

Lori Terry Gregory

MEMBER



SEATTLE

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SERVICES

Litigation & Dispute Resolution

Business

Environmental & Natural Resources (Chair)

Environmental Litigation (Chair)

Infrastructure

Land Use, Planning & Zoning

Retail & Consumer Products

Transportation

Water Quality (Chair)

PRACTICE OVERVIEW

Lori leads the firms' Environmental practice and for 25 years has delivered winning litigation and negotiation strategies to her clients. She is recognized as one of the nation's top environmental lawyers and has defended clients against over 80 citizen-suit or agency enforcement actions. Her experience includes defending her clients in cases involving some of the most complex water quality issues in the country. Lori has extensive experience with the Clean Water Act, RCRA, the Safe Drinking Water Act, the Clean Air Act, EPCRA, and the Endangered Species Act.

She is consistently recognized by her clients and peers, including *Chambers USA*, where she is described as "*a tenacious advocate for her clients. She is sought out for her substantial experience in CWA and water quality matters, her great reputation and her specialized knowledge base.*" Additionally, Lori is recognized by *The Best Lawyers in America*® in three separate categories: Environmental Law, Litigation-Environmental, and Natural Resources Law, with one client commenting, "*her knowledge of Environmental Law is exemplary. Not only does she know the laws, but she is an excellent strategist. She communicates with her non-lawyer clients very effectively.*"

REPRESENTATIVE WORK - Cases

- *Washington Trout v. McCain Foods, Inc.*, 45 F.3d 1351 (9th Cir. 1995)
(Clean Water Act citizen-suit dismissed on summary judgment; affirmed by the Ninth Circuit Court of Appeals)
- *National Wildlife Federation v. FEMA, et al.*, C11-2044-RSM, W.D. Wash. 2011
(successful representation of defendant-intervenor resulting in dismissal of Endangered Species Act case)
- *West v. Stephen L. Johnson, et al.*, 2009 WL 2477646
(Clean Water Act citizen-suit dismissed for lack of subject matter jurisdiction)
- *Rosemere Neighborhood v. City of Vancouver*, 2005 WL 2659665, W.D. Wash. 2005
(Clean Water Act citizen-suit dismissed on summary judgment)
- *CARE v. DeRuyter Brothers Dairy*, 08-30828-FVS (E.D. Wash.)
(plaintiff voluntarily dismissed Clean Air Act citizen-suit)

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- *Community Association for Restoration of the Environment v. Washington State Department of Ecology*, 149 Wash.App. 830, 205 P.3d 950 (2009)
(successful representation of intervenor before the Pollution Control Hearings Board and the Court of Appeals in appeal of state-wide CAFO General Permit)
- *City of Normandy Park v. Ecology*, 1998 WL 594635 (successful representation of the Port of Seattle resulting in dismissal of third-party appeal)
- *Coalition of Governmental Entities v. Washington State Department of Ecology*, 2009 WL 43436; 2008 WL 5510412
(successful representation of Coalition of 30 local governments in multi-phase appeals of state-wide Municipal Stormwater Permits)
- Defense of multiple confidential clients during pre-suit notice phase resulting in plaintiffs declining to file citizen-suit lawsuits under the Clean Water Act and RCRA
- Successful defense of large dairies in EPA enforcement action under Safe Drinking Water Act resulting in agreed Administrative Order on Consent
- Successful defense of industrial clients in EPA and Army Corps of Engineers in enforcement actions under the federal Clean Water Act resulting in agreed Administrative Orders on Consent.
- *DeRuyter Brothers Dairy v. Ecology* (Pollution Control Hearings Board) (successful defense of appeal resulting in the Washington State Department of Ecology rescinding penalty)

REPRESENTATIVE WORK – Environmental Projects/Clients

Industrial:

- BNSF: Clean Water Act
- Costco: Clean Water Act
- Darigold: Clean Water Act
- GNK Aerospace: Clean Water Act
- High Cascade Veneer: Clean Water Act
- Kiewit Corporation: Clean Water Act and RCRA
- Kiewit/General/Manson: Clean Water Act and RCRA
- Washington Aggregate & Concrete Association: Clean Water Act

