard Operating Procedure Protocols
- Facility Improvement Reports
- Supplemental Environmental Projects
- Post-Construction Monitoring Plans

We currently serve as counsel to many municipalities that are either in, or have just completed, active enforcement negotiations with state and federal agencies, as well as DOJ, over CSO and/or SSO control issues. These engagements include the negotiation of consent decrees, agreed orders, and permit conditions; development of CSO LTCPs; development of Use Attainability Analyses (UAAs) to support changes in the designated uses and associated criteria necessary to allow any remaining CSO discharges to comply with water quality standards; development of “no feasible alternatives” analyses to address peak wet weather blending issues; and the negotiation of TMDLs for waters affected by CSO discharges. These projects also involve the evaluation and definition of existing uses and their relationship to wet weather water quality standards.

The Water Team has represented its municipal wet weather clients on issues with national scope, including negotiations with EPA Headquarters and Regions, as well as DOJ. Water Team members have served as leaders on national issues for various State municipal groups, and our involvement in such national issues has included the EPA blending policy, CSO enforcement issues, and UAAs to establish appropriate wet weather use designations. In addition, we have been active in NACWA and other national organizations on CSO and SSO matters, so are very familiar with issues facing municipalities with CSOs and SSOs across the country. Over the last several years, Water Team members have taken an active role in efforts by the U.S. Conference of Mayors to bring about changes in EPA’s enforcement policies as applied to CSO and SSO communities. We have taken a lead role in providing legal assistance for that project, and have organized a group of communities from around the country to provide support to the Conference of Mayors effort on technical, policy, scientific, and legal issues.

Stormwater Permitting and Regulatory Experience

An important aspect of the Water Team’s experience comes from its work on complex stormwater permitting and regulatory issues for municipal, industrial, and commercial clients around the country. Members of the Water Team have been involved in stormwater issues since EPA started developing this program in the 1980s. Since then, B&T Water Team members have participated in numerous stormwater proceedings.

The Water Team has submitted comments to EPA and States on many stormwater permits, and has taken a lead role in litigation over stormwater permits and regulations. For instance, the Water Team filed briefs and participated in oral argument representing an intervenor in an environmental group suit challenging EPA’s Construction General Permit, helping to convince the court to reject the environmental group claims. Similarly, the Water Team has been involved representing an intervenor in an environmental group suit challenging the

EPA stormwater permit for industrial discharges, helping to defend against the plaintiffs' effort to make that permit more stringent, and participating in a mediation process that resulted in successful resolution of the claims. The Water Team also led a legal challenge to EPA's new effluent guidelines for stormwater discharges from construction and development sources. That challenge led EPA to voluntarily withdraw the turbidity limits that were our client's primary concern with the rule.

The B&T Water Team has also filed suits challenging stormwater permits, including EPA's Multi-Sector General Permit for industrial discharges. That suit led to a settlement, in which EPA agreed to make significant changes to the onerous provisions contained in that permit. Similarly, the Water Team has challenged State-issued general stormwater permits, and stormwater permits for individual facilities, and those cases have also resulted in settlements that modified the problematic permit provisions. The Water Team also has defended stormwater sources in enforcement cases brought by EPA and States.

PFAS Issues

There is increasing regulatory activity at the Federal and State levels on issues regarding per- and poly-fluorinated alkyl substances (PFAS). These issues range across multiple environmental media and across multiple programs, including the Clean Water Act, Safe Drinking Water Act, remediation programs such as RCRA and CERCLA, and State programs as well. Based on B&T's extensive experience with PFAS investigations and related legal counseling for a wide variety of clients, including municipalities, we have established the PFAS Regulatory Coalition. The Coalition is tracking federal and state PFAS developments, submitting comments on important Federal and State rulemakings, and engaging agencies on behalf of the regulated community, including municipalities and other entities that use materials with PFAS or process waste/wastewater containing PFAS.

References

The following individuals may be contacted concerning our work for municipalities on wet weather and other regulatory/permitting issues:

Charlotte Katzenmoyer
Chief Executive Officer
Capital Region Water
212 Locust Street, Suite 500
Harrisburg, PA 17101
(717) 216-5308
charlotte.katzenmoyer@capitalregionwater.com

Laurie Horridge, Esq.
Executive Director
Narragansett Bay
Commission
One Service Road
Providence, RI 02905
(401) 461-8848 x331
lhorridge@narrabay.com



Fredric P. Andes

Partner

Chicago Washington, D.C.

