

**ALLISON M. LaPLANTE**

10101 S. Terwilliger Blvd.  
Portland, Oregon 97219

(503) 768-6894  
laplante@lclark.edu

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**EDUCATION**

**Lewis & Clark Law School**

Portland, OR

J.D., *cum laude*, May 2002, Environmental and Natural Resources Law Certificate

GPA: 3.65; Class Rank: 9/148

Honors: First Place Team, 2002 National Environmental Moot Court Competition  
Finalist, 2001 National Environmental Moot Court Competition  
Best Brief, 2001/2002 In-School Environmental Moot Court Competition  
Best Oral Advocate and Best Brief, 1L Moot Court Competition  
Natural Resources Law Institute Leadership Award  
Cornelius Honor Society  
Steven Manas Memorial Scholarship  
Dean's Scholarship

**Cornell University**

Ithaca, NY

B.S. Biology, Ecology Concentration, May 1996

Honors: Dean's List  
Cornell National Scholar

**CURRENT POSITION**

**Lewis & Clark Law School, Earthrise Law Center  
Clinical Professor, Co-Director**

Portland, OR  
*January 2005–present*

**Primary Responsibility:**

Represent local and national environmental organizations in legal matters involving water quality, air quality, and endangered species issues as part of law school's environmental legal teaching clinic. Litigate in federal and state court trial and appellate proceedings. Represent clients in administrative agency decision-making processes. Supervise students' work on ongoing and developing cases, conduct individual student meetings to oversee litigation assignments, and provide professional mentoring. Co-teach weekly class sessions. Oversee work of junior staff attorneys and litigation fellows. Manage organization's litigation docket, fundraising, finances, and communications. Participate in law school faculty committee work and governance.

**Select Recent Successes:**

- *San Francisco Baykeeper, et al. v. EPA* (co-counsel: Jamie Saul, Eric Buescher): Challenge to Trump EPA decision that Redwood City Salt Ponds are not "waters of the United States" subject to Clean Water Act protections. Achieved order vacating EPA's negative

“jurisdictional determination,” and requiring EPA to properly analyze the connection between the salt ponds and San Francisco Bay. Notable published opinions: *San Francisco Baykeeper v. EPA*, No. C 19-05941 WHA, ---F. Supp. 3d---, 2020 WL 5893392 (N.D. Cal. Oct. 5, 2020).

- *Northwest Environmental Advocates (NWEA) v. EPA* (co-counsel: Bryan Telegin, Dan Mensher, Dan Rohlf): Series of lawsuits in federal district court under Clean Water Act, Endangered Species Act, and Administrative Procedure Act regarding EPA, NMFS, and FWS approvals of Oregon’s water quality standards for temperature—which were too warm for cold-water species like salmon and contained exemptions that allowed waters to reach lethal temperatures. First suit achieved favorable and precedent-setting ruling on the merits, finding that EPA was required to review state law provisions exempting nonpoint sources from water quality standards compliance, that EPA had illegally approved an exemption for “natural conditions,” and that both NMFS and FWS’s biological opinions were inconsistent with the Endangered Species Act. Second suit resulted in order requiring EPA/Oregon to redo TMDLs that relied on the illegal natural conditions criterion to sanction temperatures lethal to salmon. Notable published opinions: *NWEA v. EPA*, 855 F. Supp. 2d 1199 (D. Or. 2012); *NWEA v. EPA*, No. 3:12-CV-01751-AC, 2017 WL 1370713 (D. Or. Apr. 11, 2017); *NWEA v. EPA*, No. 3:12-CV-01751-HZ, 2018 WL 6524161 (D. Or. Dec. 12, 2018).
- *Northwest Environmental Advocates (NWEA) v. EPA* (co-counsel: Kevin Cassidy, Bryan Telegin): Lawsuit in federal district court regarding the adequacy of Washington’s water quality standards and their protectiveness of endangered species. Achieved favorable settlement requiring, *inter alia*: EPA to reconsider several of its approvals of Washington’s water quality standards, and determine how those actions are affecting endangered salmon; Washington to develop new criteria for fine sediment discharged into streams to ensure wild salmon eggs are getting enough oxygen to survive.
- *Natural Resources Defense Council (NRDC), et al. v. EPA* (co-counsel: Debbie Sivas, Matt Sanford, Rebecca Riley, Neil Kagan): Successful challenge to EPA’s Vessel General Permit that governs the discharge of 21 billion gallons annually of ballast water—laden with invasive species—to the nation’s waters. Achieved comprehensive success with court ruling that EPA’s permit failed to establish limits that meet the requirements of the Clean Water Act, that EPA failed to ensure that these ballast water discharges would comply with water quality standards, and that it failed to evaluate onshore facilities for ballast water treatment. Precedent-setting decision on technology-based effluent limitations in Clean Water Act permits. Notable published opinions: *NRDC v. EPA*, 808 F.3d 556 (2d Cir. 2015).
- *Center for Biological Diversity, et al. v. U.S. Forest Service* (co-counsel: Kevin Cassidy, Lia Comerford): Ongoing action in federal court in Arizona under the Resource Conservation and Recovery Act against Forest Service for contributing to an imminent and substantial endangerment to California condors and other wildlife poisoned by spent lead ammunition left by hunters in the Kaibab National Forest. Successfully litigated multiple jurisdictional issues at the Ninth Circuit. Notable published opinions: *Ctr. for Biological Diversity v. U.S. Forest Serv.*, 640 F. App’x 617 (9th Cir. 2016); *Ctr. for Biological Diversity v. U.S. Forest Serv.*, 925 F.3d 1041 (9th Cir. 2019).

