



**LAW SEMINARS
INTERNATIONAL**

The power of information®

A Comprehensive Seminar on the 31st Anniversary of the
Model Toxics Control Act

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

October 28, 2021

Live Online | Pacific Time Zone

Agenda

9:00 Introduction & Overview

Ken Lederman, Esq., Program Co-Chair
McCullough Hill Leary ~ Seattle, WA

Josh M. Lipsky, Esq., Program Co-Chair
Cascadia Law Group ~ Seattle, WA

9:15 Pollution Liability Insurance Agency (PLIA) Update

Phi V. Ly, Esq., Legislative & Policy Manager
Pollution Liability Insurance Agency ~ Olympia, WA

9:45 Ecology's Toxics Cleanup Program

Brock Milliern, Toxics Cleanup Program Manager
Washington State Department of Ecology
Olympia, WA

10:15 Break

10:30 Grant Program Update

Update on use of Remedial Action Grants to cleanup past contamination and on the new Cleanup for Affordable Housing Grants

Richelle Perez,
Policy and Technical Support Unit Supervisor
Washington State Department of Ecology
Olympia, WA

User/consumer perspective on the Cleanup for Affordable Housing Grant program

Michael Dunning, Esq.
Perkins Coie ~ Seattle, WA

11:30 Expedited Voluntary Cleanup Program (VCP)

Sarah Van Galder Wollwage,
Expedited VCP Planner
Washington State Department of Ecology ~ Lacey, WA
Frank Winslow, LHG,

Expedited VCP Cleanup Site Manager
Washington State Department of Ecology
Union Gap, WA

12:00 Lunch Break

1:00 "Contained-In" Determinations for Contaminated Soil and Groundwater

Requirements and best practices for seeking and obtaining a determination, for disposal purposes, that contaminated media no longer contains a listed dangerous waste or is below risk-based levels

Kara Tebeau, Esq., *Assistant Attorney General*
Washington State Attorney General's Office
Olympia, WA

1:30 PFAS and PFOs

Progress towards development of a chemical action plan that identifies sources and recommends actions to reduce the use, release, and exposure to per- and polyfluoroalkyl substances

Ivy Anderson, Esq., *Assistant Attorney General*
Washington State Attorney General's Office
Olympia, WA

Per- and polyfluoroalkyl substances in the Lower Issaquah Valley: A case study in evaluation of historical uses of PFAS and potential migration pathways from shallow points of release

Eric Buer, *Principal Hydrogeologist and
Washington Operations Manager*
Farallon Consulting LLC ~ Seattle, WA

2:30 MTCA Caselaw Update

Alexandra Kleeman, Esq.
Stoel Rives ~ Seattle, WA

3:00 Break

3:15 MTCA Rulemaking Update

Update on provisions including ones relating to incorporation of Environmental Justice considerations into the MTCA cleanup process

Clint Stanovsky, MS, MPA, *Regulatory Analyst*
Washington State Department of Ecology
Lacey, WA

Environmental perspective on what else needs to be done

Michelle Chow,
Stormwater and Toxics Policy Manager
Washington Environmental Council ~ Seattle, WA

Ecology's new Green Remediation Guidance

Chance E. Asher, *Policy Analyst/Toxicologist*
Washington State Department of Ecology
Lacey, WA

4:30 MTCA & SEPA: Intersections and Disconnects

Ken Lederman, Esq., *Program Co-Chair*
Jessica M. Clawson, Esq.
McCullough Hill Leary ~ Seattle, WA

5:00 Evaluations & Adjourn

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

About the Conference

The turbulent events over the past two years have not slowed down the need for reuse and development of residential, commercial, and industrial property throughout Washington. Nor has there been a slowdown in regulatory efforts to encourage reuse of contaminated properties and to protect human health and the environment, while also promoting sustainability and environmental justice. New programs, new initiatives and new complexities offer opportunities and obstacles to the cleanup program and the regulated community.

Our 2021 biennial seminar on the Model Toxics Control Act (MTCA) will 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, redevelopment, and cost recovery. We'll explore the current program and the tools that have been and are being developed to assist in the cleanup and redevelopment of contaminated sites. You will have an opportunity to hear a wide variety of technical, legal, and transactional topics, and you will be able to hear from and interact with a faculty with wide-ranging experience from both the public, private and non-profit sectors.

We hope you will join us and look forward to your participation. Register soon to reserve your virtual seat..

