

Featuring Speakers From:

- Association of Washington Business
- Attorney General - Ecology Division
- Cascadia Law Group
- Farallon Consulting
- Floyd I Snider
- Foster Pepper
- Marten Law
- Pacific Groundwater Group
- Pollution Liability Insurance Agency
- Schwabe Williamson & Wyatt
- Stoel Rives
- Washington Environmental Council
- Washington State Department of Ecology

Who Should Attend:

Attorneys, land use and environmental professionals, corporate managers, planners, engineers, architects, city and county officials, real estate professionals and anyone involved with developing contaminated property

A Comprehensive Seminar on the 29th Anniversary of the

Model Toxics Control Act

New developments in implementation, litigation, and legislation for managing environmental risks and liabilities

October 10, 2019

Seattle, Washington

Hilton Seattle



Quick when/where: 8:30 a.m., 1301 6th Avenue

Credits: 6.50 WA MCLE | 6.50 AICP | 6.50 ABCEP (call about others)

Model Toxics Control Act Seminar
October 10, 2019 | Seattle, Washington
Hilton Seattle

Yes! Please register me:

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Name: _____

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If you cannot attend in person, check boxes to order:

- Audio Replay Video Replay Course Materials



- 8:00 Registration Opens
- 8:30 Introduction & Overview
 - Ken Lederman, Esq., *Program Co-Chair***
Foster Pepper ~ Seattle, WA
 - Josh M. Lipsky, Esq., *Program Co-Chair***
Cascadia Law Group ~ Seattle, WA
- 8:45 MTCA Legislative Update

A detailed review of new legislation adopted during the 2019 legislative session including SB5993, which increases MTCA cleanup funding

 - Connie Sue M. Martin, Esq.**
Schwabe Williamson & Wyatt ~ Seattle, WA
 - Peter Godlewski**
Government Relations Director, Environmental Policy Association of Washington Business ~ Olympia, WA
 - Darcy Nonemacher, Esq., *Legislative Director***
Washington Environmental Council ~ Seattle, WA
- 9:45 MTCA Rulemaking: Ecology's Cleanup Rule Update
 - Clint Stanovsky, MS, MPA, *Regulatory Analyst***
Washington State Department of Ecology ~ Lacey, WA
- 10:30 Break
- 10:45 Toxics Cleanup Program (TCP) Discussion

A presentation and discussion with senior ecology management, including an update on new initiatives in the Voluntary Cleanup Program

 - James J. Pendowski, *Manager, Toxics Cleanup Program***
Washington State Department of Ecology ~ Olympia, WA
 - Michael Neal Feldcamp, Esq.,**
Senior Legislative and Policy Analyst
Washington State Department of Ecology ~ Lacey, WA
- 12:00 Lunch (on your own)

Easy Ways to Register
 Online: www.lawseminars.com
 Phone: (206) 567-4490

- 1:15 Pollution Liability Insurance Agency (PLIA)

Updates on coverage, remedies, and case resolutions

 - Russell E. Olsen, MPA, *Executive Director***
Pollution Liability Insurance Agency ~ Olympia, WA
- 1:45 Prospective Purchaser Agreements

A comparison of the benefits and pitfalls associated with prospective purchaser agreements in Oregon and Washington

 - Richard H. Allan, Esq.**
Marten Law ~ Portland, OR
- 2:15 New and Developing Technical Issues and Updates

Discussions on topics including naturally occurring arsenic in groundwater, vapor intrusion, petroleum technical issues including use of silica gel, practical quantification limits and other technical matters

 - Mark E. Gordon, P.E.**
Environmental Engineer, Toxics Cleanup Program
Washington State Department of Ecology ~ Olympia, WA
 - Allison Geiselbrecht, Ph.D., *Principal***
Floyd I Snider ~ Seattle, WA
 - Janet Knox, LG**
President & Principal Environmental Geochemist
Pacific Groundwater Group ~ Seattle, WA
 - Arthur Buchan, *Toxicologist***
Washington State Department of Ecology ~ Lacey, WA
- 3:00 Break
- 3:15 MTCA Caselaw Update
 - Alexandra Kleeman, Esq.**
Stoel Rives ~ Seattle, WA
- 4:00 South Lake Union - Past, Present and Future
 - Clifford T. Schmitt, *Principal Hydrogeologist and Co-Founder***
Farallon Consulting ~ Issaquah, WA
 - Allyson Christine Bazan, Esq., *Assistant Attorney General***
Attorney General - Ecology Division ~ Olympia, WA
 - Robert Warren**
Northwest Region Manager, Toxics Cleanup Program
Washington State Department of Ecology ~ Bellevue, WA
- 5:00 Evaluations & Adjourn



About the Seminar



What previous attendees have said:

- “All speakers were educated/helpful in their area of expertise.”
- “Excellent and very applicable materials and presenters! I’ll be using and sharing info with colleagues and clients. Thank you!”
- “Well organized and informative!”
- “Great program!”

Continued population and job growth throughout the Puget Sound region, combined with the expansion of development activities across the entire state of Washington, has led to an economic boom that could be summarized in six words -- all the easy sites are taken. Opportunities abound for redevelopment sites. However, managing the environmental risks and liabilities of those sites is critical to project success.

