

Derek B. Kalbfleisch

Associate

Seattle
+1.206.370.7644

Derek.Kalbfleisch@klgates.com

OVERVIEW

Derek Kalbfleisch is an associate in the firm's Environment and Energy practice group. He advises clients in the energy, water, maritime, forestry, and carbon sectors on a broad range of regulatory, permitting, enforcement, and transactional matters. His practice focuses on air and water law at both the state and federal levels.

He regularly assists clients with Clean Air Act permitting and compliance, including Prevention of Significant Deterioration (PSD), New Source Review (NSR), and Title V permitting, as well as emissions control and monitoring requirements. He has experience advising industrial and energy clients on permitting strategies for major stationary sources, including projects involving carbon capture and sequestration.

On the water side, Derek advises clients on permitting and compliance under the Clean Water Act and related state programs, and represents clients in enforcement actions and citizen suits involving alleged violations of discharge or water quality permits. He also represents clients in water rights matters, including basin-wide arbitrations such as those in Washington's Water Resource Inventory Area 1.

His land use experience includes obtaining permits for floodplain development, conditional and special use approvals, and right-of-way authorizations. He conducts environmental due diligence for real estate and carbon credit transactions and helps clients navigate compliance obligations under renewable fuel standards, maritime emissions regulations, and both compliance and voluntary carbon markets—including the Washington Climate Commitment Act and California Cap-and-Trade Program. He also serves as editor of the firm's Carbon Quarterly publication, which tracks key developments in carbon regulation and markets.

Derek collaborates regularly with lawyers across the firm's Washington, DC, Chicago, Harrisburg, and Newark offices, and with colleagues throughout the western United States, to deliver coordinated counsel on complex, multijurisdictional environmental matters.

EDUCATION

- J.D., University of Michigan Law School, 2023
- Legal Officer Certificate in Military Justice, Naval Justice School, 2015
- B.S., United States Naval Academy, 2012

ADMISSIONS

- Bar of Washington

THOUGHT LEADERSHIP *POWERED BY HUB*

- 15 September 2026, EPA's Supplemental WOTUS Proposal: What Permit Applicants Should Know
- 11 September 2026, Carbon Quarterly–Volume 14
- 15 July 2026, Fanning the Flames: Second Circuit Splits With Ninth Circuit on Federal Preemption of Natural Gas Restrictions
- 1 April 2026, Heat Check: Federal Courts Weigh In on Natural Gas Appliance Restrictions
- 1 March 2026, California Climate Disclosure Regulations Update: CARB Adopts Rulemaking Providing Additional Clarification on Implementation and Ninth Circuit Stay of SB 261 Enforcement, *Pratt's Energy Law Report*
- 26 January 2026, Carbon Quarterly–Volume 13
- 8 December 2025, California Climate Disclosure Regulations Update: CARB Provides Additional Clarifications on Implementation and Ninth Circuit Stay of SB 261 Enforcement
- 6 October 2025, Carbon Quarterly–Volume 12
- 29 September 2025, Permitting Reform Ahead: EPA Targets Preconstruction Rules and Retires Reactivation Policy
- 22 September 2025, Cultural Capital: Ninth Circuit Clarifies Extent of Natural Resource Damages Under CERCLA
- 29 August 2025, Companies Must Prepare for Complying With California's Climate Disclosure Laws Even Though California Air Resources Board Regulations Are Not Final
- 25 August 2025, Department of the Interior Issues Flurry of Actions Targeting Wind and Solar Energy Projects
- 5 August 2025, More Federal Agencies Streamline NEPA Procedures to Expedite Review and Permitting
- 6 May 2025, Carbon Quarterly–Volume 11
- 7 April 2025, Natural Gas Bans: From New York to Washington, Courts Shift the Landscape on Legality of State and Local Gas Bans
- 8 January 2025, Carbon Quarterly–Volume 10
- 19 November 2024, Natural Gas Survives Election, Aims to Thrive Post-Election
- 21 August 2024, Carbon Quarterly – Volume 9

- 1 July 2024, FERC Seeks to Update Clean Water Act 401 Certification Procedures for Hydropower Projects—What You Need to Know
- 7 May 2024, Forever CERCLA: EPA Designates Certain PFAS as Hazardous Substances Under Superfund
- 2 May 2024, Calming the Seas for Offshore Wind: Renewable Energy Modernization Rule Seeks to Boost Regulatory and Financial Certainty for Wind on the Outer Continental Shelf
- 30 April 2024, Carbon Quarterly – Volume 8
- 26 February 2024, It's a Gas! Federal and State Developments Continue to Light Up the Natural Gas Debate

OTHER PUBLICATIONS

- "Natural gas survives the election. Post-election prospects strong," *EnviroPolitics Blog*, 19 November 2024
- "It's a Gas! Federal and State Developments Continue to Light Up the Natural Gas Debate," *Energy Law Report*, May 2024

AREAS OF FOCUS

- Environment and Energy
- American Indian Law
- ESG - Asset Management and Investment Funds
- ESG - Sustainability and Renewable Energy

INDUSTRIES

- Carbon Solutions
- Energy
- Renewables
- Water and Wastewater

REPRESENTATIVE EXPERIENCE

- Performed due diligence on a multistate land transaction for the development of forest carbon credits through the use of improved forest management practices. Due diligence reviewed traditional environmental concerns, as well as concerns specific to carbon credit generation and delivery.
- Served as counsel to one of the largest timberlands landowners to appeal conditions on its stormwater permit that held it strictly liable for discharges caused by other parties.