



Ronda L. Sandquist

Shareholder

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Denver, Colorado

Ronda Sandquist serves as a strategic advisor to clients on environmental, regulatory and legislative approaches for major projects and legal compliance. Ronda counsels owners and developers of major projects on environmental and natural resource permitting and regulatory compliance – the scope, magnitude and complexity of which often trigger federal environmental reviews under the National Environmental Policy Act (NEPA). She applies extensive knowledge of environmental frameworks and alternative compliance strategies throughout the project approval process.

She assists clients through regulatory hurdles as they extract, develop and market resources, such as coal, oil, natural gas, coalbed methane, metals and aggregates, and develop alternative energy, water storage and real estate projects. She represents municipal entities and land development companies on approvals for complex projects and regulatory compliance. In addition to NEPA reviews for projects, she guides clients through the issuance of the necessary permits for construction and operation of the projects, including permits for water, water quality, wetlands, endangered species, air quality and storage and use of hazardous materials.

Her innovative approaches to environmental compliance have been evidenced through development and approvals of rain water harvesting, mitigation plans and water quality trading. Ronda advises clients on issues including revising water quality standards or paradigms that are unduly onerous, not feasible to attain, and result in no measurable environmental benefit. She was the architect for market-based trading and offset programs, approved by state agencies and the Environmental Protection Agency, including individual trade projects in Colorado (Cherry Creek, Chatfield, Bear Creek) and Idaho (Boise River). She has crafted mitigation for new sources and incorporated adaptive management into regulatory approvals measured to address potential impacts should they occur.

Additionally, Ronda defends clients on complex interdisciplinary environmental issues and claims. She has successfully defended clients challenging notices of violations with potential penalties of several million dollars, and coordinates with those clients to implement new environmental protocols to improve long-term regulatory compliance. Also, Ronda has conducted due diligence for companies acquiring or financing mine projects, energy projects and their infrastructure.

Prior to entering private practice, Ronda served as a Special Assistant Attorney General, representing the state of Montana on the siting of major energy projects and litigation challenging alleged federal preemption of Montana's siting and environmental laws. She served as Special Administrative Law Judge adjudicating water rights and provided counsel on the Yellowstone River Compact. As the spokesperson before the Federal Energy Regulatory Commission (FERC) she represented all state agencies on a new hydropower project.

Representative Matters

- Advised the subsidiary of a US-based coal mining company developing a new underground coal mine on Environmental Impact Statement (EIS) procedural and substantive requirements; and necessary permitting and approvals including wetland determinations, biologic opinions for endangered species, revisions to water quality standards, coal leasing, Public Utilities Commission proceedings for railroad crossings, and

rights-of-way across federal lands.

- Advised a Canada-based real estate company acquiring Colorado property on due diligence and contract terms related to water rights, mineral rights (including rights of third party oil and gas owners), zoning and subdivision status, and authority and related debt of quasi-municipal entities.
- Developed for producers of coalbed methane gas strategies to achieve long-term water quality compliance, which include successful permit appeals that challenged erroneous terms, real-time water quality monitoring so water users have information on suitability of water, revisions of water standards to align with protection of water uses, water quality trading projects to reduce pollutants and enhance aquatic habitat, and modification of testing protocols.
- Overturned on behalf of private industry the California Regional Water Quality Board's permits for discharges into the San Francisco Bay because the limits for mercury were not scientifically based and the Board had not established mercury controls to major nonpoint sources.
- Advised clients on EIS and 404 Permit (wetlands) requirements and endangered species mitigation for expansions to an existing US water storage project.
- Secured state and federal compliance including Migratory Bird Treaty Act compliance for a wind power project in Wyoming.
- Represented municipalities, private business and NGOs in water quality hearings on issues such as new standards for aluminum, phosphorus, nitrogen, mercury, TMDLs and Reclaimed Water.
- Obtained federal approvals for land exchange to exchange private holdings in a wilderness area for US properties adjacent to a resort community.
- Developed environmental strategies for produced water from oil and gas wells, recognizing the value of increased water flows in the arid west for wildlife and agriculture.
- Represented a major airline in cost recovery negotiations with the city of Denver for the cleanup of a closed commercial airport in Denver.
- Obtained rezoning and planning for a 6,000-acre multiple-use project and permitting for necessary infrastructure to serve the project.
- Advised an international company on air quality audits and air emission compliance for its US-based facilities in more than 20 states.
- Received Federal US decision (2014) denying a citizen suit request under the Clean Water Act to force the closure of a water well because of alleged contaminants. The well-produced water for 4,000 residents, so it was valuable. Closure would have left the residents without a viable water supply.
- Defended four watershed associations against claims in Clean Water Act citizen suit that alleged no Total Maximum Daily Load (TMDL) allocations had been made for pollutants contributed to impaired waters. A settlement was reached with the watershed associations acknowledging their TMDLs and approving State's proposal and schedule for future TMDLs.

