

## Andy F. Rigel

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## Professional Overview

As the leader of HCMP's [environmental practice team](#), Andy's practice focuses on counseling clients regarding the risks and opportunities of buying, selling, and redeveloping contaminated property. He has extensive experience regarding environmental due diligence, site investigation, regulatory compliance assessments, and cleanup of contaminated sites. Andy also regularly represents clients in cost recovery litigation and with allocation of environmental liabilities under the Washington Model Toxics Control Act (MTCA) and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Andy's environmental experience also regularly intersects with other areas of real estate, land use, and construction law. He has worked on matters involving environmental insurance claims, storm water disputes and permit issues, project strategy under the National and State Environmental Policy Acts, wetland issues, development code compliance, condemnation actions, and the Endangered Species Act.

## Representative Matters

- Represent industrial client named as a potentially responsible party for a complex landfill Superfund site located in Eastern Washington.
- Advise a real estate investment firm regarding real estate and environmental matters associated with its national portfolio of industrial and commercial properties.
- Assist a client with acquisition and cleanup of former agricultural property located in Eastern Washington for commercial redevelopment project.
- Represent a regional healthcare network with environmental due diligence, property acquisition negotiations, and remediation of contaminated properties.
- Assist a national nonprofit organization that owns and operates retirement communities with environmental due diligence, purchase and sale agreement negotiation, and regulatory compliance analysis.

- Represent a regional family-owned real estate investment company in Consent Decree negotiations and allocation of cleanup requirements amongst the liable parties for a former landfill site.
- Assist clients with the location of historic insurance policies and pursuing coverage for environmental cleanup liabilities.
- Represented an international retail home improvement company with the environmental aspects of its regional development plan including due diligence, purchase and sale agreement negotiation, and handling of contaminated sites.
- Claims attorney for a major petroleum company related to underground storage tank sites in Washington.
- Assist clients with responding to CERCLA Section 104(e) requests for information from EPA related to Superfund Site investigation.
- Respond to 60-day notice letters and defend against citizen suits for industrial stormwater permit violations.

## Articles and Presentations

- Speaker, "Post-Due Diligence Negotiations: What it Takes to Get Everyone on Board when Contamination is Found," The Seminar Group Hazardous Materials in Real Estate Transactions, November 2022
- Co-author, "[EPA Says Almost No Amount of PFOA or PFOS in Drinking Water is Safe](#)", *HCMP Environmental Update*, June 2022
- Discussion Leader, "Emerging PFAS/PFOA Regulation", Meritas Environment, Energy & Resources Practice Group Meeting, April 2022
- Co-author, "'[Dark Waters](#)' in the Puget Sound region?", *Puget Sound Business Journal*, 2021
- Author, "HCMP Client Update: [Expedited Voluntary Cleanup Program](#)," July 2019
- Author, Ask a Legal Professional, *Puget Sound Business Journal*, ([Avoiding the Absolute Pollution Exclusion in Commercial General Liability \("CGL"\) Insurance Policies](#)), April 2019
- Speaker, "Project Finance: Market Dynamics Driving Cleanup – Air Space Condos as an Environmental Liability Mitigation Strategy," The Seminar Group Developing Contaminated and Blighted Properties, August 2018
- Author, Ask a Legal Professional, *Puget Sound Business Journal* ([Strict Liability and Property Ownership](#)), April 2018
- Speaker, "Can Environmental Liability Disappear Into Thin Air? Air Space Condos as an Environmental Liability Mitigation Strategy," KCBA Environmental & Land Use Section Annual Half-Day CLE, April 2018
- Author, Ask a Legal Professional, *Puget Sound Business Journal* ([Property Owner Responsibility](#)), January 2017
- Author, Ask a Legal Professional, *Puget Sound Business Journal* ([Hazardous Material Cleanup Obligation](#)), April 2016
- Author, Ask a Legal Professional, *Puget Sound Business Journal* ([Buyer Cleanup Costs](#)), January 2015
- Author, Ask a Legal Professional, *Puget Sound Business Journal* ([Oil Tanks on Residential Property](#)), July 2014

- Author, "[Regulatory Alert: Clean Water Act Jurisdiction](#)," (September 17, 2014)
- Speaker, "MTCA Case Law Update (including Relevant CERCLA Decisions)," LSI Model Toxics Control Act Seminar (2013)
- Speaker, "Managing Legal Liability," NEBC Reusing Contaminated Land Conference (2013)
- Author, Ask a Legal Professional, *Puget Sound Business Journal* ([Contamination Liability](#)), June 2013
- Speaker, "Recent Changes to Construction and Environmental Law That Will Affect Your Business," Lane Powell Seminar, 2012
- Author, "Nuisance and Trespass in Land Use Cases," *Washington Real Property Deskbook*, Volume 6, Chapter 19, Washington State Bar Association (2012)
- Author, "Distressed Properties and Environmental Liability: To Foreclose or Not to Foreclose, That is the Question," *Issues and Answers Magazine*, Washington Bankers Association, Co-Author (May/June 2012)
- Author, "Here Comes a Flood of Stricter Stormwater Rules," *Seattle Daily Journal of Commerce* (2012)
- Speaker, "New Rules of Stormwater," The Seminar Group (2008)
- Author, "Climate Change: A Rising Tide in Real Estate and Environmental Litigation," *Business Litigation Committee News*, American Bar Association (2008)
- Author, "The New Washington Condominium Act," *BUILDERnews Magazine* (2004)

## Professional and Civic Involvement

- American Bar Association - Environment, Energy and Resources Section
- Kids Need Bikes - Member, Board of Directors
- King County Bar Association - Environmental Law Section
- Northwest Environmental Business Council - Member
- Oregon State Bar Association - Environmental and Natural Resources Section
- Washington State Bar Association - Environmental and Land Use Section
- Meritas: Environment, Energy & Resources Practice Group - Steering Committee Member

## Honors / Awards / Prior Experience

- A/V Preeminent Lawyer, Martindale Hubbell

- Recognized as a Rising Star by *Washington Super Lawyers*
- Attorney, Lane Powell PC, 2002 - 2013
- Judicial Extern, United States District Court - Eastern District of Louisiana, 2001

## Education

- J.D., Tulane Law School, magna cum laude, 2002  
Managing Editor, *Tulane Law Review*  
Order of the Coif  
Tulane Environmental Law Certificate
- B.A., Miami University, Environmental Geology, 1998

## Bar/Court Admissions

- Washington State Courts
- Oregon State Courts
- U.S. District Court for the Western and Eastern Districts of Washington
- U.S. District Court for the District of Oregon

## Personal

Outside the office, I can usually be found with my wife and daughter traveling in our camper van searching for an outdoor adventure in a remote corner of the Pacific Northwest. I am passionate about anything related to bicycles and a day is not complete without some pedaling, whether it be racing mountain bikes, a long road ride, or a commute to work. During the winter months, my biggest challenge is deciding whether to ride a bike or step into some skis and sometimes I opt to do both in the same day.