



Hanson Bridgett Practice Group Environmental and Natural Resources

Hanson Bridgett's environmental lawyers possess broad experience in many areas of environmental and natural resources law while also offering highly specialized expertise in water law, contaminated property cleanup and development, environmental crimes and investigations, air quality compliance and defense, and physical and regulatory takings. We assist our private and governmental clients in defending civil and criminal actions by environmental agencies, perfecting and enforcing water rights, ensuring just compensation for regulatory and physical government takings, and conducting effective due diligence during real estate transactions and development projects. We help our clients avoid regulatory pitfalls and implement practical solutions to environmental problems, leveraging decades of combined hands-on experience in the courtroom, boardroom, and hearing room.

Our highly specialized expertise includes:

Water Law

Our lawyers have significant experience representing individuals, private companies, and governmental agencies in water rights and water resources matters. Our clients include ranchers, farmers, developers, urban water suppliers, and irrigation and reclamation districts in California and the western United States. We advise our clients regarding water curtailment and conservation orders and regulations in times of drought. We also adjudicate water rights before agencies and



courts, work with federal water masters under existing federal river decrees, acquire water rights from states, and advise clients regarding the reconveyance of appropriative and riparian rights. Our trial lawyers have defended and prosecuted class action lawsuits to protect existing water rights and litigated petitions for review before the State Water Resources Control Board. In this era of restricted water resources, our team's highly specialized expertise is critical to our clients' continued operation and success.

We also assist clients with water pollution compliance and enforcement defense, handling cases involving CWA Section 404 permits for dredging and filling in waters of the United States, actions by the U.S. EPA and state agencies to enforce water pollution permits and regulations (NPDES, pretreatment and stormwater), and citizen suits alleging permit or statutory violations. We have strong relationships and open lines of communication with water enforcement agencies (federal, state, and local), which allow us to resolve cases quickly and cost effectively.

Environmental Crimes, Investigations, and Enforcement Defense

Our lawyers have many years of experience defending environmental crimes and conducting investigations for companies and individuals facing potential prosecution or filed charges. Our team includes a former federal and state environmental prosecutor who has critical knowledge of and relationships with prosecutors and enforcement agencies. Also on our team is a former head of environmental law at the U.S.

Department of Defense who worked closely with the U.S. Department of Justice on environmental enforcement actions, and who has defended several environmental prosecutions since leaving federal service. We receive most cases before the government has filed charges, helping clients respond to grand jury subpoenas, conduct privileged internal investigations, prepare presentations to prosecutors, and negotiate pre-filing resolutions. If charges are already filed, we investigate the case, handle court hearings and trials, and participate in plea negotiations. Our lawyers have tried numerous environmental criminal cases to verdict as both prosecutors and defense attorneys, and are adept at all stages of criminal proceedings.

We have also defended hundreds of civil and administrative environmental enforcement actions, whether initiated by government officials or citizens groups. We quickly evaluate the strength of the enforcement case and give pragmatic advice on whether to fight or settle, recognizing that this choice depends in large part on evidentiary issues, business realities, and the estimated cost of defense. When we fight, we fight to win, drawing on the expertise of our skilled trial lawyers, both within our practice group and throughout the firm.

Cleanup and Development of Contaminated Properties

Our lawyers have handled the cleanup and development of complex contaminated sites, including sites listed on the U.S. EPA's National Priorities List, former military Superfund facilities, properties impacted by solvents and vapor

intrusion, sites with leaking underground storage tanks, and many others. We have expertise in selecting consultants and contractors, overseeing legal aspects of the cleanup, and negotiating closure with regulatory agencies. We also advise clients on Brownfields issues, including strategies for using creative legal avenues to manage and limit liability. We work closely with clients to develop an overall strategy that shifts liability where possible and obtains funding for the cleanup, whether from third parties responsible for the contamination, government cleanup funds, or insurance proceeds.