- *Wishtoyo Foundation, et al. v. Magic Mountain LLC, et al.* (co-counsel: Kevin Cassidy, Lia Comerford, Dan Mensher): Lawsuit in federal district court under Clean Water Act for amusement park's stormwater discharges violating water quality standards and the facility's permits. Negotiated consent decree that will significantly reduce the amount of pollution entering the Santa Clara River—Southern California's last free-flowing river—from the Six Flags Magic Mountain park by requiring the facility to comply with its Clean Water Act permit, to develop and implement a Trash Management Plan, and to use best practices to minimize and eliminate pollution being carried off the site by storm events. Secured \$300,000 in supplemental environmental projects designed to analyze, reduce, prevent, or otherwise mitigate effects of polluted water discharges into the Santa Clara River. Notable published opinions: *Wishtoyo Found. v. Magic Mountain LLC*, No. CV 12-05600 GAF MANX, 2014 WL 6841554 (C.D. Cal. Dec. 3, 2014).
- *Brief for Amici Curiae Law Professors on Section 1369(b) Jurisdiction*: Authored amicus brief in U.S. Supreme Court case on behalf of environmental and administrative law professors. Argued that Clean Water Act Section 1369(b) (509(b)) was no bar to Court's jurisdiction because the limited judicial review provision applies only to narrow set of EPA actions enumerated in the statute. *See Decker v. Nw. Env'tl. Def. Ctr.*, 2012 WL 5246243 (U.S., 2012).
- *Sierra Club, et al. v. Portland General Electric Co.* (co-counsel: Aubrey Baldwin, Tom Buchele, George Hays): Lawsuit in federal district court against coal-fired power plant for violations of Clean Air Act and state implementation plan. Achieved favorable ruling holding, *inter alia*, that the federal five-year statute of limitations does not bar claims for violations of Prevention of Significant Deterioration (PSD) provisions, because such claims allege present-day violations of the requirements to operate with a PSD permit and with emissions limitations. Entered consent decree resolving case, requiring the cessation of coal burning at power plant by the end of 2020, along with interim pollution reductions, and establishing \$2.5 million fund for environmental restoration and energy projects in Oregon. Notable published opinions: *Sierra Club v. Portland Gen. Elec. Co.*, 663 F. Supp. 2d 983 (D. Or. 2009).
- *Northwest Environmental Advocates, et al. v. EPA* (co-counsel: Dan Mensher, Debbie Sivas) Challenge in D.C. Circuit to EPA's first ever general permit regulating water pollution from vessels. Negotiated agreement requiring EPA to complete two in-depth scientific reviews to identify and encourage the development of effective ways to eliminate invasive species from ballast water discharges, and requiring EPA to issue a new permit based on this science to regulate ballast water discharges from vessels.
- *Northwest Environmental Advocates v. Locke, et al.* (co-counsel: Paul Kampmeier): Lawsuit in federal district court regarding Oregon's coastal nonpoint source pollution program. Negotiated settlement requiring federal agencies to make a final determination regarding Oregon's nonpoint source pollution plan and withhold federal funds if Oregon does not submit an approvable plan. Secured commitment for federal agencies and Oregon to work together to develop a new approach to protecting coastal water quality from pollution caused

by, *inter alia*, logging practices.

