

CERCLA & MTCA

Advanced Sediment Conference

May 11, 2009

Washington Convention Center
Seattle WA

- Federal and State Environmental Cleanup Programs, Policies & Priorities
- Environmental Cleanup in Difficult Economic Times
- CERCLA & MTCA – Laws and Litigation
- Apportioning Liability – Who Should Pay?
- MTCA Sediment Management Standards Revisions
- Dredged Materials Management – DMMP, RSET, Dioxin
- Ecosystem Monitoring and Maximizing Ecological Value
- Puget Sound Initiative
- Upper Columbia River
- Duwamish River Feasibility Study
- Updates on Other Sediment Cleanup Projects

8:45-9:00 Welcome and Introductions

Holly Duncan, President
Environmental Law Education Center

CERCLA & MTCA -- STATE AND FEDERAL REGULATORY ISSUES

9:00-9:30 -- US EPA Cleanup Programs – What Does the Future Hold?

- Latest Developments in Cleaning Up Contaminated Property
- Policies and Priorities of the New Administration
- Superfund and Contaminated Sediment

Dan Opalski, Director, Office of Environmental Cleanup
US Environmental Protection Agency, Region 10

9:30-10:00 -- Cleaning Up Contaminated Property in Washington

- Priorities and Policy Considerations of Washington's Toxics Cleanup Program
- Legislation & Major Funding Issues

Jim Pendowski, Program Manager, Toxics Cleanup Program
Washington Department of Ecology

10:00-10:30 BREAK

LAWS, LITIGATION AND LIABILITY

10:30-11:00 -- CERCLA & MTCA -- Laws and Litigation

- Issues Before US Supreme Court – What is the Impact of These Decisions?
- Joint and Several Liability, Claims for Contribution
- Apportionment of Liability, Arranger Liability and Other Cutting Edge Issues

Brad Marten, Marten Law Group

11:00-11:30 -- Apportioning Liability

- Technical Approaches for Allocating Environmental Costs
- Meeting the Evidentiary Standard for Apportioning Liability

Kirk O'Reilly, PhD, JD
Exponent, Inc

11:30-12:00 -- Legal and Practical Issues for Sediment Cleanup Projects - Dispatches from the Front

- Puget Sound Initiative: Practical Impacts, What's Happening on the Ground?
- Upper Columbia River: *Pakootas v. Teck Cominco Metals* - Liability & Fascinating Legal Issues
Steven Thiele, Stoel Rives LLP

12:00-1:00 – LUNCH

CONTAMINATED SEDIMENT SITES IN THE NORTHWEST

1:00-1:30 -- Contaminated Sediment Site Update

- Update on Northwest Superfund Sediment Cleanup Projects, Policies and Priorities
- Puget Sound, Upper Columbia River, Commencement Bay, Portland Harbor, Lower Duwamish and Others
**Sheila Eckman, Unit Manager, Office of Environmental Cleanup
US EPA Region 10**

1:30-2:00 -- Sediment Management in Washington

- Washington's Sediment Cleanup Program
- MTCA and Proposed Revisions to Washington's Sediment Management Standards
- Status of State Lead Sites
**Chance Asher, Manager, Aquatic Lands Cleanup Unit
Toxics Cleanup Program
Washington Department of Ecology**

DUWAMISH RIVER FEASIBILITY STUDY

2:00-2:30 -- Duwamish River Superfund Site

- A Report on the Feasibility Study (scheduled for release at the end of April)
- Major Issues Addressed in the Study
John Ryan, AECOM Environment

2:30-2:45 -- EPA Response to Duwamish Feasibility Study

- What Criteria Will EPA Will Use to Respond to the Feasibility Study?
- What Are the Next Steps at the Duwamish?
**Allison Hiltner, RPM
US EPA Region 10**

2:45-3:15 BREAK

DREDGED MATERIALS MANAGEMENT IN WASHINGTON STATE

3:15-4:00 Sediment Evaluation – How Does it All Fit Together?

- What is RSET and Where Does DMMP Fit it?
- Recommended Approach to Dioxin in Dredged Sediment
- Collection of Sediment Across the Puget Sound on the OSV Bold
**Laura Inouye, PhD
Shorelines Environmental Assistance Program
Washington Department of Ecology**

MAXIMIZING ECOLOGICAL VALUE AT RESTORATION SITES

4:00-4:30 -- Ecosystem Monitoring and Habitat

- Determining the Success of Restoration at Cleanup Sites
- Are the Physical Enhancements Helping Restore Ecosystem and Habitat at Urban Sites?
- Case Study: Toxic Chemical Contaminants in the Columbia River and Puget Sound
Lyndal Johnson, Supervisory Zoologist
Ecotoxicology Program, Northwest Fisheries Science Center
National Oceanic and Atmospheric Administration

4:15-4:45 -- Maximizing Ecological Value and Restoring Contaminated Sites

- Using Landscape Connectivity Modeling to Prioritize Ecological Restoration Sites within a Regional Context
- Increasing Credits for Compensatory Restoration Under NRDA
Peter Jensen, PhD
Integral Consulting
Annapolis, MD