



*A Comprehensive In-Person Seminar on the 33rd Anniversary of the*

# Model Toxics Control Act

*New policy guidance, rulemakings, grant programs, chemicals of concern  
and other developments for environmental risk and liability management*

**December 7, 2023**

Live via Interactive Online Broadcast

## *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 Update from Toxics Cleanup Program Leadership**

Agency program implementation priorities; items coming up next on Ecology's rulemaking agenda

**Kristopher M. Grinnell, MPA**, *Policy Section Manager*  
Washington State Department of Ecology ~ Lacey, WA

**9:45 Recently Completed MTCA Rulemaking: Overview for Practitioners**

Release reporting; initial investigation; site hazard assessment and ranking (new SHARP tool); site listing; remedial investigation and cleanup action selection; sampling and analytical methods; and underground storage tank issues

**Clinton Stanovsky, MS, MPA**, *Cleanup Rulemaking Lead*  
Washington State Department of Ecology ~ Olympia, WA  
**Michael Feldcamp, Esq.**, *Senior Policy Analyst*  
Washington State Department of Ecology ~ Lacey, WA

**10:45 Break**

**11:00 Recently Completed MTCA Rulemaking (cont'd)**

Compliance challenges from a responsible party perspective

**Ken Lederman, Esq.**, *Program Co-Chair*  
**Josh M. Lipsky, Esq.**, *Program Co-Chair*

Public participation and the need for Tribal engagement; Cultural Resource protection issues; Tribal NRD trustee perspective interplay with Natural Resource Damages claims

**Connie Sue M. Martin, Esq.**  
Schwabe Williamson & Wyatt ~ Seattle, WA

**12:15 Lunch (On Your Own)**

**1:30 Guidance Updates**

New Phase 1 ASTM Standards and purchaser due diligence obligations/responsibilities under the new standards

**Tina M. Huff, REPA.**, *Principal Regulatory Specialist*  
Farallon Consulting ~ Issaquah, WA  
**John J. Houlihan, Jr., Esq.**  
Houlihan Law ~ Seattle, WA

Vapor Intrusion: Regulatory update on vapor intrusion guidance; assessment tips

**Suzanne Stumpf, P.E.**, *Principal Design Engineer*  
Farallon Consulting ~ Seattle, WA  
**Clare Tochilin**, *Senior Geologist*  
SoundEarth Strategies ~ Seattle, WA

Overview of new guidance on the use of Silica Gel for cleaning up petroleum contaminated sites

**Gabriel Cisneros**, *Associate Principal*  
Floyd/Snider ~ Seattle, WA  
**Andrew S. Kallus, LG**, *Senior Toxicologist*  
Washington State Department of Ecology ~ Lacey, WA

3:15 Break

3:30 **Community Investment: Overview of Affordable Housing Cleanup Grant Program and Other Brownfield Program Resources**

Overview of Ecology's Affordable Housing Cleanup Grant Program and other resources to support brownfield redevelopment

**David Cook, LG, CPG**, *Principal Geologist*  
Aspect Consulting ~ Seattle, WA  
**Ali Furmall, LG, LHG**, *Brownfields Program Lead*  
Washington Department of Ecology ~ Spokane, WA

4:15 **PFAS from the Litigation Perspective**

Update on suits against manufacturers and users as potentially responsible parties

**Daniel P. Mensher, Esq.**  
Keller Rohrbach ~ 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*

This year, the The Department of Ecology culminated a multi-year rulemaking process by issuing the first major updates to the contaminated site cleanup regulations, Chapter 173-340 WAC, in over 20 years. The changes range from minor technical corrections to new decision-making criteria and procedural requirements that will likely result in material changes to how cleanups are conducted. You will hear from Clint Stanovsky, Ecology's Cleanup Rulemaking Lead, on the changes to site discovery, investigation, remedy selection, and cleanup processes. During the rulemaking process, Ecology engaged in extensive discussions with stakeholder groups and Tribes. You also will hear Tribal and potentially responsible party perspectives on the new rules.

Additional rulemaking work is on the agency's agenda for cleanup standards. Kris Grinnell, Ecology's Policy Section Manager will bring you up to date on the agency's plans for that rulemaking and its general policy priorities. You also will hear guidance updates focusing on New Phase 1 ASTM Standards, vapor intrusion, and the use of Silica Gel for cleaning up petroleum contamination. PFAS contamination of drinking water and other resources is a

growing concern and we will close out the program with an update on litigation against PFAS manufacturers and users as potentially responsible parties.

