



Bryan K. Brown
Senior Of Counsel

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Practice Groups

Land Use and Environmental Law
Trial and Litigation
Water Law

California Bar Number
192924

Education

Yale Law School, JD, 1997
(Member: Yale Environmental Law
Clinic; Street Law Program; Latino
Law Students Association)

Arizona State University, BA,
Anthropology, *summa cum laude*, 1993
(Cynthia Lakin Award for Outstanding
Anthropology Graduate, Deans List)

Practicing Since: 1997

Bryan Brown is Senior Of Counsel in the Land Use and Environmental Law Practice Group. Bryan has more than 20 years of experience with transactional, regulatory, administrative and litigation matters involving land use and environmental law. His comprehensive experience includes the California Environmental Quality Act, Clean Water Act, Clean Air Act, Porter-Cologne Water Quality Control Act, Toxic Substances Control Act, National Environmental Policy Act, Resource Conservation and Recovery Act, and Comprehensive Environmental Response, Compensation and Liability Act, among numerous other local, state and federal land use and environmental laws and regulations.

A significant part of Bryan's practice involves assisting clients in preparing environmental impact reports and environmental impact studies under CEQA and NEPA. He also regularly defends clients against citizens' suits and claims brought under the Clean Water Act, the Clean Air Act and the Porter-Cologne Water Quality Control Act. Bryan has represented municipalities in high-profile litigation against coalitions of federal and state regulators and environmental groups, and has negotiated multi-decade consent decrees involving wholesale upgrades to municipal infrastructure.

Bryan also has extensive experience handling soil and groundwater contamination enforcement matters before courts and state agencies. He provides counsel regarding regulatory and permitting matters, including Sections 401 and 404 of the CWA, and advises on due diligence and disclosures in transactional matters.

Bryan represents major waste generators and potentially responsible parties nationwide in multiparty Comprehensive Environmental Response, Compensation and Liability Act and private cost recovery actions, both with and without regulatory enforcement components.

Transactional:

- Guides clients through environmental review process under CEQA and NEPA, including the development of a robust administrative record.
- Counsels clients regarding unknown, recently discovered and neighboring environmental conditions.
- Drafts, reviews and analyzes environmental indemnity and contingency provisions in transactional documents.

Litigation:

- Manages teams of lawyers, paralegals, consultants, and support staff in complex high-profile civil and administrative actions, including leading the development of both legal and public relations strategy for the litigation.
- Provides oral argument at hearings in federal and state courts on motions for summary judgment, conducts depositions and witness interviews, and interviews and retains consultants and experts.
- Negotiates and drafts settlement agreements with non-profit organizations, private parties, and state and federal governments, including several high-profile federal consent decrees.
- Works with clients and consultants to evaluate alternative remedial positions and develop long-term remedies.
- Extensive motion practice includes trial, mediation and appellate briefs; motions to disqualify expert witness testimony; motions for summary judgment; demurrers and discovery motions; and motions for preliminary injunction and TROs.

Regulatory and Administrative:

- Represents clients before Regional Water Quality Control Boards, the State Water Resource Control Board and the Environmental Appeals Board.
- Assists clients in obtaining necessary discharge and disposal permits and represents clients before federal, state and municipal agencies regarding obtaining such permits.
- Counsels clients regarding enforcement of environmental statutes and regulations and negotiates injunctive measures and penalties associated with enforcement actions.
- Advises clients regarding regulatory compliance issues, including analyzing proposed legislation, legislative history, and administrative policy.

Presentations and Publications

- Co-author, “Affordable Housing Initiatives and News in California,” *International Law Office*, March 2016
- Co-author, “Positive Developments for Affordable Housing in California,” *Law360*, February 8, 2016

Representative Experience

- Counseled a national railroad on state lawsuits brought under CEQA by the State of California, environmental groups and others regarding the siting of a rail yard. The lawsuits included environmental justice claims under Government Code Section 11135.
- Counseled the City and County of Honolulu on federal lawsuits involving the upgrade of Honolulu's wastewater treatment and collection systems and the validity of the City's waivers from the CWA's secondary treatment requirements. Included the negotiation of a multi-decade federal consent decree, an administrative petition seeking review of a permit waiver decision before the Environmental Appeals Board, and a lawsuit against the EPA seeking production of documents under FOIA.
- Counseled a pharmaceutical company on a federal multi-million dollar cost recovery action under CERCLA, based on alleged historical discharges of hazardous wastes. Lawsuit involved technical and expert issues relating to impacts to vicinity groundwater and changes in local and regional groundwater levels and flow direction over 35 years.
- Counseled a petroleum company regarding contamination stemming from chlorinated solvents and waste oil activities, scope of allowable discharges under NPDES permit for groundwater extraction systems, and scope of permissible discharges related to construction activities under a stormwater permit. Negotiated permit terms in light of current and planned business activities.
- Counseled the City of Oakland regarding changes to its NPDES permit and subsequent petition to the State Water Board seeking review of the terms of the permit, included a federal lawsuit brought by the EPA and a non-government organization based on alleged discharge violations from the City's collection system. Negotiated a favorable injunctive remedy in a federal action and a penalty in a related state administrative action.
- Advised a manufacturer regarding its and predecessors' alleged historical discharge of chlorinated solvents and other wastes. Worked with technical consultant in negotiations with the Water Board to develop an investigation and remediation plan.