

# **Environmental Cleanup Liability Under CERCLA & Oregon's Environmental Cleanup Law**

**July 10, 2009  
Auditorium  
World Trade Center  
Portland Oregon**

**8:50-9:00 Welcome, Conference Overview and Introductions**

*Holly Duncan, President  
Environmental Law Education Center*

## **SPECIAL KICK-OFF PRESENTATION**

**9:00-9:30 The Environment and the Law**

*John Kroger  
Oregon Attorney General*

## **CERCLA & OREGON'S ENVIRONMENTAL CLEANUP LAW**

**9:30-10:00 Implications of the Recent US Supreme Court Rulings**

- **Joint and Several Liability After *Burlington Northern & Sante Fe Railway vs. US***
- **Apportionment of Liability, Arranger Liability and Other Cutting Edge Issues**

*Brad Marten  
Marten Law Group*

**10:00-10:30 Oregon Cleanup Law**

- **History, Status and Experiences with the Law**
- **Joint and Several Liability Under State law**

*Mark Morford  
Stoel Rives LLP*

**10:30-11:00 BREAK**

## **STATE AND FEDERAL CLEANUP PROGRAMS**

**11:00-11:30 Environmental Cleanup – A Federal Perspective**

- **Cleanup Policies and Priorities under the New Administration**
- **Update on Regional and Statewide Cleanup Activities**

*Anthony Barber, Director, Oregon Operations Office  
US Environmental Protection Agency, Region 10*

**11:30-12:00 Oregon Cleanup Law in Action – A View from the Field**

- **Use of Voluntary and Enforceable Agreements and Other Project Management Strategies at Cleanup Sites**  
*Keith Johnson, Environmental Cleanup Manager  
Oregon Department of Environmental Quality*

**LUNCH 12:00-1:00 (Provided)**

**PORTLAND HARBOR**

**1:00-1:30 Legal Issues at the Portland Harbor Superfund Site**

- **Latest Legal Developments**
- **Allocation and Search for Responsible Parties**  
*Lori Cora, Assistant Regional Counsel  
USE EPA Region 10*

**COLUMBIA SLOUGH LIABILITY AGREEMENTS**

**1:30-2:00 An Innovative Approach to Establishing Cleanup Liability**

- **Settling Liability with Responsible Parties and Beginning the Investigation**  
*Bruce Gilles, Manager, Northwest Region  
Oregon Department of Environmental Quality*

**2:00-2:30 Negotiating Columbia Slough Liability Agreements**

- **Benefits to Responsible Parties and Significant Legal Considerations**
- **Case Study**  
*Suzanne Lacampagne  
Miller Nash LLP*

**3:00-3:30 - BREAK**

**APPORTIONING LIABILITY**

**3:30-4:00 Should You Settle or Litigate?**

- **Liabilities and Enforcement: Environmental Crimes, Civil Penalties, Enforcement Orders & Liability for Environmental Cleanup**
- **Suggestions for Negotiating with the Agencies**  
*Chris Rich  
Perkins Coie LLP*

**4:00-4:30 Getting Other PRPs Involved in a Complex Sediment Superfund Site**

- **Using Federal and State Cost Recovery and Contribution Remedies to get Others to the Table – One PRP's Perspective**  
*David Ashton, Assistant General Counsel,  
Port of Portland*

**4:30-5:00 - Technical Approaches for Allocating Environmental Costs**

- **Meeting the Evidentiary Standard for Apportioning Liability**  
*Kirk O'Reilly, PhD, JD  
Exponent, Inc.*