



**LAW SEMINARS
INTERNATIONAL**

The power of information®

A Timely Comprehensive Live Online Conference on

PFAS

Contamination & Regulation in California

*Regulatory, scientific, and case law developments;
litigation preparation; public health solutions; and
environmental due diligence moving forward*

February 11 & 12, 2021

Interactive Online Broadcast

\$200 Covid-19 Discount

Agenda—Day 1

9:00 Pacific Standard Time | Introduction & Overview

Jeffrey Dintzer, Esq., *Program Co-Chair*
Alston & Bird ~ Los Angeles, CA

Lydia Dorrance, Ph.D.,
Program Co-Chair; Senior Scientist
Geosyntec Consultants, Inc. ~ Oakland, CA

9:15 Federal Regulatory Developments for PFAS Contamination

EPA: Safe Drinking Water Act enforcement; Unregulated Contaminant Monitoring Rule; Health Advisories; groundwater contamination recommendations; the push to regulate PFOA-based chemicals as a group; litigation and other developments

Matthew Wickersham, Esq.
Alston & Bird ~ Los Angeles, CA

The interplay between EPA and the Department of Defense; implications of the interagency dispute over listing specific compounds as a hazardous substance

Brian L. Zagon, Esq.
Van Ness Feldman ~ Lafayette, CA

10:30 Break

10:45 California's Regulatory Response

California's PFAS Phased Investigation Plan: Summary of publicly available results from first round of investigations; other administrative developments including establishment of Environmental Screening Levels (ESLs)

Andria Ventura, *Toxics Program Manager*
Clean Water Action Inc ~ Oakland, CA

Prop 65 notification requirements and status of potential Maximum Contaminant Level (MCL) standards

Maureen F. Gorsen, Esq.
Alston & Bird ~ Sacramento, CA

Status report on regulatory investigations into violations involving a range of facilities from airports to refineries to wastewater treatment plants and including stormwater runoff management systems

Wendy Linck, *Senior Engineering Geologist*
State Water Resources Control Board
Sacramento, CA

12:15 Lunch Break

1:30 Update on the Chemistry: Occurrence and Toxicity of PFAS

Sources, unique characteristics of PFAS compounds, and recent developments

David S. Lipson, Ph.D., P.G.,
Principal Hydrogeologist
HRS Water Consultants, Inc. ~ Lakewood, CO

Looking Beyond PFOA and PFOS: Toxicity and Regulation of Short Chain PFAS and Fluorotelomers

Linda C. Hall, Ph.D.,
Senior Associate Toxicologist
GSI Environmental ~ Oakland, CA

3:15 Break

3:30 Chemistry (cont'd): PFAS Fate and Transport, Source Forensics, and Treatment

Fate and transport in complex environmental matrices and systems

Jennifer Field, Ph.D., PG,
Professor of Environmental and Molecular Biology
Oregon State University ~ Corvallis, OR

Considerations for fingerprinting PFAS sources; treatment/remediation advances

Rula A. Deeb, Ph.D., *Senior Principal*
Geosyntec Consultants ~ Oakland, CA

5:00 Continue the Exchange of Ideas: Virtual Reception for Faculty and Attendees

Gather in our Virtual Hotel Lobby space to connect with colleagues, meet new people, and talk about what is happening in your lives and in the PFAS world

Agenda—Day 2

9:00 PFAS and Hazardous Materials Cleanup Laws: PFAS in CWA Discharge Permits and Citizen Suit Risks, CERCLA designations, and NRD and Third-Party Claims as Potential Game Changers

How they may affect the universe of wastewater and stormwater permittees; potentially responsible parties, investigation and the remediation processes; and NRD Trustees filing claims

Sarah Peterman Bell, Esq.
Farella Braun + Martel ~ San Francisco, CA
Brandon Steets, P.E., *Senior Principal Engineer*
Geosyntec Consultants ~ Santa Barbara, CA

Ryan Stifter,
Director, Economics & Complex Analytics
Roux Associates ~ Oakland, CA

10:45 Break

11:00 Preparing for Litigation: Practical Tips for Approaching PFAS Cases

Update on the Aqueous Film Forming Foam (AFFF) Multi-District Litigation: Nature of the consolidated cases; key issues to be resolved

Jeff B. Kray, Esq. (inv)
Marten Law ~ Seattle, WA

A technical expert's perspective: Thoughts on PFAS litigation

Avram Frankel, P.E., *Principal*
Integral Consulting Inc ~ San Francisco, CA

12:15 Lunch Break

1:30 The Public Health End Game: Contamination Avoidance and Remediation Case Studies

Fluorine Free Foams as alternatives to PFAS for fighting fires: What is available, their effectiveness, and environmental side effects