Retail:

- Costco: NPDES, water quality, stormwater and wetlands advice
- Safeway: NPDES, water quality and stormwater advice

Agriculture and Agri-Business:

- Draper Valley Farms: Clean Water Act
- Perdue Farms, Inc.: Clean Water Act
- DeRuyter Brothers Dairy: Clean Water Act; Clean Air Act
- George DeRuyter & Sons Dairy: Clean Water Act; RCRA; Safe Drinking Water Act
- Maple Grove Dairy: Clean Water Act; RCRA
- Spring Canyon Ranch: Clean Water Act; RCRA
- Sky Ridge Farms: Clean Water Act

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Infrastructure:

- Brightwater Sewage Treatment Plant
- Pierce County: Clarks Creek Total Maximum Daily Load
- Sound Transit Light Rail
- Spokane County Sewage Treatment Plant
- Spokane County: Spokane River Total Maximum Daily Load; Use Attainability Petition to State of Washington
- Tacoma Narrows Bridge
- Whatcom County: Lake Whatcom TMDL

RECOGNITION

- *The Best Lawyers in America*®
 - + Environmental Law, 2009-2019
 - + Litigation - Environmental, 2012-2019
 - + Natural Resources Law, 2016-2019
- *Chambers USA* Leading Individual, Environment, 2014-2019
- Best in the Business: Leading Lawyers in the Puget Sound Region, *Seattle Business* magazine
 - + Environmental Law, 2013
- 2011 BTI Client Service All-Star for Environmental Law
- 2010 Top Lawyer, *Seattle Metropolitan* magazine
- Washington Super Lawyers list, 2006-2007
- Martindale-Hubbell AV rating
- Recipient of Five American Jurisprudence Awards

ACTIVITIES

- Water Environment Federation
- Northwest Environmental Business Council
- National Association of Clean Water Agencies
- American Bar Association
 - + Environmental and Litigation Sections
- Washington State Bar Association
 - + Environmental, Land Use and Litigation Sections
- Washington Women Lawyers, Member
- Association of Washington Business Water Quality Committee, Member
- Corporate Council for the Arts, Associate Alumni

QUOTED

- “Corporate Counsel Applaud Enviro Standouts,” *Law360*, February 2011

PUBLICATIONS

- [“Stormwater Regulations Impair Vested Rights,”](#) Author, Foster Pepper News Alert, January 2017
- [“EPA Releases New Integrated Stormwater and Wastewater Planning Framework,”](#) Author, Foster Pepper News Alert, June 2012