~ Ken Lederman, Esq. of McCullough Hill Leary and
Josh M. Lipsky, Esq. of Cascadia Law Group, Program Co-Chairs

Registration & Other Conference Information

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 Tribal Members, public interest NGO's, students, and people in their job for less than a year, our rate is \$347.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International.

As an added value bonus, attendees will receive access to audio and video recordings of the program at no extra charge.

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 22, 2021. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

Continuing Education Credit: Live credits: This program qualifies for 6.25 WA MCLE, 6.25 ABCEP environmental professional, and 6.25 AICP land use planner credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

Time Shift Your Content: Audio and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$75.

Faculty

Ken Lederman, Program Co-Chair, is a partner at McCullough Hill Leary. He is a contaminated property specialist who provides counseling and litigation support on environmental issues in property ownership, transactions (purchase, sale or financing) and redevelopment. A former Assistant Attorney General for the Washington State Department of Ecology, he has successfully facilitated the negotiation, remediation and redevelopment of hundreds of contaminated properties throughout the Northwest.

Josh M. Lipsky, Program Co-Chair, is a partner at Cascadia Law Group. He represents major industrial clients, commercial and real estate businesses of all sizes, and local municipalities and focuses on hazardous waste cleanup and liability, including representing clients at Northwest Superfund sites, in contaminated property transactions and in cost recovery disputes.

Ivy Anderson is an Assistant Attorney General in the Washington State Attorney General's Office. She is the Section Manager of the Cleanup Section of the Ecology Division and the Lead Attorney for the Pollution Liability Insurance Agency, where she advises on program development, rulemaking, insurance claims, and insurance treaty negotiation.

Chance E. Asher is a Policy Analyst/Toxicologist for the Washington State Department of Ecology

Eric Buer is Principal Hydrogeologist and Washington Operations Manager for Farallon Consulting LLC. His project work includes scoping and managing large site characterization and cleanup projects, regulatory interaction and negotiation, contaminant fate and transport analysis, and litigation support.

Michelle Chow is the Stormwater and Toxics Policy Manager at the Washington Environmental Council. She works on policy approaches to reduce stormwater and toxics impacts on water, wildlife, and people at the state and local government levels. Previously she worked as a Sea Grant Knauss Marine Policy Fellow for the House of Representatives Natural Resources Committee.

Jessica M. Clawson is a partner at McCullough Hill Leary. She works with private developers on land use and permitting issues throughout the state of Washington, with a specific focus on complex projects within complicated urban jurisdictions.

Michael Dunning is a partner at Perkins Coie where he has a particular depth of experience in contaminated sites (aka "dirty dirt"). He previously served as an Assistant Attorney General for the State of Washington, including as Section Chief of the Hazardous Waste Cleanup section, and acted as lead counsel on some of the state's most challenging and complex contaminated sites and cases.

Alexandra Kleeman is a partner at Stoel Rives She provides public and private real estate developers with transactional and litigation support on real estate, environmental, and regulatory matters, including disposition and acquisition of contaminated sites, redevelopment and cleanup of contaminated properties, resolution of cleanup liability disputes, and insurance recovery for environmental liabilities.

Phi V. Ly is the Legislative & Policy Manager at the Pollution Liability Insurance Agency.

Brock Milliern is Toxics Cleanup Program Manager at the Washington State Department of Ecology.

Richelle Perez joined the Toxics Cleanup Program's Policy Unit as Supervisor in the fall of 2016. Her career with Ecology began in 2005 with a Washington Conservation Corp (WCC) internship with Air Quality at Spokane's Eastern Regional Office (ERO), followed by Hazardous Waste at ERO, and Spills, Air Quality, and Toxics Cleanup programs in Lacey.

Clint Stanovsky, MS, MPA is a Regulatory Analyst in the Department of Ecology's Toxics Cleanup Program, Policy and Technical Support Unit. He is Ecology's Rule Lead for the current MTCA Cleanup Rule Update.

Kara Tebeau is an Assistant Attorney General with the Ecology Division. She represents the Washington State Department of Ecology in matters ranging from toxics cleanup and hazardous waste enforcement to natural resource damages and penalty enforcement.

Frank Winslow is a licensed geologist and hydrogeologist in the Department of Ecology's Toxics Cleanup Program. He is Ecology's cleanup site manager for sites enrolled in the Expedited Voluntary Cleanup Program, which was started in 2020.

Sarah Van Galder Wollwage is an Expedited VCP Planner at the Washington State Department of Ecology.