

# Leslie Nellerhoe

Partner | Seattle

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Leslie focuses her practice on contaminated property and waste management issues. She advises clients on the cost-effective cleanup and redevelopment of contaminated property under state and federal laws. She also assists companies and municipalities to obtain and comply with waste management permits.

For more than thirty years in the Pacific Northwest, Leslie has represented owners and operators of commercial, municipal and industrial facilities, small and large buyers, sellers, and lenders involved in contaminated property cleanups and transactions in Seattle and the greater state of Washington, Oregon, California, Idaho, Kansas, Nevada, Oklahoma, and Missouri. She frequently represents clients in allocation processes, mediation and litigation to allocate costs incurred investigating the nature and extent of contamination, and in implementing remedial actions. She has defended suits brought by neighbors of controversial facilities.

In addition, Leslie assists public and private owners and operators of municipal solid waste management facilities in obtaining and complying with operating permits, and provides counsel regarding remedial actions required by regulators. She also works to devise strategies to enable her clients to recover insurance to fund the investigation and remedial activities necessary to address contamination.

Leslie began her career as an Assistant Attorney General for the State of Washington. She represented the Departments of Ecology, Social and Health Services, and State Parks, and was the first attorney to staff the then newly created Office of Minority and Women's Business Enterprises.

## EXPERIENCE

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**Pasco Sanitary Landfill Inc. – Pasco Landfill Superfund Site.** Leader of legal team for owner of landfill at which tens of thousands of barrels of industrial wastes were buried with a remedy estimated to cost up to \$100,000,000. She is directing strategy for responding to State of Washington administrative orders and conducting contribution litigation with tens of parties. She settled the contribution action in a multiyear mediation and now represents the landfill owner in negotiations with the state, other liable parties and EPA for the final portion of the site that was not addressed in the litigation.

**Ash Grove Cement Company – Portland Harbor Superfund Site.** Advises cement company with import terminal and former cement kiln operations within largest river sediment Superfund Site on allocation, natural resource damages, and remedial actions. Remedy costs at the site will exceed \$2 billion. Ash Grove purchased the import terminal property from a railroad and it is adjacent to rail yard at which operations have occurred for over 100 years. A significant issue in the allocation is addressing contamination emanating from railroad operations. Member of litigation team in *Ash Grove Cement Company v. Liberty Mutual Insurance Company, et al*, in which an unpublished Ninth

Circuit opinion upheld the trial court's decision on an issue of first impression that an information request from EPA under Section 104 of CERCLA triggers an insurer's duty to defend.

**Grant County, Washington.** Representing Grant County with respect to State remediation claims and contribution claims by another liable party. Remedial action costs at the site are estimated to exceed \$30 million.

**Solid Waste Management Company.** Represented regional solid waste company at multiple state-lead cleanup sites. Advised company during two successive acquisitions by national companies. One of the sites adjoined the Port Gamble S'Klallam Reservation and the Tribe was active in the remedial action process.

**Private lender.** Brownfield developer purchased site promising to remediate contamination. Represented private lender in involuntary receivership action against developer. Recouped majority of funds owed.

**Sabey Data Center Properties LLC.** Advised data center developer on potential acquisition of former auto manufacturing site in EPA Brownfields program.

**Asarco.** Represented mining and smelting company at several sites: A CERCLA sediment cleanup in Washington and four CERCLA mine remediation and lead and zinc contamination abatement sites in Kansas, Oklahoma and Missouri. Other parties included mining companies, states, EPA and several Native American Tribes.

**Secondary Lead Smelter.** Represented secondary lead smelter in RCRA penalty and abatement action.

## INSIGHTS

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### PUBLICATIONS

Podcast Co-Host, "CERCLA at 40: The Monster That Often Eats the Village," *Digging Into Land Use Law*, 07.12.2021

### HONORS & RECOGNITIONS

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Chosen for individual recognition for Environmental Law in Washington by *Chambers USA*, 2022

Selected to the Washington State Super Lawyers list, 2015-2022

Named on Top Lawyers by *Seattle Met*, Environmental, 2010

Martindale-Hubbell AV Preeminent Rated

### PRACTICES

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Environment & Land Use

Environmental Litigation

Contamination & Natural Resource Damages

### INDUSTRIES

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Real Property

### EDUCATION

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Willamette University College of Law, J.D., *cum laude*, Board of Editors, *Willamette Law Review*

Washington State University, B.S., *cum laude*

University of Washington School of Law, Mediation Skills Training Program

Hazardous Waste Operations and Emergency Response (HAZWOPER) training

### ADMISSIONS

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Washington

U.S. District Court, Western District of Washington

U.S. District Court, Eastern District of Washington