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Our Tenth Annual Conference on

Clean Water and Stormwater

New regulatory, legal and business developments

April 6 & 7, 2009

Seattle, Washington

Washington State Convention and Trade Center

Credits: WA CLE 11.5 inc 1 ethics | WA RE pending | AICP CM pending (call about others)

Quick when/where: 8:30 a.m., 800 Convention Place

Clean Water and Stormwater Conference

April 6 & 7, 2009 | Seattle, Washington
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09CLWA WS



8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Michael P. O'Connell, Esq., Program Co-Chair
Stoel Rives LLP ~ Seattle, WA

James A. Tupper, Jr., Esq., Program Co-Chair
Tupper Mack Brower PLLC ~ Seattle, WA

8:45 Municipal Stormwater Permits: Status of 2007 Permit Appeals

Update on Pollution Control Hearings Board rulings; what Ecology plans to do in response; who is appealing and what their prospects are for success

Lori A. Terry-Gregory, Esq.
Foster Pepper PLLC ~ Seattle, WA

Jan Erik Hasselman, Esq., Staff Attorney
Earthjustice ~ Seattle, WA

Ronald L. Lavigne, Esq., Senior Counsel; Ecology Division
Washington State Attorney General's Office ~ Olympia, WA

9:45 Break

10:00 Low Impact Development (LID): When is It Feasible?

The PCHB has ordered Ecology to require LID where feasible. How are local governments addressing LID feasibility?

Theresa R. Wagner, Esq., Senior Assistant City Attorney
Seattle City Attorney's Office ~ Seattle, WA

How LID fits into the larger strategy for saving Puget Sound; what else needs to happen to support the success of LID and where LID is most useful, or not

John Lombard, Manager, PRISM Applications
University of Washington, School of Oceanography
Snohomish, WA

LID as an essential element for saving Puget Sound and a key objective of the Puget Sound Partnership Agenda: Scientific perspectives - to what extent we need to move beyond the PCHB ruling towards mandatory low impact development

Paul Fendt, P.E., Consulting Engineer
CDM ~ Bellevue, WA

12:00 Lunch (on your own)

1:15 2008 Revised Industrial Stormwater General Permit (ISGP): Progress Towards a Unified Approach

Overview on Ecology's recent revisions to the permit; new benchmarks; update on External Advisory Group composition and activities

Bill Moore, Supervisor, Water Quality Program
Washington State Department of Ecology ~ Olympia, WA

2:00 ISGP: Compliance Strategies

Compliance rates; Ecology staff memo; summary of the past 24 months of citizen suit litigation and attorneys fees; lessons to be drawn

James A. Tupper, Jr., Esq., Program Co-Chair
How to develop and maintain a Stormwater Pollution Prevention Plan (SWPP) including BMP selection; developing a monitoring plan and record keeping strategy; when to update your SWPP

Kenneth Taylor, President
KTA Associates, Inc. ~ Seattle, WA

3:00 Break

3:15 ISGP: Implementing the Permit and Adaptive Management Concept

How to implement monitoring and reporting requirements; certifications of compliance; sampling and when to elevate the response level; how to manage adaptive management responses; filing requirements

Nathan A. Graves, VP & Principal Environmental Scientist
Kennedy/Jenks Consultants ~ Federal Way, WA

Jerry Ninteman, P.E.
Environmental Engineering Department Manager
Landau Associates ~ Edmonds, WA

4:30 Managing Stormwater: How Are We Doing?

National Academy of Science Report and how other states regulate stormwater: Are there better approaches to regulation?

Derek B. Booth, Ph.D., President
Stillwater Sciences ~ Seattle, WA

5:15 Adjourn Day One



About the Conference

LAW SEMINARS INTERNATIONAL

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Stormwater continues to be a significant source of concern to the health of Puget Sound and the object of ever increasing regulation. There is a clear direction toward treatment and compliance with numeric standards. Compliance will be a significant challenge to many businesses and there will be particular challenges for municipalities. Facilities are also under increasing scrutiny from citizen suit litigation.