P 312 214 8310

Fredric P. Andes is a partner in the Chicago and Washington, D.C., offices of Barnes & Thornburg and the leader of the firm's water team. Fred is involved in counseling and litigation on issues arising under various federal and

state environmental laws, with a special emphasis on Clean Water Act matters.

Fred is involved in clean water issues on the national and state levels. He was selected by the EPA to serve on the Federal Advisory Committee on the Total Maximum Daily Load (TMDL) Program. He is serving as coordinator for the Federal Water Quality Coalition, which is a group of municipal and other regulated parties that is participating in EPA's rulemaking on TMDLs and other key Clean Water Act programs.

Fred is also advising trade associations, industries, and municipalities on TMDLs, permits, and other water quality matters on the state and federal levels, including development of water quality standards, listings, TMDLs, and permit conditions.

Fred has been recognized by *Illinois Super Lawyers Magazine* since 2014. He also regularly appears on the *Best Lawyers in America* and *Chambers USA* lists for his work in environmental law.

Before coming to Barnes & Thornburg, Fred was a partner with the Chicago law firm of Sonnenschein Nath & Rosenthal. Prior to working in Chicago, he spent nine years practicing environmental law in Washington, D.C.

Fred graduated *cum laude* from Harvard Law School in 1980. He obtained his undergraduate degree from Northwestern University in 1977. Fred is a member of the Illinois State, District of Columbia, and American Bar Associations. He is admitted to practice in the state of Illinois, the District of Columbia, the U.S. District Courts for the Northern District of Illinois and the District of Columbia, and the U.S. Courts of Appeals for the First, Second, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, and D.C. Circuits.

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Areas of Focus ×

- Climate Change
- Environmental
- Environmental Litigation
- PFAS and Emerging Contaminants

- Waste Management
- Water

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Honors ×

- The Best Lawyers in America, 2024-2025
- Chambers USA, 2022-2024
- Illinois Super Lawyers, 2005-2020, 2022-2024
- J Street Tzedek V'Shalom Award, 2021

Languages ×

- English

Credentials

Education

- Harvard Law School, J.D., 1980, cum laude
- Northwestern University, B.A., 1977

