



PARTNER

# Shawn D. Hagerty

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☎ (619) 525-1327    📍 San Diego



Shawn Hagerty works with public agencies in California and throughout the United States to solve complex legal problems, with an emphasis on federal and state water quality and water supply laws. His years of experience serving as both general and special counsel to public agencies give him a deep understanding of the best practices, trends and approaches necessary to obtain permits for, and successfully implement, small and large-scale water quality and water supply projects. Because of Shawn's experience as a city attorney, a unique aspect of his practice is his focus on the relationship between land use and water.

## Water Quality

Shawn's practice involves helping his public agency clients assess and comply with the numerous federal and state water quality regulations. This includes work under the Clean Water Act, the Safe Drinking Water Act and the state equivalents to these federal laws. He advises clients regarding the obtaining of, and compliance with, National Pollutant Discharge Elimination System permits, and represents clients in administrative actions regarding such permits. His work includes stormwater permits, industrial permits (including construction), permits for publicly owned treatment works, water supply permits and 404 permits/401 certifications. It also includes related work triggered by the Endangered Species Act and other federal and state environmental laws that are involved in water quality and water supply projects. Shawn

## CORE PRACTICES

- Environmental Law & Natural Resources
- Land Use, Planning & Zoning
- Municipal Law
- Special Districts
- Water
- Water Quality

works with the Environmental Protection Agency and state water quality officials on these matters.

### **Municipal Law and Land Use**

In addition to his water quality and water supply experience, Shawn provides both general and special counsel services to California cities and public agencies regarding general governance and land use issues. Since 2003, Shawn has served as city attorney for the City of Santee, Calif. Since 2009, he has also served as corporate counsel to Civic San Diego, a nonprofit corporation that provides permitting, economic development and project management services to the City of San Diego in specific portions of the City. As counsel to these and other California entities, Shawn has developed experience in governance and land use matters applicable to California cities and public agencies.

Shawn is president of the City Attorneys Association of San Diego. He has taught land use and planning classes at the University of California, San Diego Extension, and presents at seminars for organizations such as the California Stormwater Quality Association, the National Association of Clean Water Agencies, the International Municipal Lawyers Association, the Texas City Attorneys Association, the Association of California Water Agencies, the California County Counsels Association, the Association of Environmental Professionals and other planning organizations.

### **Notable Experience**

- Representing the City of Santa Maria in its effort to create an Integrated Plan to consolidate all of its water quality and water supply obligations under one comprehensive, watershed-based plan
- Representing the City of Ventura in an action challenging the City's use of water from the Ventura River due to alleged impacts on steelhead trout
- Representing the City of Santa Barbara in connection with the restarting of its desalination facility, including obtaining updated water quality permits for the facility
- Representing a large number of federal and state associations in connection with a U.S. Ninth Circuit Court of Appeals case involving the novel "conduit theory" of liability under the Clean Water Act
- Representing the City of Manvel, Texas, in connection with long-term water supply and water quality planning and implementation
- Serving as a water quality expert in a successful federal district court jury trial

## **EDUCATION & ADMISSIONS**

### **Education**

University of Wisconsin Law School, J.D.

College of William and Mary, B.A., religion, with honors

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### **Bar Admissions**

California

## **LANGUAGES**

English

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## Accolades

- The Lawdragon Green 500: Leaders in Environmental Law, 2024
- Best Attorney, *San Diego Metro Magazine*, 2021
- The Best Lawyers in America®, Land Use and Zoning Law, 2016–2024
- *San Diego Super Lawyers*, Environmental, 2007, 2014–2024
- Land Use & Zoning Law Lawyer of the Year in San Diego, Best Lawyers®, 2020
- *The San Diego Daily Transcript's* Annual 100 Influential Leaders in San Diego, 2016
- International Municipal Lawyers Association Amicus Service Award, 2016

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## Professional & Community Involvement

- California Stormwater Quality Association
- National Association of Clean Water Agencies
- International Municipal Lawyers Association

