

PRESENTATION TO BEGIN SHORTLY



MN

**MILLER NASH**<sup>LLP</sup>  
ATTORNEYS AT LAW

**Columbia Slough Sediment  
Cleanup Settlements**

Case example of Portland Willamette Site

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## Background - Portland Willamette Site

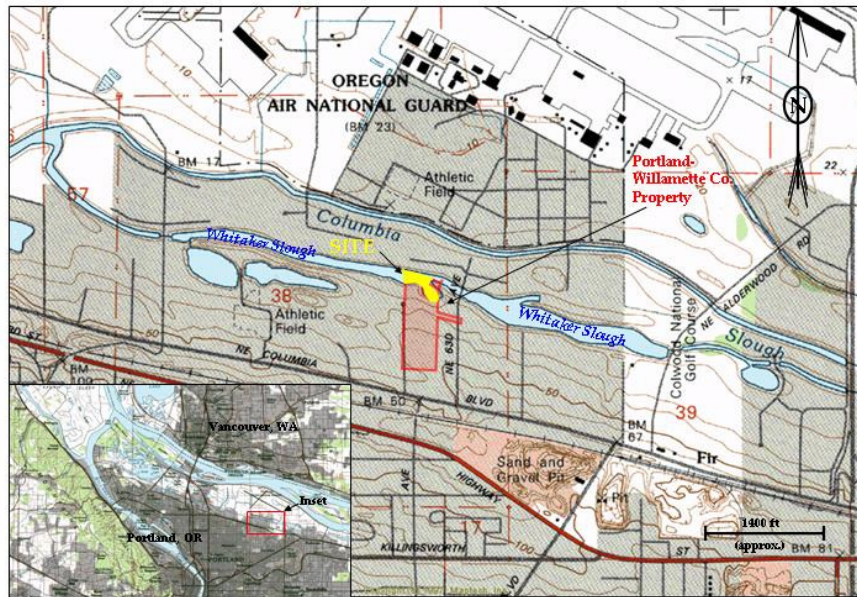
- Current company manufactures fireplace equipment
- Historic electroplating operation, since 1969, by several companies
- Upland cleanup done by prior owner; NFA received in 1995



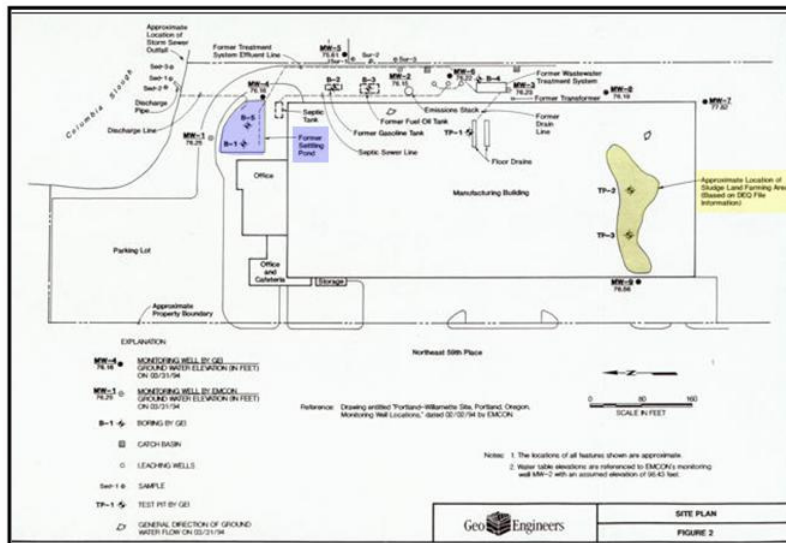
- 02/21/2007 Inlet off Columbia Slough where wastewater was discharged before 1994.



- 10/06/2005 Figure 1: Location of site and upland property (the Portland Willamette Company facility) in northeast Portland, Oregon.



- 10/10/2005 Figure 4: Map showing sampling locations for 1996 assessment work at the upland site and location of sediment samples. Highlights indicate areas where solids from wastewater treatment system were collected.



## Problems for Client, Current Operator

- Did not cause sediment contamination
- Had no insurance, limited funds; couldn't pay for expensive investigation/cleanup
- Wanted to keep operating
- Did not want to get involved in long-term, expensive investigation/cleanup
- Wanted to be cooperative with DEQ
- DEQ had only identified current operator, not former owner/operator or current property owner



## Solutions

- Bring in past owner/operator that caused contamination (with DEQ's help), and current property owner
- Settle with DEQ



## Settlement through Consent Judgment

- Provides for total payment of \$350,000 for cleanup costs, \$50,000 for NRD
- Includes all three parties, so resolves potential claims among them
- Resolves client's liability for cleanup and NRD
- Provides contribution protection
- Allows cash out now--comfort of knowing costs now
- Risks now shift to DEQ



- For more information or sample settlements, contact Suzanne Lacampagne, (503) 205-2448; [suzanne.lacampagne@millernash.com](mailto:suzanne.lacampagne@millernash.com)



