

PRACTICE LEADERS



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*Chair, Environmental Law
 Practice Group*



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 Response Team*



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 Regulation Team*

The environmental issues that play out on California’s public stage call for a team that knows environmental law and local governance equally well. We advise our clients of their rights, obligations, liabilities, and opportunities, including those related to water, endangered species, brownfields, pollution, air quality, solid waste, Proposition 65 and cost recovery.

Meyers Nave is a multi-disciplinary law firm with specialty expertise in natural resources law and other environmental legal concerns. Our Environmental Law attorneys advise public and private entities statewide and litigate multi-party and complex cases.

We have experience in all significant state and federal environmental and natural resources laws, including endangered species acts, Proposition 65, the Clean Water Act, Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, Clean Air Act, Porter-Cologne Water Quality Control Act, Sustainable Groundwater Management Act, Toxic Substances Control Act, Safer Consumer Products Regulations, Water Recycling Act of 1991, and the Urban Water Management Planning Act.

REMEDIATION & DEVELOPMENT

Our team handles matters for remediation and development of contaminated and brownfields properties, including monitoring and reviewing remedial action plans, negotiating and manuscripting environmental insurance policies, and negotiating with regulatory agencies such as the Department of Toxic Substances Control, Regional Water Quality Control Board, and federal Environmental Protection Agency.

We have expertise in remedies such as environmental insurance—cost cap coverage, pollution legal liability policies, and other liability coverage—in addition to the Polanco Redevelopment Act, the California Land Reuse and Revitalization Act of 2004 and prospective purchaser agreements.

We have worked on parcels that were former gas stations, mills, landfills, mines, military bases, shipyards and factories, and are now schools, housing, parks and commercial space.

CLEAN WATER ACT

Meyers Nave’s Environmental Law attorneys advise and defend clients on all aspects of the Clean Water Act, including 404 wetlands permitting, and issues concerning the scope of “waters of the United States.” We help clients obtain and comply with CWA permits and administrative orders, and defend them in administrative appeals, regulatory enforcement actions, and state and federal litigation, including citizen suits, as both plaintiffs and defendants. One of our attorneys argued the first CWA case ever reviewed by the California Supreme Court.

We advise on water supply assessments and verifications, and management, planning and control of resources (i.e., stormwater, wastewater, recycled water).

WATER RIGHTS

Our advice on water rights issues includes the acquisition, transfer and protection of rights. We help clients respond to enforcement actions and competing claims to treated wastewater.

ENDANGERED SPECIES

Our attorneys assist clients with federal and state Endangered Species Act issues, including habitat assessments, “take” evaluations, Section 7 consultations, and defense of civil and criminal enforcement actions.

We also help develop and negotiate habitat

Environmental Law Services

- Soil contamination remediation
- NPDES/Stormwater permitting & enforcement
- Environmental insurance
- Brownfields remediation and development
- Proposition 65
- Groundwater management
- “Green chemistry” regulation
- Endangered species
- Section 404 wetland permitting & enforcement
- Recycled water production/delivery
- Hazardous substances regulation
- Cost recovery actions
- Due diligence investigations
- CalRecycle compliance
- Landfill closure and post-closure advice and litigation
- Water supply verifications
- Water rights determinations
- California Land Reuse and Revitalization Act
- Military base/BRAC cleanups
- Formation of joint powers agencies
- Drafting and administration of operating agreements
- Public trust doctrine
- Climate change & greenhouse gases compliance
- Renewable energy resources
- Negotiation and drafting of solid waste collection franchises
- Prop 218 rate setting and applicability

conservation plans involving a variety of issues—water use, transportation, timberland harvest and management, permitting, and real estate development.

PROP 65/CONSUMER PRODUCT REGULATIONS

Our practice includes representing clients with respect to consumer protections laws, such as Prop 65, Safer Consumer Products Regulations (Green Chemistry Initiative), the Consumer Legal Remedies Act, the Toxic Substances Control Act, and Consumer Products Safety Improvement Act. Among other things, we have defended companies in enforcement actions brought by the Attorney General and citizen enforcers under Prop 65 concerning a vast array of products and chemicals, such as acrylamide, lead, other heavy metals, phthalates, and 4-MEI in food products, dietary supplements, flame retardants, and a broad spectrum of consumer products.

COST RECOVERY/CERCLA

We represent plaintiffs and defendants in environmental cost recovery matters including actions based on CERCLA, RCRA, the Hazardous Substance Account Act, traditional torts and the Polanco Act. We have been lead counsel on significant CERCLA exposure matters, including hazardous waste and groundwater site contamination. We help clients recover costs and protect them from liabilities resulting from another party’s actions.

STORMWATER PREVENTION & POLLUTION CONTROL

We advise on the reporting obligations for stormwater permits in California: municipal separate storm sewer system (MS4) permits; the California Industrial General Storm Water Permit (IGP), and the California Construction General Storm Water Permit (CGP).

In relation to these permits, we:

- Prosecute test claims before the Commission on State Mandates, seeking reimbursement

for compliance costs;

- Defend against allegations that stormwater discharges contributed to soil and groundwater contamination;
- Advise on the development of stormwater pollution prevention plans (SWPPPs);
- Retain and supervise consultants to develop and revise compliance documents; and
- Help develop legal and technical responses to allegations that sampling results from an industrial facility exceed “benchmarks.”

SOLID WASTE

Our lawyers have extensive experience with the environmental issues associated with solid waste transportation and disposal. We represent cities, waste management districts, sanitary districts, and other public agencies in transactions and litigation. We also counsel on landfill closure and post-closure issues, including CERCLA litigation for such costs.

GROUNDWATER CONTAMINATION

Meyers Nave attorneys have experience with many types of contaminated sites with groundwater issues, from landfills to wastewater facilities to former lumber mills and industrial facilities, and in particular with the Sustainable Groundwater Management Act. We have litigated liability issues for groundwater contamination damages and cleanup under state and federal statutes as well as common law theories.

CLEAN AIR ACT

Meyers Nave advises clients on the Clean Air Act and other laws that aim to reduce smog and air pollution. We have represented clients in responding to and resolving Bay Area and South Coast Air Quality Management Districts’ administrative notices of violation and California Air Resources Board administrative discovery matters. We have advised on air quality issues related to development projects and the acquisition of refineries and oil properties.