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- [“Legislature Amends Important Environmental and Natural Resource Laws,”](#) Co-Author, Foster Pepper News Alert, April 2012
 - [“Unanimous Supreme Court Rules that Clean Water Act Administrative Compliance Orders Issued by EPA are Entitled to Judicial Review,”](#) Author, Foster Pepper News Alert, March 2012
 - [“Property Owners Can Challenge an Agency’s Decision to List Waterbodies as ‘Impaired’ if the Listing Diminishes the Property Owner’s Property Value,”](#) Author, Foster Pepper News Alert, February 2011
 - “Ecology Finalizes Revised Mandatory Greenhouse Gas Reporting Rule,” Co-Author, Foster Pepper News Alert, December 2010
 - “Stormwater Runoff from Logging Roads Requires Discharge Permit,” Author, Foster Pepper News Alert, August 2010
 - “Washington State Department of Ecology Issues Municipal Stormwater General Permits,” Author, Foster Pepper News Alert, January 2007
 - “2005 Construction Stormwater General Permit: Key Issues and Requirements,” Author, Washington State Bar Association Environmental and Land Use Law Section, May 2006
 - “Collaborative Water Quality Solutions: Exploring Use Attainability Analyses,” Co-author, NACWA, 2006
 - “Supreme court issues divided opinion on Federal Wetlands regulation,” Author, Foster Pepper News Alert, June 2006
 - “Washington State Department of Ecology Issues New Wetland Guidance,” Author, Foster Pepper News Alert, March 2006
 - “Construction Site Operators Beware: Construction Stormwater General Permit Imposes New Requirements for Construction Projects in the State of Washington,” Author, Foster Pepper News Alert, January 2006
 - “Can the Northwest be energy independent again?” Co-author, Seattle Daily Journal of Commerce, November 2005
 - “FP Lawyers Score Clean Water Act Victory for Municipal Stormwater Dischargers,” Author, Foster Pepper News Alert, October 2005
 - “U.S. Supreme Court to Examine Extent of Clean Water Act Jurisdiction Over Wetlands and Waters,” Author, Foster Pepper News Alert, October 2005
 - “U.S. Supreme Court Will Decide Regulation of Dams and Water Transfers Under the Clean Water Act,” Author, Foster Pepper News Alert, October 2005
 - “Endangered Species Act: Uncertainty Surrounds The Federal Columbia River Power System,” Author, Foster Pepper News Alert, June 2005
 - “Department of Ecology Adopts New State Water Quality Standards,” Author, Foster Pepper News Alert, June 2003
 - “U.S. Supreme Court Agrees to Hear Important Clean Water Act Case,” Author, Foster Pepper News Alert, June 2003
 - [“Water Quality, Stormwater, and Rights Update,”](#) Land Use & Environmental Newsletter, February 2003
 - “Clean Water Act,” Author, chapter of the Washington State Bar Association Real Property Deskbook
 - “Clean Water Act Citizens Suits: Key Elements and Defenses,” Author, Journal of Environmental Law, July/August 1996
 - “Water Quality,” Author, chapter of the Government Institute Environmental Law Handbook
 - “SEPA, A Proposed Standard for Judicial Review of Agency Decisions Not to Require Preparation of a Supplemental Environmental Impact Statement,” Author, 15 U.P.S.L. Rev. 957, Spring 1992

PRESENTATIONS

- [“Model Toxics Control Act,”](#) Speaker, 60th Annual WSAMA Spring Conference, April 2017
- [“Meet the Farm-Friendly Environmental Litigators,”](#) Speaker, 2017 Western Dairy Management Conference, March 2017