- *Northwest Environmental Defense Center, et al. v. Owens Corning Corp.* (co-counsel: Melissa Powers): Lawsuit in federal district court under Clean Air Act regarding Owens Corning's unpermitted construction of major manufacturing plant that planned to emit ozone-depleting substance and potent greenhouse gas. Successfully litigated discovery motions and defeated motion to dismiss. Secured court decision finding that citizens have standing to challenge actions that contribute to global harms such as climate change and ozone depletion. Negotiated settlement that, *inter alia*, prohibited Owens Corning from using certain chemicals in Oregon and required Owens Corning to pay \$300,000 to local projects related to energy efficiency and alternative energy. Notable published opinions: *Nw. Env'tl. Def. Ctr. v. Owens Corning Corp.*, 434 F. Supp. 2d 957 (D. Or. 2006).

### **Additional Teaching Responsibilities:**

#### **Foundations of Professional Practice**

2018–2020

Co-taught introductory first-year class on foundational elements of practicing law and professionalism.

#### **Environmental Moot Court**

2006–present

Assist Professor Craig Johnston coach and judge student oral appellate-level advocacy during fall semester. Help select team members for National Environmental Moot Court Competition (Pace University School of Law). Coach and judge practice rounds for national team members to prepare for national appellate-level competitions in spring semester. Developed “problem” for use in Fall 2010 in-school competition. Helped launch “Advocate of the Year” moot court competition in 2012–2013, which was inaugurated in April 2013 by United States Chief Justice John Roberts.

#### **Student Paper Supervision**

2005–present

Supervise, edit, and comment on second and third-year law student Law Review and independent study writing requirements.

### **PAST PROFESSIONAL EXPERIENCE**

#### **United States District Court for the District of Oregon**

Portland, OR

##### **Law Clerk to the Honorable Garr M. King**

September 2002–January 2005

Conducted legal research, prepared memoranda, and drafted opinions and orders issued by the court. Assisted Judge King in handling hearings, trials and other court proceedings.

#### **Lewis & Clark Law School, Pacific Environmental Advocacy Center**

Portland, OR

##### **Law Clerk**

June 2001–August 2001

Prepared motions, memoranda, and briefs for litigation on behalf of national and local environmental organizations. Appeared as certified law student for oral argument in federal court.

**Northwest Environmental Defense Center**  
**Student Board Member**  
**Student Director**  
**Law Clerk**

Portland, OR  
*October 1999–May 2000*  
*May 2001–May 2002*  
*June 2000–May 2001*

Conducted legal research for litigation. Prepared legal and policy comments on administrative agency decisions. Organized and coordinated Board of Directors’ meetings and decisions. Ran student volunteer meetings and managed student volunteer projects. Taught Clean Water Act overview sessions for first-year law students and served as mentor for student projects. Organized successful fundraising events.

**Northwest Environmental Advocates**  
**Legal Intern**

Portland, OR  
*June 2000–August 2000*

Developed citizen tools for evaluating whether Clean Water Act clean-up plans, Total Maximum Daily Loads (TMDLs), meet legal requirements. Prepared memoranda outlining legal and policy options regarding TMDLs.

**Public Interest Research Groups (PIRGs)**  
**Environmental Advocate/Environmental Organizer**

Washington DC; Chicago, IL; Los Angeles, CA  
*July 1996–August 1999*

Directed the PIRGs’ (now Environment America) national “Toxics Right to Know Program.” Worked with Congress and federal agencies to develop policy to expand toxic chemical emissions reporting laws. Managed \$400,000 grant. Testified at hearings on Superfund Program. Researched and co-authored five reports published by U.S. PIRG. Organized and empowered students to participate in campaigns.

