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An Important Two-Day Annual Conference on

Clean Water and Stormwater

2008 regulations and compliance strategies

June 5 & 6, 2008

Seattle, Washington

Washington State Convention and Trade Center

Credits: WA CLE 13 inc 1 ethics (call about others)

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

Clean Water and Stormwater Conference

June 5 & 6, 2008 | Seattle, Washington
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08CLWA 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 USA

8:45 Opening Address: The Puget Sound Partnership

Water quality and the Puget Sound Partnership's progress on developing a cleanup plan for Puget Sound; the impact of stormwater on the health of Puget Sound and implications for managing stormwater

Josh Baldi, Special Assistant to the Director
Washington State Department of Ecology ~ Olympia, WA

9:30 Successful Stormwater Regulation: How Are We Doing?

Environmental perspective on success of stormwater regulation and permit conditions in achieving water quality standards that protect beneficial uses of our waters; role of citizen suit actions to enforce water quality permits

Sue Joerger, Sound Keeper and Executive Director
Puget Soundkeeper Alliance ~ Seattle, WA

Richard A. Smith, Esq.
Smith & Lowney PLLC ~ Seattle, WA

10:15 Break

10:30 Municipal Stormwater Permits: Critical Issues in Phase I and II Municipal Stormwater Permit Appeals Before the Pollution Control Hearings Board

Update on Phase I development and implementation of stormwater management programs and Phase II federal minimum requirements for the scope of the permits and content of the related stormwater management program to be developed by each permittee

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

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

Jan Erik Hasselman, Esq.
Earthjustice ~ Seattle, WA

Tad H Shimazu, Esq.
Williams, Kastner & Gibbs PLLC ~ Seattle, WA

11:45 New Industrial Stormwater General Permit Overview

Introduction to significant changes in 2008 ISGP including applications to modify coverage, new monitoring and sampling requirements, benchmarks, reporting and corrective actions. What does the permit regulate? Who must apply for the permit?

James A. Tupper, Jr., Esq., Program Co-Chair

12:30 Lunch (on your own)

1:45 Industrial Stormwater General Permit Strategies for Permit Compliance

Updating a Stormwater Pollution Prevention Plan under the new guidelines; implementing new sampling and reporting requirements; parties affected by quarterly sampling and SWPPP requirements; other significant changes and who they affect

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

2:30 Industrial Stormwater General Permit Corrective Actions

When a facility has to take corrective action and prepare an engineering report; contents and time constraints; latest treatment technologies; the nationwide permits, how they differ and affect local facilities

Neil R. Alongi, P.E., Vice President and Principal Engineer
Maul Foster Alongi, Inc. ~ Vancouver, WA

3:15 Break

3:30 Copper Treatment Study Under the Boatyard Permit

Results of the joint pilot study of available technologies to control copper in runoff: What was learned? What's different from the previous permit? What are the monitoring requirements? What happens with exceedence of limits or benchmarks?

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

4:15 Citizen Suits and Stormwater General Permits

Clean Water Act stormwater general permits issued by Ecology and citizen suits

Beth S. Ginsberg, Esq.
Stoel Rives LLP ~ Seattle, WA

5:00 Reception for Faculty and Attendees Sponsored by Stoel Rives LLP and Tupper Mack Brower, PLLC



About the Conference

LAW SEMINARS INTERNATIONAL

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Puget Sound Partnership implementation efforts will sharpen the region's attention on stormwater management in the years to come. The 2007 Phase I and II municipal stormwater permits are under administrative review. The Industrial Stormwater General Permit is subject to renewal by May 2008 and stormwater is the prime suspect in the health of Puget Sound.

Stormwater regulation enters a new era in Washington. There is a clear direction towards treatment and compliance with numeric standards. Compliance will be a significant challenge to many businesses and there will be particular challenges for municipalities in controlling the uncontrollable.