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- "[Municipal Stormwater: Key Policy Issues and Implementation Challenges Associated with the Municipal Stormwater Permits](#)," Program Co-Chair and Moderator, 15th Annual Comprehensive Conference on Clean Water and Stormwater, Law Seminars International, April 2015
- "Key Evolving Stormwater Issues in the Pacific Northwest - Assessment and Remediation of Aquatic Environments in the Pacific Northwest: 1990s to Present," Speaker, Society of Environmental Toxicology and Chemistry (SETAC) North America 35th Annual Meeting, November 2014
- 14th Annual Comprehensive Conference on Clean Water and Stormwater, May 2014
 - + Program Co-Chair and Presenter:
 - "Putting the Pieces of a Puzzle Together: How to Develop a Coherent Strategy to Identify and Successfully Resolve Complex Water Quality and Water Resource Issues"
 - "The Creative Use of Litigation to Achieve Policy Objectives and Use of the Clean Water Act (CWA) to Pursue other Environmental Issues"
 - "Update on Resource Conservation and Recovery Act (RCRA) Citizen-Suits in Yakima over Alleged Groundwater Contamination"
- "Citizen Suit Actions: An Effective Enforcement Mechanism or An Overly Expansive Litigation Tool?" Speaker, WSBA 2014 Environmental and Land Use Law Section Midyear Meeting and Conference, May 2014
- Clean Water and Stormwater Conference, Law Seminars International, May 2013
 - + Program Co-Chair and Presenter:
 - "The Broadening Universe for Water Quality Issues"
 - "Practice Tips for More Effectively Resolving Water Quality Issues"
 - "Adapting to New Developments Arising Under the Safe Drinking Water Act (SDWA)"
- 13th Annual Comprehensive Conference on Clean Water and Stormwater, May 2013
 - + Co-Chair and Speaker:
 - "The Broadening Universe for Water Quality Issues"
 - "Adapting to New Developments Arising Under the Safe Drinking Water Act (SDWA)"
- "Avoiding and Defending Clean Water Act Citizen-Suits," Speaker, 4th Annual Port of Tacoma Environmental Workshop, November 2012
- "Municipal Stormwater Permits: Legal Updates and Policy Perspectives," Speaker, Clean Water and Stormwater CLE, April 2012
- "Municipal Stormwater - Key Issues, Tips and Traps," Co-Presenter, December 2011
- "Stormy Weather: Stormwater Update, including Liability for Stormwater Runoff Pollution," Speaker, Latest Developments in Washington Municipal Utility Law, October 2011
- "Stormwater and Potential Liability for Pollution," Speaker, WSAMA 2011 Fall Conference, October 2011
- "When Your Right to Remain Silent May Come with Unintended Consequences," Speaker, PRIMA 2011 Annual Conference - Blazing the Trails of Risk, June 2011
- "Enforcement Tips & Traps," Speaker, Land Use/Environmental Group Seminar, May 2011
- "The Reality of Third Party Lawsuits," Speaker, Managing Stormwater in the Northwest 2011: The Business of Stormwater Regulation and Compliance, March 2011
- "Enforcement: What Every Clean Water Agency Should Know," Speaker, Developments in Clean Water Law: A Seminar for Public Agency Attorneys and Managers, November 2010
- "NPDES Citizen Suits and Permit Renewal Process," Speaker, 2010 Fall WSAMA Conference, October 2010
- "Feasibility of Low Impact Development: Litigation and Implementation Update," Speaker, 11th Annual Conference on Land Use in Washington: Key regulatory, legislative and legal developments, April 2010
- "Clean Water/Stormwater," Speaker, WSBA - Land Use and Environmental Due Diligence When Acquiring Property, March 2010

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- “Avoiding & Responding to Third-Party Lawsuits,” Speaker, Northwest Environmental Business Council - Managing Stormwater in Washington, March 2010
- “PUD Perspectives on TMDL Developments,” Speaker, Washington Public Utility District Association, December 2009
- “New Requirements and Compliance Strategies,” Moderator, Law Seminar International Washington's New Industrial Stormwater General Permit, December 2009
- “Natural Resources Issues: Stormwater Update and FEMA Biological Opinion,” Speaker, Washington State Association of Municipal Attorneys Spring Conference, April 2009
- “Puget Soundkeepers Alliance Decision and Implications for Low Impact Development,” Speaker, Tenth Annual Conference on Land Use in Washington: New Regulatory, Legislative and Legal Developments, April 2009
- “Municipal Stormwater Permits: Status of 2007 Permit Appeals,” Speaker, Law Seminar International Clean Water and Stormwater Conference, April 2009
- “Policy Development for Puget Sound as a Driver for What's Likely to Happen In Washington,” Co-chair, TMDLs in the Pacific Northwest, August 2008
- “Municipal Stormwater Permits,” Speaker, Clean Water & Stormwater Conference, June 2008
- “Municipal Stormwater: Why You Should Care,” Speaker, Washington State Association of Counties 101st Annual Conference, November 2007
- “Environmental Hotspots in Real Property Development,” Speaker, Builders and Developers Seminar, October 2007
- “Washington Public Utility Districts Water Workshop,” Speaker, September 2007
- “Transportation and Infrastructure Planning,” Co-Chair, Law Seminars International, August 2007
- “TMDLs in the Pacific Northwest,” Co-Chair, Law Seminars International, July 2007
- “Clean Water Act Agency and Citizen Suit Enforcement in the State of Washington,” Speaker, Washington State Bar Association Construction Law Section, June 2007
- “Use Attainability Analysis Workshop,” Moderator, Water Environment Federation TMDL Conference, June 2007
- “Stormwater Phase Permits and Other Issues,” Speaker, Washington Association of Municipal Attorneys Spring Conference 2007, April 2007
- “Stormwater Update for Developers and Municipalities,” Speaker, Hot Issues in Real Estate and Land Use Development, March 2007
- “A Comprehensive Look at Agency Administrative Enforcement,” Speaker, Law Seminars International Clean Water and Stormwater Conference, March 2007
- “How to Minimize Costs and Project Delays Caused by Environmental Contamination,” Speaker, Foster Pepper, October 2006
- “Use Attainability Analysis,” Speaker, National Association of Clean Water Agencies Webinar, July 2006
- “Hot Issues in Stormwater: What Every Business Needs to Know,” Speaker, Pacific Northwest Chapter of the Academy of Hazardous Materials Managers, June 2006
- “Hot Issues in Stormwater: What Every Municipality Needs to Know,” Speaker, April 2006
- “Municipal Stormwater Permits,” Speaker, Law Seminars International, March 2006
- “Washington Clean Water and Stormwater Conference,” Moderator and speaker, Total Maximum Daily Loads and Use Attainability Analysis, Law Seminars International, March 2006
- “Late Breaking Legal Issues Associated with Use Attainability Analysis,” Speaker, National Association of Clean Water Agencies, January 2006
- “Use Attainability Analyses in the Real World,” Moderator, National Association of Clean Water Agencies 2005 Law Seminar, November 2005
- “Recent Developments Under the Clean Water Act,” Speaker, Washington State Bar Association Environmental and Land Use Law Mid-Year Meeting, May 2005