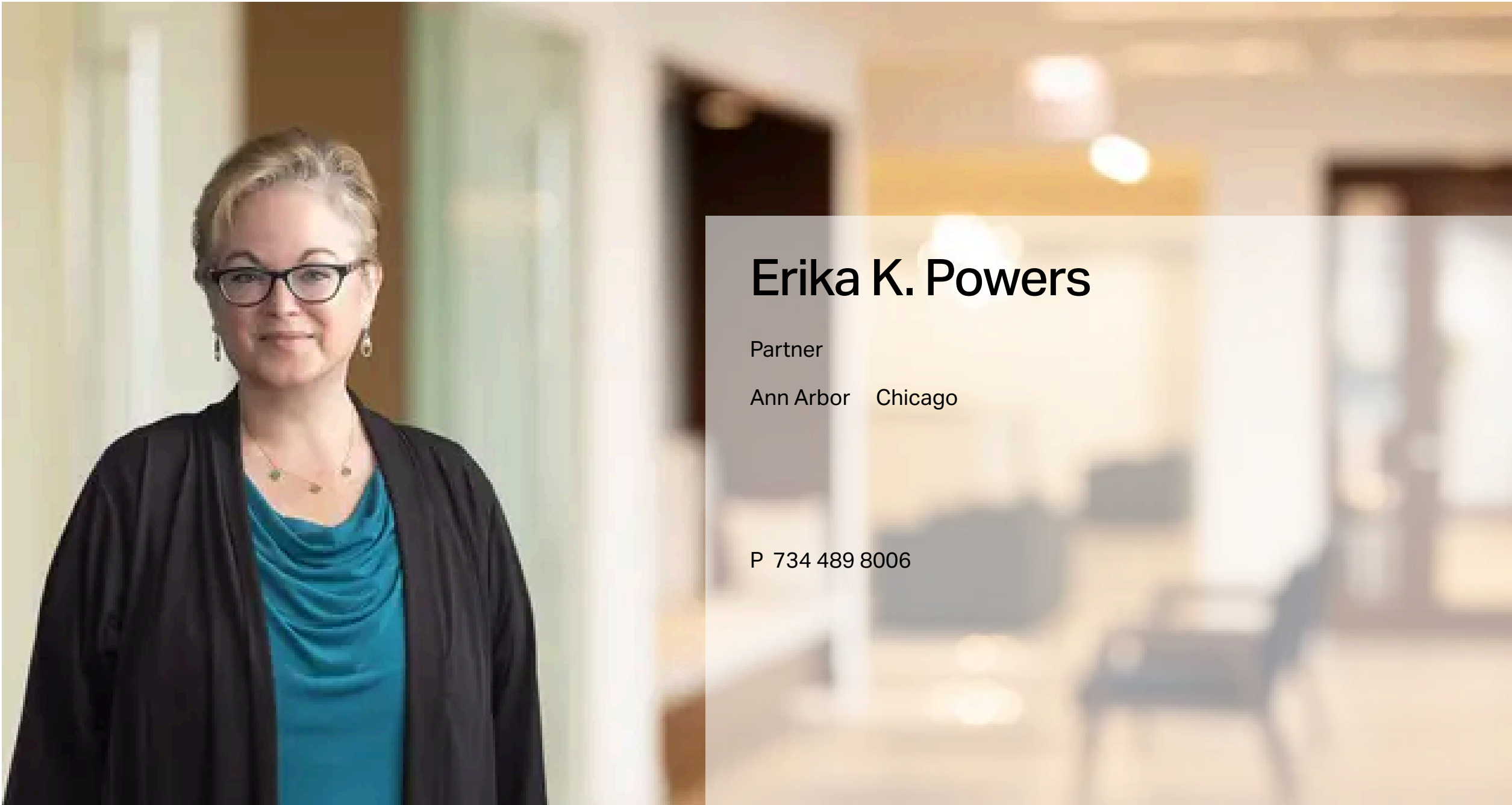
Bar Admissions

- Illinois

- District of Columbia

Court Admissions

- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the District of Columbia
- U.S. District Court for the Northern District of Illinois
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the First Circuit



Erika K. Powers

Partner

Ann Arbor Chicago

P 734 489 8006

Erika Powers advises on nationwide water quality matters, guiding clients through the intricate maze of Clean Water Act (CWA) and related requirements. She excels at dissecting complex scientific and legal issues and

developing strategies to achieve client objectives. Among Erika’s clients are municipalities, public utility districts, and trade organizations, who she advises on wet weather management, wastewater treatment, and a spectrum of CWA matters.

Erika’s ability to balance national water policy with localized challenges sets her apart. She crafts innovative strategies that align with regulatory requirements while addressing her client's unique needs. This approach often proves invaluable when negotiating consent decrees, developing long-term control plans, or guiding the creation of water, wastewater, and stormwater integrated plans. Erika's clients appreciate her knack for and commitment to maximizing results within budgetary constraints while ensuring full compliance.

In the regulatory arena, Erika is a proven and effective advocate. She engages in water quality rulemaking, policy development, and administrative and appellate litigation at both state and federal levels. Her experience shines when contesting agency decisions, defending against citizen suits, or navigating enforcement actions. Erika's comprehensive understanding of environmental agency decision-making allows her to effectively represent client interests.

Beyond her legal practice, Erika is a sought-after speaker on municipal and industrial CWA issues. She shares her insights at legal and professional associations nationwide, contributing to the broader dialogue on water quality law. This commitment to education and community engagement underscores Erika's dedication to advancing the field and empowering her clients.

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Areas of Focus

×

- Airport Environmental Counseling
- Climate Change
- Colleges and Universities
- Compliance and Monitorships
- Construction
- Environmental

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Honors

×

Illinois Super Lawyers, 2021-2025; Rising Star, 2008-2009
The Best Lawyers in America, 2017-2025
Chambers USA, 2022-2024

Professional and Community Involvement

×

Fellow, American Bar Foundation
Fellow, The American College of Environmental Lawyers Class of 2023
Member, American Bar Association Section of Environment, Energy and Resources
Council member, State Bar of Michigan Environmental Law Section
Vice chair, Alma College Board of Trustees
Former chair, Chicago Bar Association Environmental Law Committee

Languages

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English



Water quality law is a dynamic field. I thrive on transforming regulatory complexities into

strategic opportunities that benefit both my clients and the environment."

Credentials

Education

- University of Michigan Law School, J.D., 1994, cum laude
- Alma College, B.A., 1990, summa cum laude

Bar Admissions

- Illinois
- Michigan

Court Admissions

- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Northern District of Illinois