

Water scarcity and water crises are ranked as top global risks by institutes such as the World Economic Forum. Climate change is rapidly altering water cycles, disrupting communities' access to clean drinking water and increasing extreme weather events such as droughts and flooding. As competition for water resources increases, we help clients navigate the demanding and complex legal, environmental, social and governance matters involving water. Operating at the intersection of government and business, we regularly assist clients in management of unique and complex stakeholder relationships.

The issue

Water is fundamental to life, health and wellbeing of our planet: access to clean water and sanitation is Sustainable Development Goal 6.

Water is also vital for successful societies, economic development and industry. The safe treatment, storage, and transport of raw water, effluent and sewage as well as water stress management is critical to mitigating the water industry's environmental impact and successful delivery of many wider SDGs. From the Clean Water Act in the US, to the EU's Drinking Water Directive, regulation of water pollution, usage and access is increasing across the globe.

Greater water stress through climate change, increased energy and product demands, and a growing population; increasing awareness of the environmental impact of abstraction and treatment (and associated power demands); and the often-contentious geopolitical situation of many critical water resources means the complex demands of successfully working in water will only increase. We work to advise on the increasing body of ESG water regulations and to ensure that these often seemingly intractable and conflicting demands of regulators, consumers and corporates can be understood and balanced.

What we do

Policy and Regulation are a strength. We work in one of the most highly regulated sectors fundamental to life, health and wellbeing of our planet. Water policy and regulation continues to strive to strike the balance between complex demands of the need for clean water, available to all at a reasonable cost and environmental impact. Facilitating change and investment through new and innovative models and driving innovation is key to all of this – policy and regulation needs to develop to respond as new understanding and technology changes what is appropriate.

We support innovation and technology. We advise water companies, governmental authorities, regulators, developers, investors, financiers and others active in the sector regarding innovative and ground-breaking projects, advanced technologies, and unconventional processes to thread a route through the often seemingly contentious and conflicting policy and regulatory demands.

We are advancing the water sector. We are seeing an ever-increasing interest in the role of the private sector and private capital in the water industry, across a variety of projects from watershed restoration, desalination projects, wastewater treatment, and more. We regularly assist with these progressive development projects and investment opportunities.

Our impact

Recent projects include:

- Assisting PT Tigris Water Investasi on its Indonesian operation including providing legal advisory and preparing and/or reviewing third party contracts to be entered into by its Indonesian entity
- Assisting a private equity company and a private owner of water rights in a sophisticated and novel approach to the sale of water rights to a Colorado municipality, as well as related financing matters
- Counseling M&G Investment Management Limited on the client's acquisition of debt in Kemble Water Finance Limited
- Assisting a Colorado based water disposal company in negotiating water disposal contracts, share infrastructure arrangements, and related operational matters
- Advising OCBC Bank and MUFG Bank, Ltd. as lenders on the refinancing of PUB's Changi Newater II PPP wastewater project in Singapore including due diligence on the EPC contract
- Advising Ian Thorpe, founder of Pump Aid, which developed an innovative design for pumping clean water in Zimbabwe, Malawi and Mozambique. The 'Elephant Pump' is fully maintained by rural communities without outside assistance and the pumps provide clean drinking water as well as water to sustain crops during the dry season
- Assisting IFC in relation to its US\$26m investment in DNP Water by way of a convertible loan, to support the development of DNP Water's clean water distribution projects in Vietnam

Useful links

- [Mexico's new national environment and natural resources policy](#)
- [Brazil's new sanitation legal framework](#)
- [SCOTUS Test for NPDES Permitting under the CWA](#)

Relevant contacts



Ana Maria Gutierrez
Partner, Denver
ana.gutierrez@hoganlovells.com



Charles Ford
Counsel, London
charles.ford@hoganlovells.com



Sohail Barkatali
Partner, Dubai
sohail.barkatali@hoganlovells.com



Jorge Diaz-Silveira
Partner, Miami
jorge.diaz-silveira@hoganlovells.com



Sean Conaty
Partner, Tokyo
sean.conaty@hoganlovells.com



Gaston Fernandez
Partner, Ho Chi Minh City
gaston.fernandez@hoganlovells.com



Doug Wheeler
Senior Counsel, Washington, D.C.
douglas.wheeler@hoganlovells.com



www.hoganlovells.com

"Hogan Lovells" or the "firm" is an international legal practice that includes Hogan Lovells International LLP, Hogan Lovells US LLP and their affiliated businesses. © Hogan Lovells 2023. All rights reserved. BT-REQ-1628