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

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



- 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 U.S. Army Corps of Engineers 2007 Nationwide Permits and the RGL 07-02 Permit Exemption for Certain Ditches**
 Update on the Corps' 2007 Nationwide Permits, including regional and conditions affecting their use, and the Regulatory Guidance Letter 07-02 on permit exemptions for construction or maintenance of irrigation ditches and maintenance of drainage ditches
Michael P. O'Connell, Esq., *Program Co-Chair*
- 9:30 Implications of the Pinto Creek Case**
 What are the implications of the Ninth Circuit Pinto Creek ruling on numeric effluent limitations and compliance schedules? How does this decision impact TMDL implementation plans and NPDES permitting?
Craig S. Trueblood, Esq.
 Kirkpatrick & Lockhart Preston Gates Ellis LLP ~ Seattle, WA
- 10:15 Break**
- 10:30 The Evolving Law of Corps Jurisdiction: Post-Rapanos Guidance on Jurisdiction Over Ephemeral and Intermittent Waters**
 Practical impacts on preparation of jurisdictional delineations and mitigation plans for discharges to ephemeral and intermittent streams: Is the effect of the Rapanos decision and guidance limited to CWA Section 404, or all programs under the CWA?
Jeffrey B. Kray, Esq.
 Marten Law Group ~ Seattle, WA
- 11:15 Litigation Update**
Steven G. Jones, Esq.
 Marten Law Group ~ Seattle, WA
- 12:00 Lunch (on your own)**

- 1:15 Spokane River Dissolved Oxygen TMDL: The Department of Ecology's Controversial 2007 Draft TMDL and Draft NPDES Permits for Several Washington Municipalities**
 What are the key issues in this debate and how will it impact TMDL development and NPDES permitting in other areas of the state?
Rick K. Eichstaedt, Esq.
 Center for Justice ~ Spokane, WA
Dave Peeler, *Water Quality Program Manager*
 Washington State Department of Ecology ~ Olympia, WA
- 2:15 Toxic Loadings to Puget Sound Monitoring Program: Update on Phase I of the Joint Department of Ecology and Puget Sound Partnership's Effort to Develop a Cleanup Action Plan**
 Implications of Ecology's November 2007 estimate of toxic loading for Puget Sound and the department's approach to coordinating a water monitoring program
James M. Maroncelli,
Environmental Scientist, Water Quality Program
 Washington State Department of Ecology ~ Olympia, WA
 Addressing toxics in Puget Sound: A good start, but just a start
Tracy K. Collier, Ph.D.,
Director of Environmental Conservation Division
 National Oceanic and Atmospheric Association ~ Seattle, WA
- 3:00 Break**
- 3:15 Endangered Species Act and Stormwater**
 Stormwater impacts to listed species case studies from transportation projects in Washington; how to address stormwater treatment in Section 7 (ESA) consultations
Michael Grady, *Policy Analyst and Transportation Branch Chief*
 National Oceanic and Atmospheric Association ~ Seattle, WA
- 4:00 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
- 5:00 Evaluations and Adjourn**



Registration & Other Conference Information

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 Fax the registration form to us at: 206-567-5058
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Tuition: Regular tuition for this program is \$895 with a group rate of \$795 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 \$447.50. 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 Friday, May 30, 2008. 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 conference will be held at the Washington State Convention and Trade Center at 800 Convention Place in Seattle, WA 98101. Sleeping rooms are available at the adjacent Sheraton Seattle Hotel (1400 Sixth Avenue, Seattle, WA 98104) for \$189-209/nt. Register on-line at www.sheraton.com or via phone at 1-888-627-7056 and reference SET code 352710. Rooms are on a first come, first served basis.

Continuing Education Credits: This program qualifies for 13 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 \$905. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

Faculty: Clean Water and Stormwater Conference

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

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. He was named a "Super Lawyer" by *Washington Law & Politics*.

Josh Baldi, *Opening Address*, is Special Assistant to the Director at Washington State Department of Ecology. His portfolio includes Puget Sound, mitigation, monitoring, land use and salmon recovery. Previously he worked at the Washington Environmental Council.

Lori A. Terry, *Moderator*, partner with Foster Pepper PLLC, focuses on water quality/resources, environmental law, transportation and infrastructure permitting, complex facility siting and environmental litigation. She has been named a "Super Lawyer" by *Washington Law & Politics*.

