James A. Tupper

Partner

jtupper@martenlaw.com
206.292.2629
Seattle
920 5th Ave, Suite 2700, Seattle, Washington 98104

Environmental litigator and counsel with over thirty years of experience in matters relating to water quality, water resources, solid waste facility permitting, air quality, and contaminated land cleanup.

James focuses his practice on environmental law, with an emphasis on water quality, water resources, and shoreline development. James has successfully represented industry, business associations, and local governments in resolving complex disputes involving stormwater regulation and water resources policy. He frequently represents clients in matters before the Environmental Land Use Hearings Office, including shoreline management, water rights, and NPDES permit appeals. He also advises clients regarding hazardous waste cleanup issues in real estate development and financing. James served two terms on the Washington Pollution Control Hearings Board and Shorelines Hearings Board.

Since 2006, James has been included on each year's Washington Super Lawyers® list. James is recognized in The Best Lawyers in America© 2019 for work in environmental law, land use and zoning law, environmental litigation, land use and zoning litigation, and natural resources law. James was named the Best Lawyers® 2015 Environmental Litigation "Lawyer of the Year" in Seattle.

SERVICES & INDUSTRIES

Clean Water & Water Quality

Agency Compliance and Enforcement

Permitting & Environmental Review

Mining & Metals

EDUCATION

- J.D., Washington College of Law, American University, 1985 Dean's Scholar
- B.A., Reed College, 1981

BAR ADMISSIONS

- Washington State Bar Association
- United States District Courts for Western and Eastern Washington
- United States Court of Appeals for the Ninth Circuit

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Representative Matters

- Represents municipal wastewater utilities in regional efforts to reduce nutrient loading to Puget Sound.
- Represents dairies in groundwater resource management and protection. Work includes defending RCRA and Safe Drinking Water Act enforcement actions
- Represents Inland Empire Paper Company on a range of environmental issues including an appeal of its individual NPDES permit, development of PCB and Dissolved Oxygen TMDLs for the Spokane River, and EPA regulation of PCBs.
- Represents Northwest Pulp & Paper Association on human health water quality criteria for the state of Washington. Work has included efforts to develop record in state and federal rulemaking, a successful petition for rulemaking and reconsideration to EPA, and ongoing litigation to reinstate state standards.
- Represented national transportation company in challenge to the state Industrial Stormwater General Permit on the scope of coverage for transportation facilities.
- Represents solid waste handling clients on facility permitting, water quality permitting, air quality authorizations, and environmental review.
- Represented AM radio station on land use application for AM radio antennae. Work included a protracted hearing examiner proceeding centered on the alleged health effects of exposure to non-ionizing electromagnetic energy. The permit for the facility was granted and sustained on appeal.
- Frequently represents national and local companies on citizen suits and agency enforcement actions under the federal Clean Water Act.

Recognition and Activities

- Super Lawyers recognition (2006-present)
- Best Lawyers in America® recognition including 2015 “Lawyer of the Year” for Environmental Litigation
- Past Chair and General Counsel for History Link (historylink.org)
- Past Vice-President and Trustee Washington Park Arboretum Foundation
- Founder and past President of the Ailanga School Project

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