

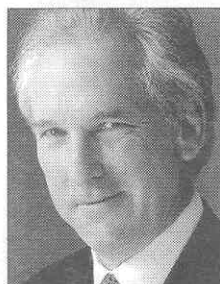
**LAW**

ALEXA HYLAND

**Environmental Justice**

It was three years ago that L.A. environmental attorney Terry Avchen began researching how he could recover money from the U.S. government on behalf of **Steadfast Insurance Co.**, which is paying millions to cleanup a contaminated perchlorate site in

Santa Clarita.

**Avchen**

Avchen argued that the government was responsible for the costs of cleaning up the rocket fuel byproduct because it arranged for disposal of the hazardous waste that caused the contamination.

And in a precedent-setting settlement, Avchen succeeded.

Two weeks ago, an L.A. federal district court judge signed off on a \$33.8 million settlement between Steadfast and the government.

"I was surprised we were able to settle the case. Typically the government does not settle cases like this unless on the eve of trial," said Avchen, a partner at Century City firm **Glaser**

**Weil Fink Jacobs & Shapiro LLP**. "But it did not want to have a legal precedent on its liability for perchlorate."

Before suing the government, the Schaumburg, Ill.-based company agreed to pay up to \$75 million of the cleanup costs under an insurance policy held by **Whittaker Corp.**

Since 1934, a number of companies, including Whittaker, manufactured and tested munitions, explosives and fireworks at the site, which is known as the Whittaker-Bermite site. The 988-acre parcel, in the heart of the Santa Clarita Valley, remains in the cleanup phase.

Avchen said the site became contaminated after the companies followed the government's disposal guidelines requiring that the perchlorate be dumped in a pit, set on fire, and then watered down. But after watering the perchlorate, Avchen said the waste dissolves into the water table, contaminating drinking water.