



PARTNER

# Andre Monette

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☎ (202) 370-5303      📍 Washington, D.C.



Andre Monette works with both public and private clients in matters involving water quality issues. He is a member of the Environmental & Natural Resources practice group in Best Best & Krieger LLP's Washington, D.C. office. Andre works extensively with water districts, cities, counties and agricultural interests, and other private entities on matters involving the Federal Clean Water Act and its state law analogues.

Andre works with public agencies and farmers on matters involving water rights, water supply and water quality. Andre also works with investors interested in water projects, helping funds assess the viability of potential water related investments. Representative matters include the following:

- Testifying before the United States House of Representatives Resources Committee on the potential water supply impacts of legislation relating to salmon conservation.
- Testifying before the United States Senate Environment and Public Works Committee on the jurisdictional reach of the Clean Water Act and proposed revisions to the definition of "waters of the United States."
- Representing a municipality in matters involving cross border sewage flows and compliance with the Clean Water Act, resulting in a \$300 million appropriation for projects in the United States-Mexico-Canada Agreement ("USMCA") and \$40 million in additional funds.

## CORE PRACTICES

Environmental Law & Natural Resources

Environmental Litigation

Water

Water Quality

Government Affairs

Agri-Business & Forest Products

Business

Municipal Law

Special Districts

- Filing multiple briefs as amicus with the United States Supreme Court on matters involving the Clean Water Act and water supply.
- Representing clients in water rights acquisitions via purchase of mutual water company shares, and other water rights vehicles.
- Representing investment funds in contracting and due diligence involving water related investments.
- Representing farmers in California on groundwater rights issues including implementation of the Sustainable Groundwater Management Act.
- Representing clients on complex water rights matters including adjudicated stream systems and federal reserve water rights.
- Defending enforcement actions brought by EPA and state agencies regarding alleged violations of the Clean Water Act, RCRA and TSCA.

A major area of focus for Andre's practice is the intersection of the water quality and water supply regulation. Federal and state laws across the nation divide water quality and water supply regulations into separate categories that often do not intersect and can preclude efficient use of the supply. Andre's practice focuses on areas of overlap where acute knowledge of multiple regulatory schemes is required, including; streambed restoration, groundwater recharge projects, indirect potable reuse projects, large scale recycled water projects, and effluent limitation compliance.

Andre is the managing partner of BBK's Washington, D.C. office.

### Accolades

- International Municipal Lawyers Association Amicus Service Award, 2016, 2019, 2020

### Thought Leadership

#### Publications

- "Wastewater Treatment Becomes Another Area for Public-Private Partnership," *BBKnowledge*, July 27, 2016
- "[VIDEO] Waters of the United States: Implications of EPA's Regulatory Definition," *BBKnowledge*, Sept. 3, 2015

## EDUCATION & ADMISSIONS

### Education

Case Western Reserve University, J.D.

San Diego State University, B.S., geology with marine geology emphasis and political science minor

### Bar Admissions

California

District of Columbia

## LANGUAGES

English

- “The Changing Face of Stormwater Regulation in the U.S.,” *BBKnowledge*, Feb. 26, 2015
- “EPA Draft Ruling Could Mean Significant Changes to How Stormwater Systems are Categorized” *PublicCEO*, Oct. 20, 2014 (via *BBKnowledge*)
- “December 3 Deadline for Submitting Federal Water Projects,” *BBKnowledge*, Oct. 9, 2014
- “EPA Proposes Change to Clean Water Act Rule and Definition of the Term “Waters of the U.S.”,” *BBKnowledge*, June 20, 2014
- “BBK Attorney Testifies to Congressional Subcommittee on Proposed EPA Clean Water Act Rule,” *BBK Legal Alert*, May 16, 2014

## Presentations

- “Telecommunications Update: Answering the Call,” International Municipal Lawyers Association’s Annual Conference, Oct. 2, 2021
- “Now That You Have ARPA Funds – What’s Next?” BBK Webinar, June 23, 2021
- “What’s New in Water?” International Municipal Lawyers Association’s Mid-Year Seminar, WONK Brunch, Apr. 21, 2021
- “Demonstrations and the Changing Face of Public Speech in the United States: A View from the End of Apartheid in South Africa,” BBK Webinar, Oct. 8, 2020
- “Groundwater Augmentation as a Path for Achieving Sustainability,” Groundwater Sustainability Plans in Southern California Virtual Update, Law Seminars International, July 16, 2020
- “Developments in U.S. Water Law and Infrastructure,” International Municipal Lawyers Association’s Mid-Year Seminar, WONK Breakfast, Apr. 22, 2020
- “Navigating California’s New Regulations for Wetlands and State Waters,” BB&K Webinar, Oct. 10, 2019
- “The Clean Water Act — Where Has the Ball Landed?” Argent Communication Group’s Annual California Water Law & Policy Conference, June 20, 2019
- “Stormwater Update,” Webinar, IMLA Distance Learning Events, June 5, 2019
- “Clean Water Act 2019 – Maui County and WOTUS,” International Municipal Lawyers Association’s Mid-Year Seminar WONK Breakfast, Mar. 31, 2019
- “WOTUS 2.0: Implications of This Week’s Trump Administration Proposal to Revise the Definition of the Term “Waters of the United States” For the Purposes of the Clean Water Act,” IMLA Webinar, International Municipal Lawyers Association, Dec. 20, 2018
- “Maui County and WOTUS: The Battle to Grow the Clean Water Act Moves to the Courts,” International Municipal Lawyers Association Mid-Year Seminar WONK Breakfast, Apr. 22, 2018
- “Cyber Security and Water: Is Our Water Safe?” International Bar Association’s Biennial Conference of the Section on Energy, Environment, Natural Resources and Infrastructure Law, Apr. 10, 2018
- “Fairly (or Unfairly Traceable?) Traceable: Are Discharges Through Groundwater Subject to the Clean Water Act,” BBK Webinar, Mar. 29, 2018

- "Development of California Water Law: Quantity and Usage," HalfMoon Education's Water Laws and Regulations Seminar, Apr. 25, 2017
- "Understanding California Water Rights Laws," HalfMoon Education's Water Laws and Regulations Seminar, Apr. 25, 2017
- "Complying with Water Quality Laws and Regulations," HalfMoon Education's Water Laws and Regulations Seminar, Apr. 25, 2017
- "Waters of the United States - Army Corps and EPA Regulation Status," CLE International Western Water Law Conference, Feb. 9, 2017
- "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
- "New EPA Definition of Waters of the U.S.," BBK Webinar, Aug. 26, 2015
- "Land Use Seminar," International Municipal Lawyers Association's Mid-Year Seminar, Apr. 17, 2016
- "Water Quality Control and Drought: The Legal Aspects of Stormwater Capture and Use," Argent Communications California Water Law & Policy Conference, June 15, 2015
- "Land Use Sustainability Code and Stormwater," International Municipal Lawyers Association Mid-Year Seminar, Apr. 24, 2015
- "The Changing Face of Stormwater Regulation in the U.S.," International Municipal Lawyers Association Webinar, Feb. 17, 2015
- "Stormwater: New Requirements for Development Projects and EPA's Proposed Rule Re-defining "Waters of the U.S." Will Have Major Cost and Operational Impacts for Municipalities," International Municipal Lawyers Association's Annual Conference, Sept. 10, 2014