Practices

Energy & Natural Resources, Mining, Renewable Energy, Water

California Water Quality

Ronda has assisted clients with issues that arise under the federal Clean Water Act and California Porter-Cologne Water Quality Control Act. She has also represented clients in the building, mining and other industries before local, state and federal regulatory and permitting agencies. California representative matters include:

- Defended a US coal company against allegations from NGO Baykeeper that loading and transporting coal from a Los Angeles port resulted in contamination of the harbor.

- Overturned on behalf of private industry the California Regional Water Quality Board's permits for discharges into the San Francisco Bay because the limits for mercury were not scientifically based and the Board had not established mercury controls to major nonpoint sources.
- Represented a California water district on determinations of Clean Water Act/Porter-Cologne Water Quality Control Act requirements for ditches and drains which were intertwined with flows in receiving streams and waters.
- Represented a California farm producer on reporting and compliance with new regulatory protocols for releases of surface waters and compliance of wells with drinking water standards.
- Worked with Dischargers and watershed authority on regional board authorization for water quality offsets/trading to reduce nutrients in Lake Elsinore.

404 Permitting and Compliance

- Coordinated jurisdictional determinations for wetlands.
- Represented clients in 404 jurisdiction and wetlands penalty and mitigation requirements for water storage reservoir.
- Obtained individual 404 permits, nationwide 404 permits, permit exemptions and USACE easements for clients.
- Representing two landowners/developers in North Dakota on enforcement actions by US Army Corps and EPA for alleged filled wetlands.
- Represented Colorado landowner on Cease & Desist Order issued by US Army Corps for allegedly disturbing cultural resources during construction project in violation of terms and conditions in 404 permit authorizing activities.
- Represent owner of major Colorado real estate projects (each approximately 3000+ acres) on jurisdictional determinations and 404 permitting for infrastructure and related Native American and cultural resources protections (as required by the US Army Corps).

Community

Board of Directors, Sense of Security

Co-Founder, Denver Independent Network of Restaurants, 2008

Gala Committee, Greenway Foundation, 2014 - 2016

Chair, Champagne & Diamonds Fundraiser, Sense of Security, 2002 – 2004

Publications & Presentations

- Managing Dewatering During, After Development, Co-author, *Colorado Real Estate Journal*, April 2018
- Dewatering During Construction and Post-Construction—Regulatory Paradigms and Options, *Brownstein Client Alert*, March 19, 2018
- EPA Seeks Comments After Controversial Ninth Circuit Decision, *Brownstein Client Alert*, February 20, 2018
- Ninth Circuit Holds Wastewater Discharge to Groundwater Requires Clean Water Act Permit in Hawai'i Wildlife Fund v. County of Maui, *Brownstein Client Alert*, February 7, 2018
- Water, Critters & Bones - Affecting the Value & Use of Real Property, Presenter, Brownstein CLE, August 23, 2017
- Strengthening EPA Water Transfers Rule At The 2nd Circ., Co-author, *Law360*, February 3, 2017
- Discharge Permits Not Required to Transfer Water: Court Upholds EPA Rule, Co-author, *Brownstein Client Alert*, January 25, 2017
- Water Rights and Water Quality: Interrelationships and Implications, Presenter, Lorman Webinar, October

19, 2016

- EPA Wants More Control Over State-Issued Discharge Permits, Co-Author, *Law360*, July 25, 2016
- EPA Proposes Nationwide Changes to Discharge Permit Program, *Brownstein Client Alert*, July 11, 2016

Education

- J.D., 1979, Lewis & Clark Law School
- B.A., 1973, Colorado Women's College (University of Denver)

Admissions

- Colorado
- Montana
- U.S. Court of Appeals, Ninth Circuit

Recognition

Who's Who in Energy, 2016

Chambers USA, 2014-2018

Best Lawyers in America, 2006-2019

American Planning Association (Colorado) Presidents Award, 2009

National Planning Award, American Planning Association, 1993 & 2009

Membership

Colorado Bar Association

Denver Bar Association

Colorado Women's Bar Association, Vice President, 2000 – 2001

Water Quality Trading Advisory Committee, World Resources Institute, 2007 – 2008