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## Thought Leadership

### Publications

- "Homeless Encampments and Water Quality," *Public Law Journal*, 2020
- "State Water Board Adopts Guidelines for Securing Prop. 1 Funding for Storm Water Control and Capture," *BBKnowledge*, Dec. 21, 2015
- "EPA Draft Ruling Could Mean Significant Changes to How Stormwater Systems are Categorized" *PublicCEO*, Oct. 20, 2014 (via *BBKnowledge*)
- "EPA Proposes Change to Clean Water Act Rule and Definition of the Term "Waters of the U.S.,"" *BBKnowledge*, June 20, 2014
- "Developments in Water Law," *BB&K Legal Alert*, June 10, 2014
- "EPA Issues Proposed Rule Interpreting Jurisdictional Reach of Clean Water Act," *BB&K Legal Alert*, April 21, 2014
- "Waters of the US: EPA Seeks Input to Clarify Scope of Clean Water Act," *BB&K Legal Alert*, April 4, 2014
- "EPA Proposes Water Quality Standards For Preventing Degradation of Water Bodies," *BB&K Legal Alert*, Sept. 12, 2013

- "Ninth Circuit Says Los Angeles County Flood Control District is Liable for River Pollution," *BB&K Legal Alert*, Aug. 9, 2013

## Presentations

- "Relatively (Im)permanent: The Changing Scope of the Clean Water Act," International Municipal Lawyers Association Annual Conference, Sept. 29, 2023
- "Clean Water and Wetlands in California Introduction and Overview," Virtual Update, Law Seminars International, Aug. 27, 2020
- "Impossible-to-Regulate Discharges: Case Study of The Housing and Homelessness," Clean Water and Wetland Seminar, Law Seminar International, May 15, 2020
- Legal Update, 2019 Panel Forum, California Stormwater Quality Association, Oct. 8, 2019
- "What's the Big Deal About PFAS and Why Should You Care," International Municipal Lawyers Association's 2019 Annual Conference WONK Breakfast, Sep. 21, 2019
- "Groundwater Augmentation Approaches for GSPs," Law Seminars International's A Comprehensive Conference on SGMA's Next Phase: Sustainable Groundwater Planning in California Conference, July 25, 2019
- "Better Together: Opportunities for Holistic Clean Water and Drinking Water Regulation," National Clean Water Law & Enforcement Seminar, The National Association of Clean Water Agencies, Nov. 14, 2018
- Legal Update, California Stormwater Quality Association Annual Conference, Oct. 15, 2018
- "Fairly (or Unfairly Traceable?) Traceable: Are Discharges Through Groundwater Subject to the Clean Water Act," BB&K Webinar, March 29, 2018
- "The Safe Drinking Water Act and the Nation's Aging Water Infrastructure & Liability for Lead Contamination of Water Supplies - Is It Covered by Insurance?" International Municipal Lawyers Association Annual Conference, Sept. 30, 2016
- "Code Enforcement & Land Use Tour," International Municipal Lawyers Association Annual Conference, Sept. 29, 2016
- "The NPDES Permit Program: 40+ Years New," American Law Institute Clean Water Act 2016 CLE, May 20, 2016
- "The Current and Future Role of Ocean Water Desalination in a Balanced Water Supply System," The Seminar Group's Ocean Desalination: Examining Technical, Regulatory and Practical Solutions Conference, Feb. 8, 2016
- "Highest & Best Use Analysis and Storm Water Run-Off Infrastructure Requirements," International Right of Way's Water Supply and Impacts Education Seminar, Oct. 16, 2015
- "The EPA and the Corps' Definition of 'Waters of the United States' Under the Clean Water Act," CLE International California Water Law Conference, Oct. 9, 2015
- "Today's Water Wars - Water Rights and Water Quality: From East to West Coast," International Municipal Lawyers Association Annual Conference, Oct. 4, 2015
- "Stormwater Management and MS4 Permits — Get It Done Right the First Time," Argent Communications Group Conference, March 9, 2015

- "Creating Healthy CityScapes: Building Partnerships to Address Regional and Specific Urban Conservation Storm Water Management: Working with Cities to Relieve Regulatory Pressure," Annual California Resource Conservation Districts Meeting & Conference, Nov. 14, 2014
- "The Practical Application of Science to Current Water Quality Issues: Challenges of Certainty in an Uncertain World," Law Seminars International Hydrology and the Law: Effective Tools for Resolving Water Rights and Damages Issues Seminar, Oct. 7, 2014