

Ken Lederman

MEMBER



SEATTLE

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SERVICES

Real Estate
 Construction
 Eminent Domain &
 Inverse Condemnation
 Environmental & Natural
 Resources
 Environmental Litigation
 Litigation & Dispute
 Resolution
 Ports (Chair)

PRACTICE OVERVIEW

Ken Lederman is a member of Foster Pepper's Real Estate and Environmental practices. Ken provides counseling and litigation support on environmental issues in real estate transactions and property redevelopment. A former Assistant Attorney General for the Washington State Department of Ecology, Ken has successfully facilitated the remediation and redevelopment of dozens of contaminated properties. Ken helps developers, businesses, and landowners with due diligence reviews and site investigation/remediation strategies, as well as with negotiating contractual provisions and transactional indemnities regarding environmental liability. Ken is also an experienced first-chair trial attorney, with a strong background in federal and state hazardous waste cost-recovery litigation and natural resource damage litigation.

REPRESENTATIVE TRANSACTIONS: COMMERCIAL AND RESIDENTIAL REAL ESTATE

- Serving as lead counsel on environmental management issues associated with multi-block redevelopment and expansion of the Washington State Convention Center in Seattle, including coordination of environmental reimbursement costs, regulatory compliance requirements and regulatory closure strategies.
- Assisting numerous multi-family developers on transactional strategies and indemnities, environmental cleanup work, and regulatory closure strategies for redevelopment projects throughout King County, Snohomish County, Pierce County and Spokane County.
- Managing environmental matters for national seafood processing company regarding the purchase and redevelopment of waterfront property in industrial areas near the City of Everett.
- Representing local universities regarding environmental liabilities and transactional strategies associated with long term school land use master plans.
- Representing multiple regional automobile dealerships regarding environmental regulatory and liability management.
- Representing municipalities regarding area-wide groundwater contamination issues.

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REPRESENTATIVE TRANSACTIONS: INDUSTRIAL REAL ESTATE

- Representing multiple clients regarding sediment liabilities and natural resource damages associated with the Lower Duwamish Waterway Superfund Site, including serving on LDW Allocation Steering Committee.
- Representing regional and national industrial real estate developers on regulatory closure and redevelopment strategy for contaminated property in Tacoma tideflats, South of Downtown (SoDo), the Kent Industrial Corridor, and industrial areas along the I-5 corridor.
- Assisting local municipality with the environmental cleanup and decommissioning of city infrastructure for purposes of rehabilitation and redevelopment of municipal facilities.
- Representing national pipeline company in the management and remediation of contaminated property along the Columbia River at the Port of Vancouver.
- Representation of large-scale industrial and commercial property owner regarding potential contamination of owned property in the SoDo neighborhood of Seattle.
- Managed regulatory process for property being developed as sediment trans-loading facility, including supervision of a separate process to defend the client from liabilities associated with the Lower Duwamish Waterway Superfund site.

REPRESENTATIVE MATTERS: REAL ESTATE LITIGATION

- Lead counsel for multiple state cost-recovery claims regarding contaminated properties.
- Representing the Port of Seattle regarding cost recovery efforts for the investigation and remediation of Terminal 91.
- Defended national battery manufacturing company against claims of environmental contamination and property damage arising from lead-acid battery formation activities in litigation.
- Representing residential homeowners regarding cleanup and cost-recovery strategies of heating oil underground storage tank matters.

RECOGNITION

- *The Best Lawyers in America*® Environmental Law, 2018-present
- Washington Super Lawyers list, 2012-2019
- *Chambers USA* Leading Individual, Environment, 2017-2019
- Rising Star, Washington Super Lawyers list, 2004-2010
- Puget Sound Business Journal's "40 Under 40," 2008
- Leadership Tomorrow, 2007

ACTIVITIES

- Society of Industrial and Office Realtors, Member, 2018-Present
- Downtown Seattle Association (DSA), Board of Directors, 2014-Present
- Washington Conservation Voters
 - + Board Chair, 2009-2010
 - + Executive Committee Member, 2008-Present
 - + King County Chapter Board Chair, 2004-2005
- Washington Environmental Council
 - + Board Member, 2010-Present
 - + Legal Committee, 1994-Present

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- Washington State Bar Association, Environmental & Land Use Law Section, Editorial Board
- American Bar Association, Environmental & Land Use Law Section Member
- King County Bar Association, Environmental Law Section, Co-Founder and Inaugural Chair

QUOTED

- [“Special Section: Pacific Northwest,”](#) *Urban Land Magazine*, October 2015

PUBLICATIONS

- [“Petroleum Technical Assistance Program: A New Tool for Cleanup of Contaminated Property in Washington,”](#) Co-Author, Foster Pepper News Alert, November 2017
- [“EPA Finalizes New Standards for Environmental Due Diligence in Real Estate Transactions,”](#) Co-Author, Foster Pepper News Alert, October 2014
- “Ethical Considerations for Multi-Party Representation at Superfund Aquatic Cleanup Sites,” Author, Washington State Bar Association, Environmental and Land Use Law Section Newsletter, 2006-2007
- “The Uniform Environmental Covenants Act,” Author, Washington State Bar Association, Environmental and Land Use Law Section Newsletter, 2005-2006
- “The Lake Roosevelt CERCLA Litigation,” Author, Washington State Bar Association – Environmental and Land Use Law Section Newsletter, 2005-2006
- “Uniform Environmental Covenants Act, Chapter 64.70 RCW,” Member of Legislative Drafting Committee

