



## Phillip M. Bender

Shareholder

Practice Groups: Environmental, Natural Resources, Water Rights,  
Oil & Gas, Energy Development, Public Lands and Litigation

**Bateman** Seidel

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Mr. Bender represents corporate, municipal, individual and non-profit clients in regulatory and litigation matters involving environmental, natural resources, energy, real estate, land use, facility and product development, government and contracting issues. His practice includes advising, negotiating and litigating a wide range of environmental and regulatory issues, including matters involving water quality, discharges and water rights; Superfund sites; civil and criminal environmental enforcement; environmental permitting, including removal/fill permits, NPDES permits, Title V air emissions permits, and Columbia River Gorge National Scenic Area permits; Resource Conservation and Recovery Act issues; Toxic Substances Control Act issues; energy facility siting; oil and gas development issues, including environmental compliance. He also represents cities and sewer authorities in environmental permitting and compliance matters, and in §1983 actions. In addition, he handles a range of matters for individual clients, including litigation involving contracts, property disputes and civil rights.

Mr. Bender and the other members of Bateman Seidel's Environmental Law and Litigation Practice Groups draw upon a wide range of unique skills, experience and expertise by working closely with one another as a team to serve a client's needs. This teamwork approach allows us to provide our clients with prompt, high quality, effective and creative advice and solutions to even the most complex legal issues.

Mr. Bender brings substantial litigation experience to his representation of clients. He has litigated matters in state and federal courts and administrative tribunals throughout the country, including in Oregon, Washington, California, Pennsylvania, West Virginia and Ohio. Prior to joining the firm and founding its Pittsburgh office, he was an environmental lawyer with K&L Gates LLP, formerly Preston Gates and Ellis LLP, in Portland, Oregon and Pittsburgh. Prior to that, he served as an assistant attorney general with the Trial Division of the Oregon Department of Justice and clerked for the Hon. Robert Redding and with the United States Fish & Wildlife Service in Portland. He has published articles on Clean Water Act §404 permit enforcement, dam removal proposals in the Pacific Northwest, environmental issues in the development of the Marcellus Shale Play in Pennsylvania and on other issues. He is active in his community, sitting on the Board of Directors of Riverlife, an organization dedicated to the enhancement of Pittsburgh's riverfronts, and on the Board of Directors of Bike Pittsburgh, which advocates for cyclists, pedestrians and intelligent transportation planning.

### Representative Matters

- Representing major steel manufacturer in state environmental enforcement action involving state and federal hazardous waste, water pollution and used oil management allegations.
- Litigated appeal of state-issued residual waste permit on behalf of industrial wastewater pre-treater that challenged inappropriate permit conditions.

- Advising startup company that has developed new recycled products on Toxic Substances Control Act issues and advocating company's positions before the U.S. Environmental Protection Agency.
- Counseling major recycler of steel industry acid byproducts on environmental compliance, permitting and strategic issues.
- Litigated appeal of environmental permit processing decision for natural gas pipeline developer seeking to develop pipeline from liquefied natural gas facility.
- Defending specialty chemical products distributor in complex groundwater litigation.
- Represented urban infill developer in litigation challenging denial of surface mining permit against state environmental agency.
- Negotiating resolution of environmental compliance and permitting issues with state environmental agency on behalf of municipal sewer authority.
- Defended major rail products manufacturer against a federal environmental enforcement action alleging a wide variety of hazardous waste violations.
- Represented international biomedical company in federal criminal investigation involving alleged RCRA violations by employees.
- Represented environmental consulting firm in federal criminal investigation of a coal mining waste spill into state and federal waters.
- Litigated contract dispute involving alleged purchase of Andy Warhol paintings and other fine art for individual client against art gallery.
- Litigated real estate sale dispute between industrial property owner who sold property overlying historic landfill and purchaser.
- Obtained environmental permits for municipality seeking to increase its municipal drinking water supply.

### **Education**

- J.D., Lewis and Clark College Northwestern School of Law (1997) Certificate in Environmental and Natural Resources Law; Associate Editor, Environmental Law; Cornelius Honor Society; Manas Scholarship; Stegner Center Writing Award
- B.A., American Studies, Reed College (1991)

### **Professional/Civic Activities**

- Board of Directors and Design Committee, Riverlife
- Secretary, Board of Directors, Bike Pittsburgh
- Leadership Development Initiative XVI, a leadership training program of Leadership Pittsburgh, Inc. (LPInc.), Graduate (2008)
- Chair, PopUp Pittsburgh!, a project of LPInc. (2008)
- American Bar Association, Member
- Oregon State Bar, Member, Pro Bono Committee, 2005-2007
- Oregon State Bar, Member, Model Pro Bono Policy Subcommittee, 2005-2007
- Oregon Lawyers Against Hunger, Firm Coordinator, 2004-2007
- Bicycle Transportation Alliance, Volunteer, 2000-2007

### **Court Admissions**

- U.S. District Court for the District of Oregon
- U.S. District Court for the Western District of Washington
- U.S. District Court for Eastern District Washington
- Various pro hac vice admissions in California, West Virginia and Ohio

**Bar Admissions**

- Bar of Pennsylvania
- Bar of Washington
- Bar of Oregon

**Representative Cases**

- *Bartusch v. Oregon Dept. of Higher Education, et al.*, 126 P.3d 840 (Wash. App. Div. II, 2006)
- *Kleinman v. Multnomah County et al.*, 2005 WL 1801653 (D. Or. 2005)
- *Hagel v. Portland State University*, 2005 WL 1502884 (D. Or. 2005)
- *Lumbreras v. Roberts*, 319 F.Supp.2d 1191 (D. Or. 2004), affirmed, 156 Fed. App. 952 (9th Cir. 2005)