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- Cascadia Law Group PLLC
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- Floyd Snider
- Foster Pepper PLLC
- Landau Associates Inc.
- Law Office of Charles R. Wolfe, M.R.P., J.D.
- Marten Law Group
- Pacific Groundwater Group
- Perkins Coie LLP
- Riddell Williams P.S.
- Stoel Rives LLP
- Washington State Department of Ecology
- Windward Environmental LLC

*A Comprehensive One-Day Workshop on Washington's*

# Model Toxics Control Act

*New developments in implementation, litigation, and legislation*

May 24, 2006  
Seattle, Washington

Renaissance Seattle Hotel

**Credits:** WA CLE 7.0 (call about others)  
**Quick when/where:** 8:30 a.m., 515 Madison Street

**Model Toxics Control Act Workshop**

May 24, 2006 | Seattle, Washington  
Renaissance Seattle Hotel

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06MTCAWA WS



**8:30 Introduction & Overview**

**Charles R. Blumenfeld, Esq., *Program Co-Chair***  
Perkins Coie LLP ~ Seattle, WA

**Kathy L. Gerla, Esq., *Program Co-Chair***  
Foster Pepper PLLC ~ Seattle, WA

**8:45 Five-Year Retrospective on the 2001 MTCA Rules: Successful Implementations, Struggles, Things that Never Happened, Differences Between Experiences and Intentions Five Years Ago; and Why**

**Kathy L. Gerla, Esq., *Program Co-Chair, Moderator***

**Rodney L. Brown, Jr., Esq.**  
Cascadia Law Group PLLC ~ Seattle, WA

**Steven J. Thiele, Esq.**  
Stoel Rives LLP ~ Seattle, WA

**Peter Kmet, P.E.**  
*Environmental Engineer, Toxics Cleanup Program*  
Washington State Department of Ecology ~ Olympia, WA

**10:15 Break**

**10:30 Litigation & Legislative Update: What's Been Challenged; What's Been Upheld and Not; What Have Been the Impacts on the Overall Program**

What is happening with the statute of limitations, substantial equivalence, joint and several liability, and other thorny MTCA litigation issues

**Gillis E. Reavis, Esq.**  
Foster Pepper PLLC ~ Seattle, WA

Who has been pushing for what; the way the politics have played out; what to expect in the next session

**Kathy L. Gerla, Esq., *Program Co-Chair***

**11:15 Ecology Initiatives**

Puget Sound Initiative and future direction

**Jim Pendowski, *Toxics Cleanup Program Manager***  
Washington State Department of Ecology ~ Olympia, WA

**12:00 Lunch (on your own)**

**1:15 Key Issues**

Remedy selection, including recent guidance on remediation of petroleum-contaminated groundwater by natural attenuation

**Kenneth Lederman, Esq.**  
Riddell Williams P.S. ~ Seattle, WA

**Kris Hendrickson, P.E., *Principal***  
Landau Associates Inc. ~ Edmonds, WA

Risk assessment

**Warren G. Hansen, P.E., *Partner***  
Windward Environmental LLC ~ Seattle, WA

**2:45 Break**

**3:00 Rights Of Way**

Practical and legal consideration when dealing with contamination in public rights of way

**Marya J. Silvernale, Esq., *Senior Assistant City Attorney***  
City of Seattle—Law Department ~ Seattle, WA

**Margaret A. Yowell, Esq.**  
Marten Law Group ~ Seattle, WA

**Janet N. Knox, L.G., *Principal Environmental Geochemist***  
Pacific Groundwater Group ~ Seattle, WA

**3:45 All Appropriate Inquiries Rule**

**Tom Lindley, Esq.**  
Perkins Coie LLP ~ Portland, OR

**4:30 Fitting the Solution to the Project—MTCA and Brownfield Toolbox for Different Project Types**

Issues including MTCA resolution options; “site” vs. “property”; VCP opinion letter revisions

**Charles R. Wolfe, M.R.P., J.D.**  
Attorney at Law ~ Seattle, WA

**Kate Snider, P.E., R.L.A., *Principal***  
Floyd Snider ~ Seattle, WA

**5:30 Evaluations & Adjourn**



About the Workshop

**LAW SEMINARS INTERNATIONAL**

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Five years ago the Washington State Department of Ecology adopted a comprehensive set of amendments to the MTCA rules to implement recommendations of the MTCA Policy Advisory Committee (PAC), a legislative advisory group. This conference will explore issues arising out of implementation of the 2001 rule amendments, as well as recent changes to the Voluntary Cleanup Program and EPA's recent All Appropriate Inquiries Rule. Lawyers, consultants, environmental groups, and parties conducting cleanups will want to hear the latest developments concerning issues they may have when conducting cleanup of contaminated property.

~Program Co-Chairs: **Charles R. Blumenfeld, Esq.** and **Kathryn L. Gerla, Esq.**



**Charles R. Blumenfeld**, *Program Co-Chair*, is a partner with Perkins Coie LLP. Mr. Blumenfeld has been involved in permission and enforcement matters under the federal and state Clean Water Act, Clean Air Act, RCRA, CERCLA, and MTCA. He has been recognized in *The Best Lawyers of America*, *Who's Who in America*, and in *Best Lawyers: Environmental and Natural Resource Law*.

