



# Jeanette Schuster



## PARTNER

jeanette.schuster@tonkon.com

503.802.2114

## LEGAL SERVICES

Commercial Contracts

Due Diligence

Administrative & Regulatory Law

Environmental & Natural Resources

## EDUCATION

J.D., *magna cum laude*, Lewis & Clark Law School, 2002, Certificate in Environmental and Natural Resources Law

B.A., *summa cum laude*, Northern Arizona University, 1996

## BAR & COURT ADMISSIONS

Oregon State Bar

U.S. District Courts for the District of Oregon

## AWARDS & RECOGNITIONS

### The Best Lawyers in America

2022, Administrative / Regulatory Law

2020-2022, Environmental Law

### Chambers USA: America's

Leading Lawyers

2014–2021, Environment

## PROFESSIONAL MEMBERSHIPS

American Bar Association

Multnomah Bar Association

## COMMUNITY INVOLVEMENT & ACTIVITIES

### American Bar Association

Co-Chair Environmental Committee/  
Business Law Section

### Women in Environment

Member

### Portland Business Alliance

Leadership Portland Class of 2011  
Member

Jeanette is a highly organized and practical solutions-driven attorney with extensive commercial, transactional, and regulatory experience. Jeanette's experience includes drafting, analyzing, and negotiating a broad range of commercial contracts, including professional service agreements, transportation agreements, settlement agreements, and non-disclosure agreements, as well as negotiating agreements with federal and state government agencies. She regularly conducts due diligence for commercial and real estate transactions.

Jeanette is Chair of the firm's Environmental & Natural Resources Practice Group. As part of that team, she advises clients on compliance with complex regulatory requirements under federal, state, and local environmental statutes and regulations — with an emphasis on the Clean Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the Resource Conservation and Recovery Act (RCRA) — in the context of buying and selling contaminated property, regulatory agency enforcement defense, and contaminated site investigation and cleanup (including the Portland Harbor Superfund Site).

Jeanette began her career as a Research Assistant at Portland's VA Medical Center and R.W. Franz Cancer Research Center. During law school, Jeanette served as the associate editor of Lewis & Clark Law School's Environmental Law Journal.

## Representative Matters

Agricultural Property Redevelopment — Oversaw the investigation and remediation of arsenic in soil for the conversion of former agricultural property to residential use.

Asbestos Removal — Represented clients on issues related to asbestos removal.

Clean Air Act Defense — Defended forest products client against alleged air quality violations, resulting in withdrawal of the Department of Environmental Quality's enforcement claims.

Clean Air Act Permitting for Renewable Energy Projects — Prepared an analysis of air permitting requirements applicable to the construction of a hybrid gas-wind power generating facility in Oregon.

Clean Water Act Violation Defense — Negotiated settlements with third-party citizen-suit claimants under the Clean Water Act.

Dry Cleaning Operation Cleanup — Obtained a No Further Action determination (full closure) from the Oregon Department of Environmental Quality for an owner of property formerly operated as a dry cleaning business, and secured full insurance coverage from historic insurance for the agency's claim. Secured Oregon Dry Cleaner Fund coverage for several dry cleaning operation cleanups.

Due Diligence in Bankruptcy Proceedings — Provided environmental due diligence for the sale of multiple divisions of a manufacturing company out of a bankruptcy proceeding.

Due Diligence in Corporate Transactions — Provided environmental due diligence for the sale of a marine transport company, which involved multiple, multi-state environmental and maritime regulations as well as contaminated properties.

Environmental Audit Oversight — Conducted environmental audits of manufacturing facilities.

Hazardous Waste (RCRA) Violation Defense — Defended a large manufacturing client against multiple hazardous waste violation claims by the Oregon Department of Environmental Quality, resulting in a reduction of almost \$200,000 in assessed violations.

Lacey Act Compliance — Wrote a protocol for and assisted in compliance with a lumber importer's compliance with the Lacey Act, which prohibits the importation of illegally harvested forest products.

Land Use — Represented Gunderson in a series of appeals successfully challenging the City of Portland's North Reach River Plan ordinance as failing to comply with Oregon's statewide land use planning goals and the City's own comprehensive plan. (Land Use Board of Appeals, Oregon Court of Appeals, Oregon Supreme Court)

Lumber Mill Redevelopment — Counseled clients in the decommissioning of old lumber mills in Oregon, Idaho and Montana and preparing them for different land use.

Mining Waste Cleanup — Represented landowners in mining waste cleanups.

Municipal Wastewater — Represented a cattle ranching operation in negotiating a favorable agreement in a condemnation proceeding involving diversion of treated municipal wastewater.

Offsetting Civil Penalties Through Supplemental Environmental Projects — Successfully negotiated reductions and settlements of environmental enforcement actions, including offsetting penalties by supplemental environmental projects.

Petroleum Contamination and Vapor Intrusion Remediation — Negotiated with and secured approval of the Idaho Department of Environmental Quality (DEQ) for a corrective action plan for petroleum contamination at an auto dealership. The matter was complicated by the fact that contamination had migrated offsite, and also implicated Idaho DEQ's vapor intrusion regulations.

Portland Harbor Superfund Site (CERCLA) — Ongoing representation of a large manufacturing company in the \$100 million Remedial Investigation/Feasibility Study for remediation of the Portland Harbor Superfund Site, which has been ongoing for over a decade.

Renewable Project Finance — Assisted global renewable energy developer with due diligence to prepare three renewable projects for the capital markets in advance of pending expiration of applicable federal tax credits.

*Stimson Lumber Co. v. International Paper Co.* — In Montana, assisted Stimson in the negotiation and implementation of an administrative order for the \$6 million cleanup and removal of a PCB-contaminated cooling pond formerly owned by Stimson. Successfully asserted claims against prior owners of the cooling pond under CERCLA, recovering past and future cleanup costs.

Stormwater Compliance Counseling — Regularly represent a variety of manufacturing and commercial operations to come into or maintain compliance with state, municipal, and local stormwater regulations.

Transfer of Contaminated Property — Counseled landowners and developers throughout the country on federal and state environmental laws associated with the sale and purchase of contaminated commercial and industrial property.

Underground Injection Control Well Closure — Successfully negotiated with EPA in Alaska for closure of a motor vehicle underground injection control (UIC) well without the need for removal or remedial action.

## Presentations & Publications

"Oregon Forms of Deeds," Oregon Coalition of Land Trusts, April 2021

Moderator: "Legal Issues and Enforcement," Northwest Environmental Business Council, Managing Stormwater in Oregon Conference, June 2017

"Oregon Senate Passes Brownfields Land Bank Bill," Tonkon Torp Legal Update, June 2015

Moderator and presenter: "Real Environmental Concerns in Real Property and Business Transactions," American Bar Association Business Law Section's Environmental Committee, Webinar, February 2014

