

## Environmental & Natural Resources

*Trusted experience, proven results*

In the fast-changing world of environmental law, experience makes all the difference. With attorneys who have spent decades interpreting the nuances of this challenging area and guiding clients through highly regulated landscapes, we bring unmatched knowledge and legal support to help you confidently navigate federal and state regulatory requirements, permitting, siting and legislative issues.

We've counseled clients facing some of the most complex environmental challenges in the region. From major project planning to resolving unexpected claims, our team is ready to assist with effective strategies. And when issues turn to litigation, we'll draw on years of experience across administrative forums, trials and appeals to persistently defend your interests.

### **Air Quality**

Our attorneys understand and are experienced in the complexities of the Clean Air Act and other air quality requirements, including air quality permitting processes and compliance issues.

### **Environmental Cleanup, Brownfields & Contaminated Property**

We have broad experience with environmental cleanups and related regulatory compliance and cost-recovery matters, as well as prospective purchaser agreements, permitting and real estate transactions. We provide our clients with the premier platform for brownfields cleanup and redevelopment projects. We have a successful track record of finding cost-effective, practical solutions that have resulted in many successful cleanup and redevelopment projects. We have experience representing clients in matters regarding cleanup of state and federal Superfund sites and Resource Conservation and Recovery Act (RCRA) corrective actions.

### **Service Contact**

Lori Terry Gregory  
T 206.447.8902  
lori.terry@foster.com

### **Related Professionals**

Andrea L. Bradford  
Lynne M. Cohee  
P. Stephen DiJulio  
Bradford T. Doll  
Marc R. Greenough  
Sarah E. Mack  
Lee R. Marchisio  
Kelly A. Mennemeier  
Noah W. Mikell  
John Ray Nelson  
Todd Reuter  
Patrick J. Schneider  
Malcolm Seymour  
Lori Terry Gregory  
Matthew D. Wells

### **Related Services**

Eminent Domain & Inverse  
Condemnation  
Environmental Litigation  
Insurance Coverage  
Land Use & Development  
Permitting  
Ports  
Real Estate  
Real Estate, Land Use &  
Environmental  
Transportation & Logistics  
Water Quality  
Water Rights  
White-Collar Defense &

### **Endangered Species Act**

Investigations

We advise clients on all aspects of the Endangered Species Act (ESA). Our attorneys have represented cities and counties on the Section 9 “take” prohibition and Section 7 consultation requirements for development, water, sewer and stormwater utilities, critical areas protection and shoreline development. We advise investors and real estate developers on ESA risk avoidance, permitting and compliance. Our expertise includes advising clients on biological opinions, species inventories, status reviews, listing rules, critical habitat designations and conservation plans.

### **Environmental Due Diligence**

Our attorneys know that early identification of environmental issues is critical when analyzing and valuing risk associated with real estate and business transactions. Through hundreds of successful transactions, we have developed a cost-effective, efficient approach to due diligence, which allows us to quickly identify issues and implement creative solutions that result in favorable outcomes. We regularly help clients with regulatory advice on all aspects of environmental due diligence and draft protective covenants, representations, warranties and indemnification, which can help manage and minimize liabilities in transactions.

### **Environmental Enforcement and Citizen-Suit Actions**

We have successfully represented clients in more than 75 agency and citizen-suit actions. Our team has represented both private and public sector clients in some of the highest-profile enforcement actions in the Pacific Northwest.

### **Environmental Litigation**

Our litigators provide experienced counsel at any phase of the administrative and judicial process. Our vast experience includes numerous successful agency and government challenges, clean up, citizen-suits, agency enforcement actions and more. Learn more about our [Environmental Litigation](#) practice.

### **SEPA and NEPA Compliance**

SEPA and NEPA compliance are critical elements of the site-selection process because they harbor the greatest potential for project delay and legal challenges. Our team can reduce the cost and delay of Environmental Impact Statement (EIS) preparation by partnering with experts to determine the appropriate scope of impacts, alternatives and mitigation measures to be included as well as the appropriate detail of the analysis. Because SEPA and NEPA determinations are legal as well as technical, we work closely with technical consultants in the original design and specifications of an EIS. Our attorneys have assisted public agencies in avoiding unnecessary SEPA/NEPA compliance expenses while maximizing legal defensibility for numerous regional facilities. We handle every type of project, including universities, school districts, hospitals, ports and airports, as well as retail stores, shopping centers, residential subdivisions, industrial facilities and housing projects, many of which involve the defense of actions in superior court.

### **Solid Waste**

We have represented numerous local governments in a broad range of solid and hazardous waste matters and have extensive experience in solid waste disposal, the creation of local improvement districts for transportation facility financing and other municipal solid waste matters.

### **Water Quality**

Water quality issues are at the center of some of the most complex and pressing environmental issues in the Pacific Northwest. Our attorneys have extensive experience in all aspects of surface and groundwater quality, which allows us to provide our clients with strategic, cost-effective advice. We have a longstanding history of providing clients with water quality solutions that not only achieve our clients' objectives but often minimize or eliminate the risk of future water quality issues. We have successfully represented clients in more than 75 agency or citizen-suit enforcement matters and have a solid track record in permit appeals. Our extensive experience negotiating and defending NPDES permits includes representing both private and public clients. Our work has involved some of the most complex water quality permits in the country. Learn more about our [Water Quality](#) practice.

### **Water Rights**

Our team advises clients on laws and regulations affecting water rights in Washington state. We offer a comprehensive understanding of state water law, Washington State Department of Ecology and Department of Health statutes and rules, and Native American treaty rights. We have extensive experience and success litigating water rights matters, including adjudications and appeals of water right matters, before the State Pollution Control Hearings Board, the Growth Management Hearing Board and in state courts. Learn more about our [Water Rights](#) practice.

**Blog Posts**

Resources for Doing Business in the U.S. - Installment #11 - Environmental Protection  
*Cross Border Business Law Blog*, 4.5.18