**Kathryn L. Gerla**, *Program Co-Chair*, is a member at Foster Pepper PLLC where her practice focuses on environmental and land use law. Previously, she was an Assistant Attorney General with the Washington State Attorney General's Office. She served as lead counsel for the Department of Ecology's MTCA cleanup program, and participated in the MTCA Policy Advisory Committee and 2001 revisions of the MTCA rules.

**Rodney L. Brown, Jr.**, is a partner with Cascadia Law Group PLLC. He has worked on most of the region's Superfund cleanups and the permitting of major industrial and municipal facilities. He was the principal author of Washington's Superfund law, the Model Toxics Control Act.

**Warren G. Hansen** is at Windward Environmental LLC as a civil and environmental engineer specializing in hazardous and industrial waste management. He has provided technical leadership on industrial surveys, spill prevention, site investigations and remediation measures.

**Kris Hendrickson** is a Principal at Landau Associates Inc., and her focus is on cleanup and redevelopment of contaminated property and providing litigation support including allocation of cleanup costs.

**Peter Kmet** is an environmental engineer with Washington State Department of Ecology's Toxic Cleanup Program. He supervised the Ecology staff that wrote the State's first cleanup regulations under the MTCA and was a major contributor to amendments adopted in February 2001.

**Janet N. Knox, L.G.**, is a Principal Environmental Geochemist at Pacific Groundwater Group in Seattle. She focuses on investigating and remediating soil, sediment, surface water, and groundwater.

**Kenneth Lederman** is a principal at Riddell Williams P.S. He is a member of the Environmental and Natural Resources Practice Group. Previously, he was an Assistant Attorney General in the Ecology Division where he worked in the areas of toxic waste management.

**Tom Lindley** is a partner at Perkins Coie LLP and focuses his practice on environmental and natural resources, water and waste permits, water quality and rights, enforcement defense, litigation, site investigations and remediation, audits and due diligence.

**Jim Pendowski** is a Program Manager of the Toxics Cleanup Program in the Washington State Department of Ecology and has been involved in solid waste management issues on the state and local government level for the past 10 years.

**Gillis E. Reavis** is a member at Foster Pepper PLLC, focusing his practice on environmental and related litigation. He has litigated, tried and settled many complex cases arising out of contaminated property. In addition, he handles environmental toxic tort class actions and environmental insurance coverage cases.

**Marya J. Silvernale** is a Senior Assistant City Attorney in the City of Seattle Law Department. She practices in the Environmental Protection Section where she focuses on MTCA and CERCLA issues, sediment cleanups, environmental compliance, and environmental due diligence.

**Kate Snider, R.L.A.**, a principal of Floyd Snider, is a professional civil engineer and registered landscape architect with experience in site engineering and site cleanup. She is considered one of the leaders in developing and implementing area-wide solutions to contaminated site management.

**Steve J. Thiele** is of counsel at Stoel Rives LLP. His practice focuses on hazardous waste, land use and environmental issues for both public and private interests. Formerly he was chief toxics cleanup attorney for the Washington State Attorney General's Office Ecology Division.

**Charles R. Wolfe, M.R.P., J.D.**, focuses on environmental and land use law. He currently represents municipalities and private parties on redevelopment, environmental and land use permitting and property remediation issues.

**Margaret A. Yowell** is a partner at Marten Law Group representing clients in environmental law. She focuses her practice on air quality, waste management, and water quality issues, assisting clients with their day-to-day and cutting-edge environmental regulatory compliance issues.



## Registration & Other Workshop Information

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**Tuition:** Regular tuition for this program is \$595 with a group rate of \$520 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$445. For students and people in their job for less than a year, our rate is \$297.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

### 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 Thursday, May 18, 2006. After that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The workshop will be held at the Renaissance Seattle Hotel at 515 Madison St. in Seattle, WA 98104. Call the hotel directly at (206) 583-0300 for reservations at the special negotiated rate of \$159.00 and mention that you are attending a Law Seminars International workshop. Rooms are on a first come, first served basis.

### Continuing Education Credits:

This program qualifies for 7.0 WA CLE credits. Upon request, we will apply for CLE credits in other states and other types of credits.

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# Model Toxics Control Act

*New developments in implementation, litigation, and legislation*

**May 24, 2006**  
 Seattle, Washington

**Renaissance Seattle Hotel**  
 515 Madison St.  
 (206) 583-0300

**Credits:** WA CLE 7.0 (call about others)

## This Workshop Addresses:

- *Implementation of the 2001 MTCA Rule*
- *New Developments in Litigation and Legislation*
- *New Ecology Initiatives*
- *Remedy Selection: Remediation of Petroleum-Contaminated Groundwater and Risk Assessment*
- *Rights of Way Issues*
- *All Appropriate Inquiries Rule*
- *Resolution Options for Different Types of Projects*

## What Attendees Have Said About Previous Programs:

- *The seminar was very informative.*
- *An excellent line-up of speakers.*
- *Exceptional!*

## Who Should Attend:

*Lawyers, developers, contractors, environmental professionals, corporate managers, engineers, architects, city and county officials, and anyone involved with developing contaminated property*

## Law Seminars International News:

### Upcoming Related Seminars:

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