

Environmental Lawyer Lisa Bond Addresses California Cleaners Association's Annual Conference

Over 3,000 dry cleaner owners and operators from California and adjoining Western states converged upon the Long Beach Convention Center in late August for three days of educational seminars and a trade show presented by the California Cleaners Association. Among the experts invited to address the dry cleaning professionals was environmental lawyer Lisa Bond, who serves as Assistant Chair of the Environmental Law Department at Richards, Watson & Gershon in Los Angeles. Ms. Bond is a member of the California Cleaners Association.

In her presentation entitled "Contamination! They Want to Test. What Do You Do?" Ms. Bond provided attendees with an overview of contamination issues and precautions based on her legal experience representing a number of clients in litigation involving releases of hazardous substances, including clients in the dry cleaning industry.

"Your response to a request for testing is important in terms of avoiding potentially costly litigation under CERCLA (the Comprehensive Environmental Response, Compensation, and Liability Act) and other federal and state statutes," Ms. Bond said. "The answer to how you respond depends on who wants to come onto your property and test."

According to Ms. Bond, federal, state or local government agencies generally have broad rights in terms of inspecting facilities suspected of discharging hazardous substances. Additionally,

she noted, a dry cleaner's landlord likely has a right to enter the property and investigate under the terms of the lease agreement, subject to not interfering with the dry cleaner's "right of quiet enjoyment" on the property.

"Another situation might likely arise if a potential buyer of the property occupied by a dry cleaner wants to test," said Ms. Bond. "There are certain precautions that you should take in connection with allowing such an investigation."

If any other third party wants to come onto a dry cleaner's property and test, Ms. Bond advises to proceed with caution. An example she cited of a party that generally does not have a right to enter one's property and test would be a neighbor of a dry cleaning facility.

"Overall, if possible, a dry cleaner owner should seek advice from an environmental consultant and/or legal counsel prior to allowing an individual to enter one's property to take soil or groundwater samples," Ms. Bond concluded.

Recent Court of Appeal Decision has Ramifications for Dry Cleaners in California

In a case that has ramifications for both owners and operators of dry cleaning facilities and equipment suppliers, chemical suppliers and building contractors, the First District Court of Appeal recently overturned a lower court decision, paving the way for cities to recover damages from individuals who supply and manufacture the chemicals perchloroethylene (PERC) and trichloroethylene.

The suit, *City of Modesto Redevelopment Agency v. Superior Court of San Francisco County*, is an attempt by the city of Modesto to recover the damages caused by the aforementioned solvents being emitted into the groundwater and sewage system. The city has sued an amalgam of manufacturers, distributors and dry cleaners.

“This new case means that suppliers of PERC or suppliers of dry cleaning equipment can potentially be held liable for causing or permitting the release of PERC into the groundwater and could be especially important in the context of a site where the owner or operator is bankrupt or cannot be located,” said Lisa Bond, Assistant Chair of the Environmental Law Department for the Los Angeles-based law firm Richards, Watson, and Gershon.

**About Richards, Watson & Gershon’s
Environmental Law Department**

The 50-year-old law firm of Richards, Watson & Gershon has offices in Los Angeles, Orange County and San Francisco. The firm’s environmental litigation lawyers have achieved favorable results for both public and private sector clients in a variety of complex environmental litigation matters arising under local, state, federal and common laws. The lawyers in the Environmental Law Department have significant experience in representing property owners in both compliance and litigation matters, including contamination issues related to dry cleaners.

Lisa Bond is a shareholder and Assistant Chair of the firm’s Environmental Law, Oil and Gas Department. Ms. Bond represents both private and public sector clients in a wide variety of environmental matters and specializes in prosecution and defense of contaminated property clean-ups, cost recovery cases and environmental insurance coverage claims.

Ms. Bond has handled major litigation arising under CERCLA, RCRA and the Clean Water Act and has acted as lead attorney for joint defense groups in complex multiparty litigation. Ms. Bond argued the leading case on the “passive migration” issue in front of an *en banc* panel of the Ninth Circuit Court of Appeals in an action alleging environmental contamination resulting from storm water. [Published opinion *Carson Harbor Village, Ltd. v. Unocal Corporation*, 287 F. Supp.2d 1118 (C.D. Cal. 2003); *Carson Harbor Village, Ltd. v. Unocal Corporation*, 270 F.3d 863 (9th Cir. 2001), cert. denied, *Carson Harbor Village, Ltd. v. Braley*, 535 U.S. 971 (2002) [prior opinions published at 227 F.3d 1196 (9th Cir. 2000) and 990 F.Supp. 1188 (C.D. Cal. 1997)]]; Ms. Bond has experience negotiating complex settlement agreements in environmental cases, including consent decrees with California environmental agencies.

Ms. Bond is currently the Chair of the Programs Subcommittee of the Environmental Section of the Los Angeles County Bar, and previously served as the Chair of the Hazardous Materials Subcommittee and the Vice Chair of the Hazardous Materials and Water Quality Subcommittee. Ms. Bond is also a member of the Executive Committee of the Environmental Law Section of the State Bar of California.

FOR ADVICE FROM RW&G CONCERNING ENVIRONMENTAL ISSUES, PLEASE CONTACT MS. BOND AT 213.626.8484 OR LBOND@RWGLAW.COM.

LOS ANGELES OFFICE

355 South Grand Avenue, 40th Floor
Los Angeles, California 90071-3101
Telephone: 213.626.8484
Facsimile: 213.626.0078
E-mail: la@rwglaw.com

WWW.RWGLAW.COM