### **PUBLICATIONS**

Allison LaPlante, Lia Comerford, “On Judicial Review Under the Clean Water Act in the Wake of *Decker v. Northwest Environmental Defense Center*: What We Now Know and What We Have Yet to Find Out,” 43 ENVTL. L. 767 (2014).

### **PRESENTATIONS AND LECTURES**

*TMDLs and Toxics Control*, speaker, Clean Water Act and Wetlands in Oregon, Virtual Conference and CLE, September 2020.

*Environmental Law: Year in Review*, speaker, OSB Environmental & Natural Resources Section CLE, Troutdale, Oregon, October 2019.

“Yuge” *Waste of Resources—Barriers to Settlement Under the Trump Administration*, Common Ground, Public Interest Environmental Law Conference and CLE, Eugene, Oregon, March 2019.

*Water Quality Panel*, speaker, Environmental Law Under Trump, Portland, Oregon, April 2018.

*Salmon and Steelhead in Hot Water: Does the Clean Water Act have the Tools to Protect our Fish?*, speaker, Local Character, Global Vision, Public Interest Environmental Law Conference and CLE, Eugene, Oregon, March 2018.

*The Wheel of Misfortune*, panel organizer and speaker, Owen M. Panner Inn of Court and CLE, Portland, Oregon, April 2015.

*Protecting Water through Enforcement and Third Party Litigation*, speaker, 2014 Water Quality Conference and CLE, Environmental Law Education Center, Portland, Oregon, March 2014.

*Focus on Water Quality*, speaker, 22nd Annual Oregon Water Law Conference and CLE, The Seminar Group, Portland, Oregon, November 2013.

*The Clean Water Act on its 40th Birthday and the Supreme Court*, speaker, Public Interest Environmental Law Conference, Eugene, Oregon, March 2013.

*Suction Dredge Mining and Endangered Salmon*, speaker, Public Interest Environmental Law Conference, Eugene, Oregon, March 2013.

*Litigation and Oregon's Water Quality Standards*, speaker, Oregon Water Quality Conference and CLE, Environmental Law Education Center, Portland, Oregon, March 2013.

*Clean Water: 40th Anniversary of the Clean Water Act*, speaker, Earth Care Summit 2013: Living Waters, Ecumenical Ministries of Oregon, Beaverton, Oregon, January 2013.

*Water in the Courts*, speaker, 21st Annual Oregon Water Law Conference and CLE, The Seminar Group, Portland, Oregon, November 2012.

*Water and the Law*, speaker, Confluences: Water and Justice Conference, University of Portland, Portland, Oregon, March 2010.

*Statute of Limitations and the Clean Air Act*, speaker, Sierra Club Clean Air Act Conference, San Francisco, California, February 2010.

*Mining in the Klamath Siskiyou*, speaker, Public Interest Environmental Law Conference, Eugene, Oregon, February 2010.

*Climate Change Litigation, Citizens' Perspective*, speaker, conference and CLE, Environmental Law Education Center, Portland, Oregon, January 2008.

*Making Friends with the Clean Air Act*, speaker, Public Interest Environmental Law Conference, Eugene, Oregon, March 2007.

*Citizen Tools for Enforcing NPDES Permits*, speaker, Public Interest Environmental Law Conference, Eugene, Oregon, March 2007.

*Climate Change and the Law*, speaker, conference and CLE, Environmental Law Education Center, January 2007.

*Citizen Hurdles to Climate Change Litigation*, speaker, Environmental Summit, Florida Coastal School of Law, Jacksonville, Florida, November 2006.

*Water Quality Litigation in Oregon*, speaker, conference and CLE, The Seminar Group, Portland, Oregon, August 2006.

### **ASSOCIATIONS AND MEMBERSHIPS**

**Admitted:** United States Supreme Court; United States Court of Appeals for the Ninth Circuit; United States Court of Appeals for the D.C. Circuit; United States Court of Appeals for the Second Circuit; United States Court of Appeals for the Third Circuit; United States District Court for the District of Oregon; Oregon Supreme Court and all courts of the State of Oregon