Recent years have brought increasing pressure for more affordable housing and a resulting need for government entities to encourage reuse of contaminated properties in a way that protects human health and the environment, while also promoting sustainability and environmental justice. One of the highlights of our 2023 biennial seminar on the Model Toxics Control Act (MTCA) will be a panel on the Department of Ecology's Affordable Housing Cleanup Grant Program and other resources to support brownfield redevelopment.

Over the course of the program, you will have an opportunity to hear from a faculty with wide-ranging experience in public, private and non-profit sectors and having expertise in a wide variety of technical, legal, and transactional areas. We hope you will join us and look forward to your participation, either in the room or remotely via an interactive live broadcast.

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 \$795 with a group rate of \$715 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$595. For Tribal members, public interest NGO's, students, and people in their job for less than a year, our rate is \$397.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International. As a value-added bonus, you 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, December 1, 2023. 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 6.00 Washington MCLE, 6.00 AICP land use planner, and 6.00 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 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.

**Gabriel Cisneros** is an Associate Principal and Senior Geologist at Floyd/Snider. He has extensive experience with MTCA as applied to upland soil, groundwater, and soil vapor. He has held key positions on projects involving multiple PLPs, litigation and cost recovery, and large-scale redevelopment, including Port of Longview, Rio Tinto's Holden Mine Site, Cascadia Law Group projects, and various Vulcan redevelopment projects in Seattle.

**David Cook, LG, CPG**, is Principal Geologist and Owner of Aspect Consulting where he focuses on urban brownfields redevelopment, site acquisition, remedial cost estimation, cleanup, and environmental strategy. He also is an Affiliate Professor in the School of Earth and Sustainability at Northern Arizona University.

**Michael Feldcamp** is a Senior Policy Analyst at the Washington State Department of Ecology.

**Ali Furmall, LG, LHG**, is the Small and Rural Communities Specialist for the Brownfields Program at the Washington State Department of Ecology, where she has developed a program focused on promoting brownfields redevelopment to small communities. She also provides technical assistance for projects receiving brownfields funding from Ecology and Commerce.

**Kristopher M. Grinnell** is the Policy Section Manager for Washington State Department of Ecology.

**John J. Houlihan, Jr.**, Houlihan Law, focuses on environmental, commercial real estate, land use, and general business law and serves as general counsel for several Seattle real estate holding companies. His environmental law experience includes all aspects of contaminated real property including compliance, investigation / remediation, cost recovery and insurance coverage.

**Tina M. Huff** is a Principal Regulatory Specialist at Farallon Consulting and manages the firm's due diligence team. She also is a highly active member of organizations such as the ASTM International Committee on Environmental Assessment, Risk Management, California Mortgage Bankers Association, American Railway Development Association, and Corrective Action and the Environmental Bankers Association.

**Andrew S. Kallus** is a Senior Toxicologist at the Washington State Department of Ecology. He provides human health toxicology and risk assessment support to the MTCA program and also maintains TCPs Cleanup Levels and Risk Calculations (CLARC) database and associated guidance.

**Connie Sue M. Martin** is a shareholder at Schwabe Williamson & Wyatt and helps Indian Tribes and companies address environmental contamination and restore injured natural resources. She is one of the country's most experienced practitioners of environmental Native American law, with over 20 years of experience representing Tribes.

**Daniel P. Mensher** practices is Keller Rohrback's nationally recognized Complex Litigation Group with a focus on environmental cases and representing government entities in important litigation. Before joining the firm, he was an environmental law professor at Lewis & Clark Law School in Portland, Oregon, where he also litigated cases involving toxic waste, water pollution, and natural resource management.

**Clinton Stanovsky** is a Regulatory Analyst in the Policy and Technical Support Unit of Ecology's Toxics Cleanup Program. He led Ecology's exploratory rulemaking process for MTCA updates in 2018, and the first phase of formal amendments to the MTCA Cleanup Regulations which were adopted in August, 2023.

**Suzanne Stumpf** is a Principal Design Engineer at Farallon Consulting. Her experience includes remedial investigation/feasibility study analysis, site characterization, vapor intrusion analysis, remedial system design and implementation, operation and maintenance of remedial systems, and coordination of large soil excavation projects.

**Clare Tochilin** is a Senior Geologist at SoundEarth Strategies. Her primary areas of experience include environmental subsurface investigations, remedial excavation and drilling oversight, aquifer testing and analysis, groundwater monitoring, and technical report writing.