

ALLISON M. LaPLANTE

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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

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 Portland, OR
Staff Attorney and Clinical Professor January 2005-present

Primary Responsibility:

Represent local and national environmental organizations in legal matters involving water quality, air quality, and energy 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. Co-lead weekly class sessions and conduct individual student meetings to oversee litigation assignments and provide professional mentoring. Participate in law school committee work and faculty governance.

Recent successes include:

- *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.

- *Northwest Environmental Advocates v. EPA, NMFS, FWS* (co-counsel, Dan Mensher, Dan Rohlf) – Lawsuit in federal district court under Clean Water Act, Endangered Species Act, and Administrative Procedure Act regarding Environmental Protection Agency (EPA), National Marine Fisheries Service (NMFS), and Fish and Wildlife Service’s (FWS) approvals of Oregon’s water quality standards for temperature. Achieved favorable rulings on the scope of the administrative record and federal agencies’ use of the “deliberative process privilege.” Achieved favorable ruling against agency’s request for voluntary remand and non-vacatur of agency decision. Prevailed on cross motions for summary judgment; obtained ruling that EPA violated the Clean Water Act by failing to review state nonpoint source provisions, that EPA illegally approved a state exemption from water quality standards pertaining to “natural conditions” of a waterway, and that NMFS and FWS’s biological opinions regarding the effects of Oregon’s water quality standards on threatened and endangered species did not comply with the Endangered Species Act.
- *Northwest Environmental Advocates, et al v. EPA* (co-counsel, Dan Mensher, Debbie Sivas) Challenge in D.C. Circuit to EPA’s first 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. NMFS, FWS* – Lawsuit in federal district court under Administrative Procedure Act for unreasonably delaying completion of Endangered Species Act “consultation” regarding Oregon’s water quality standards for toxic pollutants. Negotiated settlement, which established enforceable timelines and intermediate steps for the federal agencies’ completion of their work regarding the effects of toxic pollutants on threatened and endangered fish and wildlife.
- *Northwest Environmental Advocates v. Locke* (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. The federal agencies also agreed to work with Oregon to develop a new approach to protecting coastal water quality from pollution caused by, *inter alia*, logging practices.
- *Northwest Environmental Defense Center v. NRI, Inc.* (co-counsel, Andrew Hawley) – Lawsuit in federal district court under Clean Water Act for facility’s violation of discharge permit conditions. Negotiated consent decree requiring company to improve storm water management practices, increase discharge monitoring and compliance reporting, and fund

restoration and education work in the Columbia River basin.

- *Northwest Environmental Advocates v. EPA* (co-counsel, Melissa Powers) – Lawsuit in federal district court regarding EPA’s failure to comply with its mandatory duty under the Clean Water Act to review and act on Oregon’s inadequate water quality standards for toxic pollutants. Negotiated consent decree establishing timelines for EPA action.
- *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 which, *inter alia*, prohibits Owens Corning from using chemical in Oregon and requires Owens Corning to pay \$300,000 to local projects related to energy efficiency and alternative energy.
- *Northwest Environmental Defense Center v. American Compost & Recycling* – Lawsuit in federal district court under Clean Water Act for facility’s violation of discharge permit conditions and for unpermitted discharges of polluted storm water. Negotiated consent decree requiring company to eliminate storm water discharges to Columbia Slough and fund Riverscaping Project to educate the public, business owners and institutions about practical ways to reduce storm water pollution.

Additional Teaching Responsibilities:

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 and National Animal Advocacy Competition. 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.

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 Portland, OR
Student Director May 2001-May 2002
Law Clerk 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 Portland, OR
Legal Intern 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) Washington DC; Chicago, IL; Los Angeles, CA
Environmental Advocate/Environmental Organizer July 1996-August 1999
Directed the PIRGs' 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.

PRESENTATIONS AND LECTURES

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

Member, Oregon State Bar

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 District Court for the District of Oregon; Oregon Supreme Court and all courts of the State of Oregon