

DAVIS GRAHAM

ELIZABETH (BETSY) H. TEMKIN

SENIOR OF COUNSEL

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EXPERTISE

Environmental Law & Environmental
Litigation

EDUCATION

Stanford Law School, J.D.
Cornell University, B.A., *Phi Beta Kappa*

ADMITTED IN

Colorado

Elizabeth (Betsy) Temkin is senior of counsel at Davis Graham & Stubbs LLP. She has over 30 years of experience in environmental litigation and compliance and transactional work throughout the West. Betsy's practice focuses on complex environmental litigation and site remediation and reuse. She is particularly well-known for her litigation and cleanup related work at so-called "mega-sites" throughout the Western U.S., including some of the biggest and most complicated hard-rock mining Superfund sites in the country, including Coeur d'Alene, Midnite Mine, Leadville, and others. She also has considerable experience and success on both sides of citizen suit litigation and as common counsel to PRP groups. On the transactional side, Betsy has, over the years, helped a diverse array of redevelopment projects successfully navigate complex cleanup and regulatory challenges. She has a reputation for finding creative ways to effectively manage environmental risks and liabilities in either a litigation or transactional setting.

Betsy received her B.A. from Cornell University and her J.D. from Stanford Law School. She is admitted to practice in Colorado, before the Ninth and Tenth Circuit Courts of Appeals, and

before the U.S. Supreme Court. She has also been admitted pro hac vice in numerous courts across the country. Betsy has been recognized over the years by *The Best Lawyers in America*®, *Colorado Super Lawyers*, *Chambers USA*, and *5280*. Best Lawyers® selected Betsy as its 2014 Denver Lawyer of the Year for Environmental Law. In 2019, Betsy was elected to be a fellow of the American College of Environmental Lawyers.

REPRESENTATIVE MATTERS

- Representation of a Colorado metropolitan and wastewater district impacted by PFAS chemicals and other emerging contaminants.
- Representation of only private party PRP at a long-idled California NPL mine site.
- Negotiation of the largest ability-to-pay settlement outside bankruptcy to resolve federal, state, and tribal CERCLA claims for billions of dollars in alleged cleanup costs and natural resource damages (NRD) at the Bunker Hill/Coeur d'Alene Basin Superfund site in North Idaho.
- Negotiation as PRP Group common counsel of an innovative state-led CERCLA settlement for extensive mine site cleanup work in

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Nevada. Several key Consent Decree terms, including the covenant and reopener provisions, diverge widely from model language. The settlement also resolved tribal NRD claims.

- Negotiation of a site transfer agreement for a closed uranium and vanadium processing facility with EPA, the State of Colorado, and the Department of Energy and the Nuclear Regulatory Commission.
- Negotiation of a CERCLA consent decree on behalf of two estates and multiple beneficiaries for historic mining exploration activities on Forest Service land in Oregon.
- Successful prosecution to settlement of an insurance coverage lawsuit in federal court in Oregon on behalf of an estate and multiple beneficiaries to resolve cleanup-related defense and indemnity obligations of several insurers under a number of CGL policies to completely fund a CERCLA settlement with the United States and related defense costs.
- Negotiation and advice on the development and implementation of voluntary cleanup plans, funding agreements; and other details for a municipality as the current owner of a former manufactured gas plant site and of a historic former fluorspar processing facility. The latter property contains Native American remains and artifacts and abuts a historic pioneer cemetery.
- Counsel to a major oil and gas producer on EPA investigation and cleanup issues at a Wyoming gas field with an extensive drilling and production history. The site has been the subject of nationwide press coverage and intense regulatory scrutiny.
- Advise the purchaser of a former National

Priorities List mining site, which is on the National Register of Historic Places, on liabilities and risks associated with property acquisition and redevelopment.

- Negotiation of settlement, access, and cleanup related agreements at a closed uranium mine in New Mexico.
- Defense of CERCLA claims against a major U.S. mining company involving a former uranium mine on an Indian reservation in Washington State.