We have assembled experienced representatives of state, federal and local governments, consultants and practitioners to provide practical suggestions and insights on managing these compliance and other important Clean Water Act issues.

~ Program Co-Chairs: Michael P. O'Connell, Esq. and James A. Tupper, Jr., Esq.



- 8:00 Registration and Continental Breakfast**
- 8:30 Introduction and Overview**

Michael P. O'Connell, Esq., *Program Co-Chair*
James A. Tupper, Jr., Esq., *Program Co-Chair*
- 8:45 The Stormwater Work Group, the Puget Sound Partnership and NPDES Permits**

Development of coordinated monitoring plans as required by Ecology for the municipal stormwater Phase 1 NPDES general permits

Kristine Holm, Esq., *Founder*
Water Resources Northwest ~ Seattle, WA
- 9:45 Enforcement and Citizen Suit Liability**

How to respond to citizen suit notice letters; Ninth Circuit standards; Clean Water Act citizen suits

Jason T. Morgan, Esq.
Stoel Rives LLP ~ Seattle, WA
- 10:30 Break**
- 10:45 EPA Effluent Limitation Guideline for Construction Stormwater: How Well is the Permit Now Working?**

Anticipated impact of the effluent limitation on the next Washington permit; new higher standards and challenges for compliance in areas with clay soils and high precipitation; impact on EPA's 2008 CSGP; EPA's 2008 Multi-Sector Stormwater General Permit

Michael P. O'Connell, Esq., *Program Co-Chair*
John Macpherson, *Senior Surface Water Quality Specialist*
Cascade EcoSolutions ~ Bothell, WA
- 11:45 Lunch (on your own)**

- 1:00 TMDLs in Washington: Spokane River and Other Projects**

Update on how Ecology's 2007 draft TMDL and draft NPDES have been playing out, and the implications for permits for Washington municipalities

Craig S. Trueblood, Esq.
K&L Gates LLP ~ Seattle, WA
- 2:00 Ethical Considerations in Dealing with Administrative Agencies**

Contact with agency, staff and attorneys: When is it appropriate?

Thomas M. Fitzpatrick, Esq.
Talmadge/Fitzpatrick PLLC ~ Tukwila, WA
- 3:00 Evaluations and Adjourn**

Upcoming Seminars:

Land Use	April 13-14, 2009	Seattle WA
Idaho Water Law	May 7-8, 2009	Boise ID
Reporting and Disclosure of Environmental Liabilities	May 18, 2009	Seattle WA
Transportation and Climate Change in California	May 20, 2009	San Francisco, CA
Washington Water Law	June 4-5, 2009	Seattle WA

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

Tuition: Regular tuition for this program is \$995 with a group rate of \$845 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$497.50. 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 Tuesday, March 31, 2009. After that time, we will credit your tuition toward atten-

dance 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 conference will be held at the Washington State Convention and Trade Center at 800 Convention Place in Seattle, WA 98101. Call the Convention Center directly at (206) 694-5000 for questions related to the location. A special negotiated rate of \$169/nt is available at the Renaissance Seattle Hotel, just four blocks away, for on-line reservations only on a first come, first served basis. Go to <http://marriott.com/hotels/travel/seasm-renaissance-seattle-hotel> to reserve. Use Corporate Code L64. If you have any additional questions

for the hotel, please contact them directly at (206) 583-0300.

Continuing Education Credits:

This program qualifies for 11.5 WA CLE credits including 1 ethics. Upon request, we will apply for CLE credits in other states and other types of credits.

If You Cannot Attend: Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$1005. The written course materials, or searchable CD's of the course materials, are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or from the date we receive payment.

Faculty: Clean Water and Stormwater Conference

Michael P. O'Connell, *Program Co-Chair*, partner at Stoel Rives LLP, advises on stormwater, Corps of Engineers and other permits for large projects, cultural and paleontological resources, water rights and business transactions with Indian tribes. He is listed in *Best Lawyers*.