PRESENTATIONS

- [“Alternative Dispute Resolution in the Environmental and Land Use Context,”](#) Speaker, 2018 Environmental and Land Use Law Section Midyear Conference, Washington State Bar Association, May 2018
- [“Environmental Update: Contamination Issues Relevant to Property Development in Washington,”](#) Speaker, Foster Pepper 2017 Real Estate/Land Use Briefing: Essential Industry Updates, November 2017
- [“MTCA Panel: Legislative & Policy Issues and Updates,”](#) Speaker, Cleaning Up Water, Air and Dirt: Litigation & Policy Updates, KCBA Environmental and Land Use Section, June 2017
- [“Model Toxics Control Act,”](#) Speaker, 60th Annual WSAMA Spring Conference, April 2017
- [“The Art & Reality of Property Valuation,”](#) Speaker, 2016 Northwest Remediation Conference, October 2016
- [“Strategic Approaches for Addressing the Results of your Due Diligence Through Real Estate Transactions and Changes In Land Use,”](#) Speaker, Environmental Due Diligence, Law Seminars International, May 2016
- [“Managing Contamination Liability,”](#) Speaker, Northwest Environmental Business Council (NEBC) Re-Using Contaminated Land Conference, October 2015
- [“Environmental Update,”](#) Speaker, Foster Pepper 2015 Land Use/Real Estate Briefing: Essential Industry Updates, October 2015
- [“The Top 10 MTCA Moments of the Past 25 Years,”](#) Program Co-Chair and Speaker, Model Toxics Control Act (MTCA) Seminar, Law Seminars International, September 2015
- [“Ethical Issues in Multi-Party Administrative Proceedings,”](#) Speaker, 15th Annual Comprehensive Conference on Clean Water and Stormwater, Law Seminars International, April 2015
- “Managing Liability - Contractual & Regulatory,” Speaker, Northwest Environmental Business Council (NEBC) Re-Using Contaminated Land Conference, October 2014
- “Seattle’s Environmental History: What Lies Beneath the Surface,” Speaker, King County Bar Association Environmental & Land Use Section: “The Future of the Seattle Waterfront,” September 2014

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- “Update on the Lower Duwamish Waterway Cleanup,” Moderator, 14th Annual Comprehensive Conference on Clean Water and Stormwater, May 2014
- “Development Meets Cleanup,” Co-Presenter, Northwest Environmental Business Council Re-Using Contaminated Land, June 2013
- “Making Effective Use of Scientific Experts: Problem-Solving Consulting vs. Testifying Communicator,” Co-presenter, Clean Water and Stormwater Conference, Law Seminars International, May 2013
- “Stormy Weather: Stormwater Update, including Liability for Stormwater Runoff Pollution,” Speaker, Latest Developments in Washington Municipal Utility Law, October 2011
- “Hidden Defects - Environmental Issues Affecting Real Estate,” Speaker, King County Bar Association Real Estate CLE, 2007 and 2008
- “Natural Resource Damages Litigation Update,” Speaker, Mealeys Toxic Tort Teleconference CLEs, August 2007 and November 2007
- “Crossclaims and Counterclaims,” Speaker, Natural Resource Damages Litigation CLE, New Jersey, 2007
- “Financial and Legal Guarantees For Cleanups,” Speaker, Model Toxics Control Act CLE, June 2007
- “What the States are Doing,” Speaker, Natural Resource Damages Litigation CLE, New Jersey, 2006
- “The Uniform Environmental Covenants Act,” Speaker, Easements and CCRs CLE, September 2006
- “Remedy Selection,” Speaker, Model Toxics Control Act CLE, June 2006 and 2007
- “Ethical Issues in Multi-Party Representation at Hazardous Waste Sites,” Speaker, King County Bar Association Environmental Law CLE, 2006
- Environmental and Land Use Law Section Mid-Year, Co-Chair, Washington State Bar Association, 2006
- Environmental Law CLE, Co-Chair, King County Bar Association, 2005
- “Environmental Due Diligence in Real Estate Transactions,” Speaker, Real Estate Development Presentation

EXPERIENCE

- Foster Pepper PLLC, Member, 2011-Present
- Riddell Williams, P.S., Principal, 2004-2011
- Floyd & Pflueger, P.S., Associate, 2002-2004
- Washington State Attorney General’s Office
 - + Ecology Division, 1998-2002
 - + Labor & Industries Division, 1997-1998
- Washington State Court of Appeals, Division II, Judicial Clerk for the Hon. J. Robin Hunt, 1996-1997

BAR ADMISSIONS

- Washington, 1996
- Oregon, 2010

EDUCATION

- J.D., Seattle University School of Law (*cum laude*), 1996
 - + Order of the Barristers – 4-time regional and national finalist in mock trial and appellate competition
 - + Class Historian and Commencement Speaker
- B.A., Rutgers University, 1993