



## Sean G. Herman

### Associate

Sean G. Herman advises and litigates on behalf of clients in natural resource and land use matters. His clients include public agencies like water agencies, sanitation districts, reclamation districts, cities, and counties, as well as residential and commercial developers, private sector manufacturers, and agricultural companies. Sean's experience includes environmental laws at the Federal, State, and local levels, with a concentration on water quality, water use, water rights, endangered species, property contamination, and environmental review compliance.

Given this focus, Sean regularly advises clients on permitting and litigation under sections 401, 402, and 404 of the Clean Water Act and requirements under the State-equivalent Porter-Cologne Water Quality Control Act; implementation of the Sustainable Groundwater Management Act (SGMA); compliance with the National Environmental Policy Act (NEPA) and the State-equivalent California Environmental Quality Act (CEQA); sections 7 and 10 of the Endangered Species Act and requirements under the State-equivalent California Endangered Species Act; hazardous waste management and site investigation, remediation, and cost recovery allocation under the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the State-equivalent Hazardous Substance Account Act; and supply chain compliance under Proposition 65.

Sean often speaks and writes on environmental law matters, and sits on the Environmental Law Section's executive committee for the Bar Association of San Francisco. Sean also is an adjunct professor at Golden Gate University School of Law, where he teaches administrative law and coaches its environmental law moot court team.

#### Publications

"Groundwater Discharges Under the Clean Water Act," co-author, WaterWorld (August 2020)

"Court of Appeal Upholds State Board's Broad Power to Regulate Riparian and Pre-1914 Appropriative Water Rights to Protect Threatened Fish," co-author, Water + Environmental Law Alert (July 2020)

"Judicial Council Revises Its Deadline for Tolling Civil Statutes of Limitations, Including for CEQA Actions," co-author, Environmental Law + Land Use Law Alert (May 2020)

#### San Francisco

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#### Firm Leadership

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Pro Bono Committee, Member

#### Practices/Industries

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Environmental Law  
Contaminated Property  
Water Law  
Government  
Land Use  
Business Litigation  
Product Liability & Torts  
Proposition 65  
Litigation & Dispute Resolution

"Uncertainty on Maui: How Will Functional Equivalence Work in the Real World?," co-author, *Water Law Alert* (April 2020)

"A Pandemic Upsets Supply Chains as Proposition 65 Enforcement Soars and New Regulations Take Effect," co-author, *Environmental Law Alert* (April 2020)

"U.S. EPA's Temporary Enforcement Policy Provides Needed Guidance During the COVID-19 Pandemic," co-author, *Environmental Law Alert* (March 2020)

"New PFAS Regulations Work Dramatic Changes to California's Drinking Water Supplies — With More Changes Likely to Follow," co-author, *Water Law Alert* (February 2020)

"Applying for a Business License in 2020? You May Need to Consider Your Water Quality Impacts," co-author, *Water Law Alert* (December 2019)

"Clean Water Act Cases Head to the High Court," co-author, *Daily Journal* (March 2019)

"Trump Administration's Clean Water Act Proposal Will Affect Many Developer and Public Agency Projects," co-author, *Water Law Alert* (December 2018)

"Can Groundwater Permitting Affect the Public Trust?," co-author, *Water Law Alert* (September 2018)

"California Law Firm Sees Instability and Concern In Clean Water Regulation," co-author, *Environmental Business Journal* (September 2018)

"The Politics Of Going Green: Law Needs To Change To Save Our Globe," co-author, *Lawyer Monthly* (August 2018)

"Practitioner Insights: Maui Groundwater Case Shows Government Retreat Is Bad for Everyone," co-author, *Bloomberg Environment* (May 2018)

"Circuit Courts Extend Clean Water Act Liability to Discharging Treated Wastewater and Other Pollutants to Groundwater," co-author, *Water Law Alert* (April 2018)

"The Supreme Court's Clean Water Act Ruling Opens Floodgates To Future Litigation," co-author, *Water Law Alert* (January 2018)

"Cases provide insight into shifting environmental policy," co-author, *Daily Journal* (January 2018)

"Upcoming State Water Diversion Measurement and Reporting Deadlines," co-author, *Water Law Alert* (November 2017)

"PFC Regulation Begins in California," co-author, *Environmental & Natural Resources Alert* (November 2017)

"Supreme Court to Hear "Waters of the United States" Argument this Fall," co-author, *Environmental & Natural Resources Law Alert* (July 2017)

"EPA Proposes to Narrow "Waters of the United States" Definition," *Environmental Law Alert* (June 2017)

## **Presentations**

"Water Rights in California - Current Issues, Legal Challenges and Recent Trends," presenter, National Business Institute Seminar (January 2021)

"Coffee and Compliance: US Supreme Court's Ruling on Groundwater Discharges & Impact on Environmental Compliance Programs," panelist, Mapistry Webinar (May 2020)

"Groundwater Discharges, Waters of the US, and Clean Water Act," co-speaker, Mapistry's Pollution Prevention Summit (October 2019)

"Waters of the U.S." Rule After South Carolina Coastal Conservation League v. Pruitt," co-presenter, Strafford Publications (November 2018)

"Diversity, Inclusion and the Bottom Line: From Pledge to Profitability," co-speaker, The Bar Association of San Francisco (September 2018)

"Environmental Law Basics: Understanding Hazardous Waste," moderator, The Bar Association of San Francisco (November 2017)

"Environmental Basics: Practicing CEQA in California," moderator, BASF Barrister's Environmental, Land Use, and Real Estate Section (November 2016)

"Game Changer: TSCA Amendments and Chemicals in the 21st Century," moderator, BASF Environmental Law Section (July 2016)

"The BP Oil Spill and Evolution of Natural Resource Damages," moderator, BASF Barrister's Environmental, Land Use, and Real Estate Section (June 2016)

"Keeping an Eye on Emerging Contaminants," speaker, Environmental and Emerging Claim Manager Association Annual Conference (April 2016)

"Prop 65 Basics: Intro to Chemical Regulation," moderator, BASF Barrister's Environmental, Land Use, and Real Estate Section (May 2015)

## Press

"What a Kavanaugh court means for environmental law," E&E News (September 2020)

"EPA Narrows States' Veto Power Over Infrastructure Projects (4)," Bloomberg Law (June 2020)

"Clean Water Act Test 'Will be Litigated for Years to Come,'" E&E News (April 2020)

"State and Local Governments Create Alliances to Fight Climate Change as Trump Administration Rolls Back Efforts to Impact Air Regulations," Environmental Business Journal (Winter 2019)

"Pruitt Tries to Bulletproof Waters Rule Repeal Before Exit," Bloomberg Environment (July 2018)

### **Professional Affiliations**

Water Education Foundation, William R. Gianelli Water Leaders Class

Former Chair of the Barristers Club's Environmental, Land Use, and Real Property Section for the Bar Association of San Francisco

Executive Committee for the Bar Association of San Francisco Environmental Law Section

### **Education**

J.D., Rutgers University (2011)

B.S., *cum laude*, Boston College (2007)

### **Admissions and Courts**

California

U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Eastern District of California

U.S. District Court for the Southern District of California

U.S. Court of Appeals for the Ninth Circuit

New Jersey

U.S. District Court for the District of New Jersey

New York

### **Languages**

Spanish