Graham Peaslee, Ph.D., *Professor*
University of Notre Dame ~ Notre Dame, IN

Drinking water treatment options: Specific examples of the different types of technologies used to treat PFAS and their effectiveness

Kelsey Hakes,
Sales & Business Development Engineer
AqueoUS Vets ~ Newport Beach, CA

2:45 Break

3:00 Moving onto Future Transactions: PFAS Due Diligence

The law: Environmental due diligence and continuing (Due Care) obligations

Edward B. Witte, Esq.
Godfrey & Kahn ~ Milwaukee, WI

PFAS research and testing strategies due diligence processes

Taryn McKnight
Eurofins Environment Testing America
Sacramento, CA

PFAS issues in transactions and related insurance issues

Kimberly Bick, Esq.
Bick Law ~ Newport Beach, CA

4:30 Evaluations & Adjourn

Who Should Attend

Attorneys, environmental consultants, land use planners and other agency officials, Tribal leaders, water system operators, and potentially responsible parties

About the Conference

California has taken an aggressive approach to regulating per- and polyfluoroalkyl substances (PFAS), the "forever chemicals" that have become the subject of hundreds of lawsuits throughout the nation.

2020 saw many PFAS developments in the California. Early in the year the California State Water Resources Control Board (SWRCB) lowered drinking water response levels in response to new data surrounding PFAS toxicity. SWRCB-mandated investigations of PFAS sources continued in 2020. Data from the initial round of investigations targeting airports, landfills and public water systems has been summarized and is now available to the public.

In September 2020, Publicly Owned Treatment Works (POTWs), became the latest entities to receive Investigative Orders from the SWRCB. PFAS data from the POTWs and subsequent rounds of investigations will likely be available in the near future, building the potential for cost recovery and toxic tort litigation.

Also in 2020, the San Francisco Regional Water Quality Control Board published Environmental Screening Levels bringing new guidance, and challenges, for responsible parties remediating PFAS contamination within the San Francisco Bay Area and throughout California, including impacts to surface water. Additionally, California's unique Proposition 65 Duty to Warn requirements for PFAS have not yet resulted in a wave of litigation, but as water purveyors are required to report concentrations of PFAS in drinking water supplies to customers it is almost certain that litigation to offset cleanup costs will follow.

What will 2021 bring for responsible parties, property owners, and developers in California and beyond grappling with PFAS? Changes in Congress and the White could accelerate PFAS-related actions, such as the setting of drinking water limits through and MCL and designation PFAS as hazardous substances under the CERCLA statute, which have implications for due diligence, site cleanup requirement and cost recovery.

Meanwhile, the development of PFAS-free replacement products, including fluorine-free alternatives to PFAS-containing fire-fighting foams, continues on a national and global scale, but the efficacy and reliability of such substitutes has not yet been fully vetted.

Register soon for this cutting-edge virtual conference on PFAS Contamination and Regulation in California. To keep everyone safe, it will be an interactive Zoom broadcast with a virtual reception for less formal conversation about PFAS issues among the participants.

~ **Jeffrey Dintzer, Esq.** of Alston & Bird and
Lydia Dorrance, Ph.D. of Geosyntec Consultants, Inc.,
Program Co-Chairs

Registration & Other Conference Information

Tuition: Regular tuition for this program is \$995 with a group rate of \$895 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$745. For students, people in their job for less than a year, and public interest NGO's, our rate is \$497.50. All rates include admission to all program sessions and course materials.

Covid-19 discount: We recognize that being in the same Zoom isn't the same as being in the same room. When you register, we will deduct \$200 from the price you otherwise would pay.

Make checks payable to Law Seminars International.

As an added value bonus, you'll 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, February 5, 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: Law Seminars International is a State Bar of California approved MCLE provider. This program qualifies for 12.0 California MCLE credits. It also qualifies for 11.75 ABCEP environmental professional and 11.75 AICP 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 \$100.

Faculty

Jeffrey Dintzer, Program Co-Chair, is a partner at Alston & Bird. He defends large toxic tort cases and class action litigation involving hundreds of plaintiffs, serves as trial counsel in cases involving environmental claims, and manages private cost recovery litigation.

Lydia Dorrance, Ph.D., Program Co-Chair, is a Senior Scientist at Geosyntec Consultants, Inc. She specializes in investigation of source, timing and contribution of pollution releases and providing scientific support for environmental litigation.

Sarah Peterman Bell is a partner at Farella Braun + Martel. She focuses on environmental and natural resources litigation in the areas of environmental enforcement actions, cost recovery, citizen suits, water quality, complex toxic tort, and product liability matters.

Kimberly Bick, Bick Law, worked as an environmental compliance and Superfund remediation engineer before becoming a lawyer. She focuses on environmental litigation, regulatory compliance, enforcement, and corporate transactional work involving environmental issues.