Property Transactions

We work closely with developers, landowners, investors, and lenders to reduce or eliminate environmental liability associated with real estate transactions. Because environmental cleanup and compliance costs are often unknown, and have the potential to be greater than the value of the property, rigid approaches to addressing environmental risks can quickly end a deal. By implementing creative legal solutions to address environmental liability, we have protected our clients' interests while successfully closing hundreds of deals involving properties with environmental issues. To do so, we quickly identify, evaluate, and resolve potential hazardous materials, water availability, wetlands, endangered species, traffic, noise, and construction issues in real property development and acquisitions. This includes participating in the client's due diligence by analyzing existing environmental documents and Phase 1 Environmental Assessments and, if appropriate, overseeing and analyzing Phase 2 Assessments and other investigations. When environmental issues arise, we negotiate and document the acquisition and development transactions to minimize and control the client's risk.

Air Quality

Our lawyers help small businesses and large corporations comply with complex air quality regulations at the local, state, and federal levels. Our air quality expertise includes enforcement defense, counseling and permitting assistance, litigation, and advocacy in regulatory and legislative forums. We advise clients regarding California's mobile and stationary source regulations, the federal Clean Air Act, and California's greenhouse gas emissions regulations (AB 32). When enforcement actions occur, we have the

We provide superior value to our clients by delivering high quality services at a fair price, helping clients avoid regulatory pitfalls, and offering practical solutions to environmental problems.

expertise to respond to alleged violations, having successfully resolved numerous enforcement actions brought by local air districts, the California Air Resources Board, the U.S. EPA, and the U.S. Department of Justice.

Proposition 65

Our lawyers have represented clients in Proposition 65 matters since the proposition's inception in 1986. We assist clients in litigation, counseling, and negotiations, and represent manufacturers, distributors, retailers, and trade associations in a wide range of industries both inside and outside California.

We recognize that the response to a Proposition 65 notice or lawsuit depends on our clients' business objectives, we develop defense strategies to help clients achieve those objectives. We have handled some of the most significant Proposition 65 cases in California, including the first Proposition 65 case heard by the California Supreme Court and the first trial addressing testing methods for lead under Proposition 65. We have been successful both at trial and on appeal in these cases. At the same time, we pride ourselves on our ability to resolve Proposition 65 cases without litigation, and we work with clients to develop proactive strategies for compliance and to avoid the risk of litigation entirely.

Compliance Counseling, Permitting Assistance, and Regulatory Advocacy

We work with clients and technical consultants to assess and improve our clients' compliance with environmental laws and regulations governing water quality, air quality, and hazardous materials and waste. We have conducted numerous assessments and audits, and produce user-friendly products instead of long legal documents and memoranda. We understand that regulatory compliance depends on effective communication and training at all levels of an organization, and that is no easy feat for companies operating in heavily-regulated jurisdictions like California. The challenges are particularly intense for small companies falling under complex and overlapping regulations, but with limited managerial and engineering resources. We know how to work closely with CEOs, as well as field and technical employees, to help companies use their limited resources wisely to implement cost-effective compliance programs.

We assist our clients in obtaining the local, state, and federal permits necessary to run their operations. In the water quality area, these include NPDES point source discharge and stormwater permits. We also represent clients in obtaining RCRA and other required permits for the operation of hazardous waste treatment, storage, and disposal facilities. We have helped our clients obtain necessary air permits for the operation of industrial and other commercial facilities.

Our personal working relationships with regulators enable us to raise clients' issues to the proper level and give us the credibility to advocate our clients' positions effectively. When appropriate, we team with seasoned lobbyists to provide our clients a powerful combination of substantive expertise and access to the legislative process. We also have positive and productive relationships with numerous regulatory agencies, including the U.S. EPA, the State Water Resources Control Board, and the California Air Resources Board, among many others.

Please refer to our specialized practice brochures for more detailed information about our environmental expertise and representative matters.