Neil R. Alongi, Vice President and Principal Engineer of Maul Foster Alongi, Inc., is experienced in stormwater treatment technology, management, corrective action alternatives and NPDES permit compliance approaches.

Tracy K. Collier, Ph.D., Director of Environmental Conservation Division of NOAA's Northwest Fisheries Science Center, supervises a research team of 80 scientists who focus on watershed processes, ecotoxicology, environmental chemistry and marine biotoxins.

Rick K. Eichstaedt is the Spokane River attorney for the Center for Justice, representing organizations that work to protect and restore the Spokane River watershed, including the Spokane-Rathdrum Aquifer, Coeur d'Alene Lake and Lake Roosevelt.
CLWA

Thomas M. Fitzpatrick, partner at Talmadge/Fitzpatrick PLLC, focuses on professional responsibility, municipal law, land use and environmental litigation. He has been named a "Super Lawyer" by *Washington Law & Politics*.

Beth S. Ginsberg, partner at Stoel Rives LLP, focuses on environmental, wildlife and natural resource litigation, permitting, and counseling. She was named a "Super Lawyer" by *Washington Law & Politics*.

Michael Grady, Policy Analyst and Transportation Branch Chief at NOAA Fisheries, oversees consultations under the Endangered Species Act with local, state and federal agencies on transportation projects.

Nathan Graves, Vice President of Kennedy/Jenks Consultants, focuses on water quality, environmental compliance, site cleanup and strategic management of projects.

Jan Hasselman, an attorney at Earthjustice, focuses on national and regional issues including stormwater, endangered species listings, public lands, pesticides and hydroelectric dams.

Sue Joerger, Executive Director of the Puget Soundkeeper Alliance, was a program manager at the Center for Streamside Studies at the University of Washington and a technical writer/editor at the NOAA Fisheries' Northwest Fisheries Science Center.

Steven G. Jones, partner at Marten Law Group and chair of the firm's Litigation Department, focuses on complex environmental litigation and Washington's Growth Management Act. He was named a "Super Lawyer" by *Washington Law and Politics*.

Jeffrey B. Kray, partner at Marten Law Group, focuses on water resources and environmental, civil, and appellate litigation. He was named a "Super Lawyer" by *Washington Law & Politics*.

James M. Maroncelli, Environmental Scientist with the Washington State Department of Ecology, Water Quality Program, manages Phase I and Phase II Puget Sound Toxics Loading Studies. He has developed strategies to manage potential liabilities from State and Federal TMDL rulings.

David Peeler, Water Quality Program Manager for the Washington State Department of Ecology, oversees setting water quality standards, assessing the condition of the State's waters and monitoring the control of water pollution from industrial and municipal discharges, forestry, agriculture and stormwater.

Tad H. Shimazu, of counsel at Williams, Kastner & Gibbs PLLC, focuses on environmental law and litigation and advises on environmental compliance and permitting issues, with an emphasis on water quality and NPDES permits.

Richard A. Smith, managing attorney at Smith & Lowney PLLC, represents environmental and community groups in litigation involving pollution and natural resource issues.

Kenneth Taylor, President and Environmental Engineer of KTA Associates, Inc., manages environmental compliance and restoration programs, and is experienced in the development and implementation of Environmental Management Systems.

Craig S. Trueblood, partner at Kirkpatrick & Lockhart Preston Gates Ellis 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 and enforcement, environmental contracting and litigation, and health and safety compliance.

June 5 & 6, 2008
Seattle, Washington

Washington State Convention and Trade Center

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Who Should Attend:

Lawyers, governmental and tribal officials, real estate professionals, consultants, engineers and planners

You Will Learn About:

- Puget Sound Partnership and stormwater management
- Phase I and II stormwater permits
- New industrial stormwater general permits
- Strategies for permit compliance
- The Corps' nationwide permits and evolving jurisdiction
- Implications of the 9th Circuit Pinto Creek ruling
- 2007 draft TMDL and toxic loadings
- ESA and stormwater

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