James A. Tupper, Jr., *Program Co-Chair*, partner with Tupper Mack Brower PLLC, focuses on environmental and land use law, emphasizing water quality, water resources and shoreline development. Previously, he served two terms on the PCHB and Shorelines Hearings Board and is named a "Super Lawyer" by *Washington Law and Politics*.

Derek B. Booth, Ph.D., President at Stillwater Sciences, is co-author of the National Research Council's report *Urban Stormwater Management in the United States* and former Research Professor at the University of Washington.

Paul Fendt, P.E., consulting engineer for CDM, focuses on storm and surface water management planning, Low Impact Design approaches, flood control and flood studies, stormwater compliance and permitting, and hydrologic and hydraulic modeling.

Thomas M. Fitzpatrick, partner at Talmadge/Fitzpatrick PLLC, focuses on professional responsibility, municipal law, land use, and litigation. He is the author of the *2006 Washington Rules of Professional Conduct*.

Nathan A. Graves, Vice President and Principal
09CLWA

Environmental Scientist with Kennedy/Jenks Consultants, focuses on water quality, environmental compliance and site cleanup and provides strategic management of projects.

Jan Erik Hasselman, Staff Attorney with Earthjustice, represents conservation groups, Indian tribes, farmworkers and fisherman in litigation under the Endangered Species Act, Clean Water Act and other environmental laws.

Kristine Holm, Founder of Water Resources Northwest, is experienced in environmental consulting and planning, and represents clients in water related issues.

Ronald L. Lavigne, Senior Counsel in the Ecology Division of the Washington State Attorney General's Office is the team lead for the Water Quality Program.

John Lombard, Manager of PRISM Applications for the School of Oceanography at the University of Washington, is the author of *Saving Puget Sound: A Conservation Strategy for the 21st Century*.

John Macpherson, Senior Surface Water Quality Specialist at Cascade EcoSolutions, focuses on developing new construction storm water management technologies for construction projects and industrial facilities.

Bill Moore is Supervisor of the Water Quality Program at the Washington State Department of Ecology.

Jason T. Morgan, environmental attorney at Stoel Rives LLP, focuses on natural

resource and land use permitting and litigation before the Growth Management and Pollution Control Hearings Boards and state and federal courts.

Jerry Ninteman, P.E., Environmental Engineering Department Manager at Landau Associates, manages the preparation and implementation of plans to support the assessment and cleanup of contaminated sites in the Pacific Northwest.

Kenneth Taylor, President of KTA Associates, Inc., and an environmental engineer, provides high-level environmental consulting services with a focus on innovative and strategic guidance on environmental management and restoration.

Lori Terry-Gregory, partner at Foster Pepper PLLC and chair of the Environmental Practice Group, focuses on environmental law, federal and state complex litigation and administrative appeals.

Craig S. Trueblood, partner at K&L Gates LLP, practices environmental, land use and real estate law, including litigation. He focuses on air and water quality, natural resources restoration, and NEPA/SEPA.

Theresa R. Wagner, Senior Assistant City Attorney with the Environmental Protection Section of the Seattle City Attorney's Office, represents the City in environmental compliance, environmental contracting and litigation, and other municipal law.

April 6 & 7, 2009
Seattle, Washington

Washington State Convention and Trade Center

800 Convention Place
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Who Should Attend:

Attorneys, governmental officials, real estate and environmental professionals, consultants and planners

You Will Learn About:

- Status of 2007 Municipal Stormwater Permit Appeals
- The feasibility of Low Impact Development
- Recent revisions to the Industrial Stormwater General Permit (ISGP)
- ISGP compliance strategies and citizen suits
- Implementing ISGP monitoring and reporting requirements
- EPA effluent limitation guideline for construction stormwater
- TMDLs in Washington
- Enforcement and citizen suit liability
- Ethical considerations in dealing with administrative agencies

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