The Model Toxics Control Act (MTCA) is either a central hurdle, tool, or driver (depending on your perspective) of economic development activity throughout the state. Our 2019 biennial seminar will focus on key elements of MTCA and provide updates and analysis on the law and its continued implementation so that attorneys, consultants, developers, landowners, lenders, business owners, and governmental staff can navigate the process of environmental investigation, cleanup, and cost recovery.

This year we have a wide-variety of technical, legal, and transactional topics. You will be able to hear from a faculty with wide-ranging experience from both the public and private sector. We believe the 2019 MTCA CLE has something for everyone.

We hope you will join us and look forward to your participation.

~ Program Co-Chairs: Ken Lederman, Esq. of Foster Pepper and Josh M. Lipsky, Esq. of Cascadia Law Group



Ken Lederman, Program Co-Chair, is a member of Foster Pepper. A former Assistant Attorney General for the Washington State Department of Ecology, he has successfully facilitated the remediation and redevelopment of dozens of contaminated properties



Josh M. Lipsky, Program Co-Chair, is a partner at Cascadia Law Group. His practice focuses on hazardous waste cleanup and liability, including representing clients at Northwest Superfund sites, in contaminated property transactions, and in cost recovery disputes.



Richard H. Allan is the managing partner for Marten Law's Portland office. He represents developers in the acquisition, siting, expansion, and operation of major projects, with an emphasis on energy facilities.



Allyson Christine Bazan is Assistant Attorney General in the Ecology Division of the Attorney General's Office where she she focuses on client advice for toxic cleanup sites. She has also represented the agency in the litigation of water quality, air quality, and shorelands regulation.



Arthur Buchan has been a Toxicologist with the Washington State Department of Ecology since 2004. His specialties include ecological risk, statistics, and electrochemistry.



Michael Neal Feldcamp is the Senior Legislative and Policy Analyst for the Washington State Department of Ecology. The Program is responsible for implementing the state's cleanup law, the Model Toxics Control Act.



Allison Geiselbrecht, Principal at Floyd I Snider, is a marine microbiologist. Her expertise is in the investigation of sediment and water chemistry and biodegradation of pollutants such as polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and pesticides.



Peter Godlewski is Government Relations Director for Environmental Policy at the Association of Washington Business. He previously worked in a similar position for the Pacific Northwest Waterways Association.



Mark E. Gordon is an Environmental Engineer in the Toxics Cleanup Program at the Washington State Department of Ecology. His primary responsibilities include overseeing the development of model remedies and vapor intrusion guidance.



Alexandra Kleeman is a partner at Stoel Rives. She focuses her practice on providing public and private real estate developers counseling and litigation support with environmental and regulatory matters.



Janet Knox is President & Principal Environmental Geochemist at Pacific Groundwater Group. She has been closely involved in every MTCA revision and worked to develop the TPH risk-based approach with the Science Advisory Board.



Connie Sue M. Martin is a shareholder at Schwabe Williamson & Wyatt. She helps Indian tribes, ports, companies of all sizes and individuals address environmental contamination and restore injured natural resources.



Darcy Nonemacher is the Legislative Director for the Washington Environmental Council (WEC). She works across WEC's program areas to pass and defend environmental laws and secure public funding for essential programs and projects.



Russell E. Olsen is Executive Director of the Pollution Liability Insurance Agency. Previously, he was the Northwest Regional Voluntary Cleanup Program Unit Supervisor for the Department of Ecology's Toxic Cleanup Program and was responsible for ensuring cleanup actions met state and federal

requirements.



James J. Pendowski is Manager of the Toxics Cleanup Program for the Washington State Department of Ecology. His current responsibilities include administering the state's clean up law (the Model Toxics Control Act) and Underground Storage Tank Program.



Clifford T. Schmitt, Principal Hydrogeologist and Co-Founder of Farallon Consulting, is a licensed geologist and hydrogeologist in Washington and California. His experience is in investigation and cleanup project management include characterizing contamination in soil, groundwater, and surface

water.



Clint Stanovsky is a Regulatory Analyst for the Washington State Department of Ecology.



Robert Warren, Northwest Region Manager for the Toxics Cleanup Program at the Washington State Department of Ecology, has managed the Toxics Cleanup Program's Northwest Regional Office since 2007.



Registration & Other Seminar Information

To Register:

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for this program is \$695 with a group rate of \$625 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$520. For students, people in their job for less than a year, and public interest NGO's, our rate is \$347.50. All rates include admission to all program sessions, food and beverages at breaks, and all course materials. Materials will be available for download and review a few days before the program. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

Substitution & Cancellation:

You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, October 4, 2019. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Seminar Location: The seminar will be held at the Hilton Seattle at 1301 6th Avenue in Seattle, WA 98101.

Continuing Education Credits:

Live credits: This program qualifies for 6.50 WA MCLE credits, 6.50 AICP planner credits, and 6.50 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio podcasts and video replays, with course materials, are available at the same price as live attendance. The course materials alone are available for \$100. Replays will be available within three business days after the program or from the date we receive payment.

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You Will Learn About:

- *MTCA legislative update*
- *Ecology Cleanup Rule update*
- *Toxics Cleanup Program update including the Voluntary Cleanup Program*
- *Pollution Liability Insurance Agency update*
- *Benefits and pitfalls associated with prospective purchaser agreements*
- *New and developing technical space issues*
- *Case study of South Lake Union cleanup*
- *MTCA caselaw update*

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