

REGULATORY, TRANSACTIONAL AND LITIGATION EXPERIENCE TO HELP CLIENTS RESOLVE ENVIRONMENTAL CONCERNS AND MOVE PROJECTS FORWARD.



AMRIT S. KULKARNI

Chair, Environmental Law Practice Group

Amrit Kulkarni is a member of the firm's Executive Committee and chairs the Environmental Law, Land Use, and Transportation & Infrastructure Practice Groups. His specialty is providing transaction and litigation counsel on high-profile, complex and often controversial civil infrastructure and commercial and urban development projects throughout California. His experience includes assisting local, state and national clients that are involved in projects for airports, passenger transit systems, freight rail networks, ports, harbors, highways, office buildings, mixed-use residential developments, university campus expansions, and a wide range of commercial and industrial facilities.

Amrit's expertise has been recognized by the *Daily Journal*, which named him one of California's "Top 50 Development, Land Use and Municipal Infrastructure Lawyers" and "Top 25 Land-Use Leaders." He is also listed in "*The Best Lawyers in America*" in the category of Litigation-Land Use and Zoning.

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.

Our Environmental Law attorneys advise clients on transactional matters, administrative proceedings, regulatory approvals, enforcement actions, and complex multi-party litigation. We track legal and regulatory developments of environmental law at the regional, state and national level, including advising on agency rulemaking and legislation. Our clients include municipalities, special districts, coalitions, potentially responsible party groups, landowners, project developers, and corporations.

We have experience in all state and federal environmental and natural resources laws, including endangered species acts, Clean Water Act, Clean Air Act, Porter-Cologne Water Quality Control Act, Sustainable Groundwater Management Act, Toxic Substances Control Act, Safer Consumer Products Regulations, Proposition 65, CERCLA, RCRA, Water Recycling Act of 1991, Urban Water Management Planning Act, and Natural Community Conservation Planning Act.

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

CLEAN AIR ACT

Meyers Nave advises clients on the Clean Air Act and other laws that aim to reduce air pollution. We help clients respond to and resolve BAAQMD and SCAQMD administrative notices of violation and operation or permit disputes, as well as CARB administrative discovery matters, notices of violation, and regulatory programs, including CARB fuel and mobile source standards.

CLEAN WATER ACT

Meyers Nave 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.

We advise on water supply assessments and verifications, and management, planning and control of resources (stormwater, wastewater, recycled water). Our water rights advice includes the acquisition, transfer and protection of rights, as well as responding to enforcement actions and competing claims to treated wastewater.

GROUNDWATER CONTAMINATION

Our attorneys have experience with many types of contaminated sites with groundwater issues, from landfills to wastewater facilities to former lumber mills and industrial facilities. We have successfully litigated liability issues for groundwater contamination damages and cleanup under state and federal statutes as well as common law theories.

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

STORMWATER ISSUES

We advise on reporting obligations for stormwater permits -- municipal separate storm sewer system permits, California Industrial General Storm Water Permit, and California Construction General Storm Water Permit. Our experience includes:

- 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 and compliance documents
- Develop legal and technical responses to allegations that sampling results 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.

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 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.

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 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.

PROP 65/CONSUMER PRODUCT REGULATIONS

Our practice includes representing clients with respect to consumer protections laws, such as Prop 65, Safer Consumer Products Regulations, Consumer Legal Remedies Act, Toxic Substances Control Act, and Consumer Products Safety Improvement Act. Our experience includes defending companies in enforcement actions brought by the Attorney General and citizen enforcers under Prop 65 concerning a vast array of products and chemicals.

CLIMATE CHANGE AND GREEN INITIATIVES

Our Climate Change and Green Initiatives Practice Group offers complete legal services in many areas of law that relate to climate change.

- Analyzing Climate Change Impacts Under CEQA and NEPA – Advise on the disclosure and quantification of a project’s GHG emissions and potential adverse environmental impacts, develop and apply standards to determine if the project’s emissions will have a “significant” impact, develop effective and enforceable mitigation measures and plans to reduce emissions, advise on the use of exemptions and negative declarations for projects with potential global warming impacts.
- Reducing GHG Emissions Through Local Land Use Choices – Advise cities and counties on the creation of climate action plans, counsel local governments on reducing GHGs emitted by planned and existing transportation and building projects, guide local governments on reducing GHG emissions under broad-based planning policies, advise local governments on resource conservation.