Rula A. Deeb, Ph.D., is a Senior Principal at Geosyntec Consultants focusing on emerging contaminants. She is an internationally recognized expert on sources, occurrence, fate and transport, and behavior of contaminants, including PFAS, 1,4-dioxane, methyl tertiary-butyl ether (MTBE), perchlorate, N-Nitrosodimethylamine (NDMA), endocrine disrupting chemicals (EDCs), and pharmaceuticals and personal care products (PPCPs).

Jennifer Field, Ph.D., PG, is a Professor of Environmental and Molecular Biology at Oregon State University. She was a pioneer in the area of fluorochemical occurrence and behavior with a focus on groundwater contaminated by fire-fighting foams, municipal wastewater treatment systems, and in municipal landfill leachates. Her current research concentrates on the use of large-volume injections with liquid chromatography/mass spectrometry for the analysis of aqueous environmental samples.

Avram Frankel, P.E. is a Principal at Integral Consulting Inc. He has spent a large portion of his career addressing emerging contaminants of the past and present including hexavalent chromium, perchlorate, 1,4-dioxane, PFAS, and 1,2,3-trichloropropane (1,2,3-TCP). He currently serves as a technical expert in many groundwater contamination and water treatment matters focused on the mitigation of regulated chemicals in drinking water.

Maureen F. Gorsen is a partner at Alston & Bird. She is the former Director of the California Department of Toxic Substances Control (DTSC), where she directed regulation of waste, soil, and water cleanups under CERCLA, the RCRA and brownfields laws. She spearheaded the California Green Chemistry Initiative and resulting laws governing chemicals under the California Safer Consumer Products rules and other states' products programs and federal TSCA reform.

Kelsey Hakes is the Sales & Business Development Engineer for Southern California at AqueoUS Vets. Her knowledge base includes municipal and industrial water systems, GAC and ion exchange media, process control engineering and application metallurgy.

Linda C. Hall, Ph.D. is a Senior Associate Toxicologist at GSI Environmental. She is currently a task co-lead for the Interstate Technology and Regulatory Council (ITRC) PFAS team.

Jeff B. Kray is a partner at Marten Law focusing on environmental litigation. He represents businesses and local government on issues including emerging contaminants (including PFAS) in water supplies and cost recovery.

Wendy Linck is a Senior Engineering Geologist at the California State Water Resources Control Board. She is part of a leadership team at the State Water Board regarding the state-wide investigation of PFAS.

David S. Lipson, Ph.D., P.G., is a Principal Hydrogeologist at HRS Water Consultants, Inc. He specializes in groundwater and surface-water hydrology, groundwater-surface water interactions, water quality, fate and transport of contaminants, groundwater remediation, and geochemistry.

Taryn McKnight is the PFAS Practice Leader for Eurofins Environment Testing America. She has extensive experience with a wide variety of complex regulatory programs such as Department of Defense, Vapor Intrusion and emerging contaminants.

Graham Peaslee, Ph.D., is a Professor of Experimental Nuclear Physics at the University of Notre Dame. His research interests lie at the interface between any nuclear or atomic physics measurement method and materials that impact society. This includes measurements to determine the presence of occurrence of PFAS in the environment.

Brandon Steets, P.E., is a Senior Principal Engineer at Geosyntec Consultants and a subject matter expert on Clean Water Act waste discharge permits and stormwater regulations, treatment, and pollutant source forensics. He recently supported the SWRCB on their 2018 amendment to the IGP, development of statewide drywell standards, and development of a groundwater-surface water interaction model to set new instream flow criteria.

Ryan Stifter is Director of Economics & Complex Analytics at Roux Associates. He leads quantitative economic research and analysis into issues arising in litigation, insurance claims, environmental regulation and enforcement, natural resource management, and business decisions affected by contingent liabilities.

Andria Ventura is Toxics Program Manager at Clean Water Action Inc. She staffs the TMDL (Total Maximum Daily Load), drinking water contaminants, and chemical policy programs. She also has been a stakeholder involved with the development of the Green Chemistry program, the state Division of Drinking Water's Direct Potable Reuse Advisory Group, and various county pharmaceutical waste policy initiatives.

Matthew Wickersham is a partner at Alston & Bird. He advises clients on regulatory programs related to environmental warning labels, underground storage tanks, environmental disclosure laws, brownfield laws, water rights, and land-use regulations.

Edward B. Witte is a shareholder in the Environmental Strategies Practice Group at Godfrey & Kahn. He has particular experience in counseling clients and writing and presenting at seminars concerning the emerging contaminants PFAS (including PFOA and PFOS.)

Brian L. Zagon is a partner at Van Ness Feldman. He assists clients in the environmental counseling, environmental litigation and insurance coverage arenas and has experience resolving multi-party cases brought under CERCLA, RCRA, the California Health and Safety Code, and the California Water Code.