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- “Permitting Strategies,” Speaker, The Seminar Group, March 2005
- “Navigating the Maze: A Checklist Approach to Land Use and Environmental Law,” Speaker, Washington State Bar Association, October 2004
- “Water Quality Requirements and Stormwater Management,” Speaker, Washington State Bar Association CLE Seminar, Navigating the Maze: A Checklist Approach to Land Use and Environmental Law, October 2004
- “Avoiding and Defending Clean Water Act Citizen Suits,” Speaker, Washington State Association of Municipal Attorneys Conference, Spring 2004
- “Clean Water Act Citizen Suits,” Speaker, Puget Sound Chapter of Air & Waste Management Association, May 2003
- “Annual Real Estate and Land Use Update,” Speaker, Foster Pepper, May 2003
- “Clean Water Act Stormwater Issues,” Speaker, Law Seminars International, April 2003
- “Advanced Water Quality Permitting,” Co-Chair and Speaker, Law Seminars International, December 2002
- “Water Quality Requirements & Stormwater Management,” Speaker, Washington State Bar Association, October 2002
- “Clean Water, Storm Water,” Chair, Law Seminars International, February 2001
- “Environmental Lawsuits,” Chair, Northwest Dairy Association, May 2000
- “Washington Clean Water: Water Quality Challenges and Potential Solutions,” Co-Chair and Speaker, December 1998
- “Clean Water Act Citizen Suits,” Speaker, Washington State Farm Bureau, November 1998
- “Environmental Citizen Suits, Issues and Challenges,” Speaker, Puget Sound Chapter of Pacific Northwest International Section of the Air & Waste Management Association, September 1998
- “Handling Citizen Suits, The TMDL Process, and TMDL Litigation Update: The Discharge’s Perspective,” Speaker, Association of Washington Business, June 1998
- “Washington Clean Water: The TMDL Process, Stormwater, and other Trends in Protecting Water Quality,” Co-Chair and Speaker, Law Seminars International, December 1997
- “Water Quality,” Panel moderator and Speaker, the Association of Washington Business’ Environmental Law Seminar and Excellence Awards, June 1997
- “Overview of Citizen Suits in the Environmental Arena,” Co-Chair and Speaker, Law Seminars International, April 1997

EXPERIENCE

- Foster Pepper PLLC, Member, 2003-Present
- Preston Gates Ellis LLP
 - + Partner, 1999-2003
 - + Associate, 1992-1998

BAR ADMISSIONS

- Washington, 1992

EDUCATION

- J.D., University of Puget Sound School of Law (*magna cum laude*), 1992
- B.G.S., Gonzaga University, 1988