

2020 Environmental and Land Use Law Section Midyear Conference

Original Program Date: July 30, 2020

Available Media Types: Video and MP3

REPORTING YOUR CREDIT

This on-demand seminar was originally presented as a live webinar on July 20, 2020, in Seattle, WA. If you attended the live seminar or webcast and reported CLE credits, you cannot also report credits from watching or listening to this recording.

DESCRIPTION

Environmental and land use laws in Washington are changing rapidly on many fronts in response to innovative technologies, new industries, emerging contaminants of concern, shifting political landscape, and other recent developments. This on-demand seminar looks at the latest changes to environmental and land use statutes, cases, and regulations.

AGENDA

1 **A Year in Review: Environmental Case Update 2020**

This session will review the significant environmental cases in both federal and state court relevant to Washington environmental law practitioners.

Kirstin Gruver - Beveridge & Diamond, Seattle, WA

Allyn Stern - Beveridge & Diamond, Seattle, WA

2 **Regulatory Takings and Substantive Due Process after Yim**

For decades the Washington Supreme Court held that regulatory takings and substantive due process claims under the Washington Constitution should be treated just like the same claims under the U.S. Constitution. But the analyses the Court invoked were not the ones federal courts used. Yim I and Yim II fixed that. The Court recognized and adopted the actual federal analyses and overruled Washington case law to the extent it advanced incorrect analyses. This session explains the pre-Yim quagmire in Washington law, how the Yim cases set up the issues, and the actual federal law Washington now follows.

Roger Wynne - Seattle City Attorney's Office, Seattle, WA

Agenda continues on the next page.

3 PFAS in Washington – A Primer on the “Forever Chemicals”

Polyfluorinated and perfluorinated substances, more commonly known as PFASs, are gaining attention in the media as a health and environmental risk. PFASs are found in myriad useful products, from clothing to food packaging to building materials, and they have been found in drinking water supplies across the country at levels exceeding an EPA health advisory. This panel will provide a primer on PFASs history and chemistry, and the response by various stakeholders, including EPA, Washington Departments of Ecology and Health, water suppliers, and the courts to PFAS contamination, and the likely impacts PFASs will have on water supply and treatment, site remediation, and environmental litigation for years to come.

Ivy Anderson – Office of the Attorney General, Olympia, WA
Jeff Kray – Marten Law LLP, Seattle, WA

4 MTCA’s 30th Anniversary— Case Law, Legislation, and Rulemaking, Oh My!

A fast and furious rundown of all things MTCA! Cases from the past year, the MTCA reform bill passed in 2019, the Voluntary Cleanup Program’s new expedited review program, and Ecology’s update to the MTCA regulations.

Allyson Bazan – Office of the Attorney General, Olympia, WA

5 Updates from the Hearings Boards

This session will provide an overview of the most significant cases that have been adjudicated in the past year by the Pollution Control Hearings Board and the Shoreline Hearings Board.

Margaret Lee – Environmental and Land Use Hearings Office, Olympia WA
Neil Wise – Environmental and Land Use Hearings Office, Olympia, WA

6 Environmental Law Hot Topics

Orcas shine spotlight on the salmon recovery crisis and spur unprecedented actions to address water quality, vessel traffic and habitat protection. This session will discuss these developments as well as other topics related to federal environmental regulatory rollbacks, trends in water resources management and the dance between our three branches of government regarding Washington’s ability to regulate carbon emissions.

Maia D. Bellon – Cascadia Law Group, Olympia, WA

7 Legislative Update from Washington’s 2019 - 2020 Sessions

Updates on bills that were enacted during Washington’s 2019 and 2020 legislative sessions. This presentation will address a variety of natural resource, environmental, energy, and land use topics.

Rob Hatfield – Office of Program Research, Olympia, WA
Jacob Lipson – Office of Program Research, Olympia, WA

8 Land Use Case Law Update – A Dozen Cases to Know (2020)

In the past year, federal and Washington state courts have made significant decisions relating to land use law. This session will provide a summary overview of the top land use cases, from Boise to Yim, which address takings law, homelessness, the Growth Management Act (GMA), and the State Environmental Policy Act (SEPA).

Emily Miner – Ogden Murphy Wallace P.L.L.C., Seattle, WA
Kyler M. Danielson – Lakeside Industries, Inc., Issaquah, WA