

**Qualifications to Provide
Legal Services for the Benicia
Arsenal Investigation and Cleanup Project**

November 3, 2010

Prepared by:

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A Commitment to Public Law

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A Commitment to Public Law

November 3, 2010

Heather C. McLaughlin, City Attorney
City of Benicia
250 East L Street
Benicia, CA 94510

Re: *Qualifications to Provide Legal Services for the Benicia Arsenal Investigation and Cleanup Project*

Dear Ms. McLaughlin:

On behalf of Meyers Nave, I am pleased to submit our firm's qualifications to assist the City in the Benicia Arsenal Investigation and Cleanup Project. We have assembled a team of attorneys who have the background and knowledge of environmental issues and procedures that are particular to the reuse of the former Benicia Arsenal property.

Through our representation of public agencies, developers and other parties in environmental clean-up efforts, we understand re-use from all sides. We seek to protect our clients from undue environmental liabilities by appropriately allocating risk in agreements and by using appropriate tools to reduce liabilities.

Further, our team can offer the City of Benicia the following.

Collaborative relationships with DTSC. We have worked on numerous contaminated sites throughout California and the Bay Area in particular. Over the years, we have developed good working relationships with the Department of Toxic Substances Control and are on a first name basis with a wide range of employees, from project managers to the Director. We have built a reputation for being collaborative, and this has helped us move remediation projects forward with a favorable resolution for our clients.

History of working on complex projects. Our team has garnered much success in guiding public agencies through the maze of the remediation process of heavily contaminated land, notably the Georgia Pacific Mill site in Fort Bragg, the Oak to Ninth project in Oakland and the Lincoln Landfill site in Anaheim, all of which we detail further in our Statement of Qualifications.

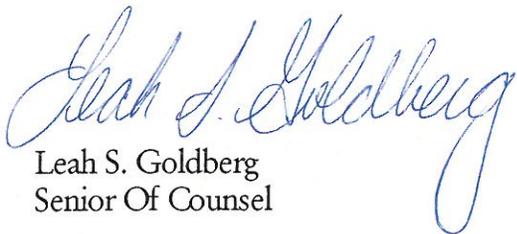
Strong ties to several environmental consultants. While we have not partnered with a consultant for this proposal, we have strong working relationships with several firms in the Bay Area. If

engaged for this project, we would be happy to recommend a consultant or work with the consultant that the City selects for this project.

We would be truly delighted to work on the cleanup of the former Benicia Arsenal property. Our team members have proven their skill, efficiency and creativity in other engagements of a similar nature which are described in our proposal. You have our commitment to being accessible, responsive and dedicated to crafting effective solutions—even when faced with the most daunting tasks and complex issues.

Please contact me if I can answer any questions or if you would like to interview my team for this engagement. In the meantime, I sincerely thank you for considering our qualifications.

Sincerely yours,

A handwritten signature in blue ink that reads "Leah S. Goldberg". The signature is written in a cursive, flowing style.

Leah S. Goldberg
Senior Of Counsel

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I. Firm Overview

Meyers Nave has been dedicated to serving public agencies since 1986. With over 15 practice groups and 80+ attorneys specializing in municipal law, our expertise spans almost every discipline impacting public entities. Several attorneys have worked on behalf of public agencies for more than 20 years, and all are recognized authorities in their areas of practice.

Our client base includes hundreds of public agencies throughout California, including more than 150 cities, towns and counties; over 30 redevelopment agencies; and more than 50 special districts, including regional transit agencies, water districts, fire and sanitation districts, and risk management and joint powers authorities. Our public clients range from small, single-purpose public entities to the largest and most populous cities and counties in California. Meyers Nave offers the following specialties: environmental law, land use, brownfields, redevelopment and affordable housing, real estate, airports and transportation, ports, public contracts and construction, eminent domain, labor and employment law, public finance and taxation issues, harbors, public entity tort liability, civil rights, elections law, general litigation, writs and appeals, and public power and telecommunications.

II. Environmental Law Practice Group

Eight environmental specialists compose the firm's Environmental Law Practice Group. While each environmental attorney specializes in a slightly different area, together we cover the range of environmental issues including brownfields, clean water issues, NPDES permits, stormwater issues, hazardous and solid waste, underground storage tanks, clean air, oil and gas, and greenhouse gas issues. The vast experience of our environmental team, coupled with the firm's land use team, which specialize in CEQA and NEPA among other land use issues, allows us to competently and efficiently address complex sites such as former military bases and installations.

Brownfields

Through our representation of public agencies, developers and responsible parties, we understand re-use from all sides. We seek to protect our clients from environmental liabilities by allocating risk in agreements and various liability limiting tools including the Polanco Redevelopment Act, the California Land Reuse and Revitalization Act of 2004 (AB 389), Prospective Purchaser Agreements, and environmental insurance.

Cost Recovery

While litigation is almost never the preferred path, sometimes it is necessary. Meyers Nave has helped clients pursue cost recovery under the Superfund, the Polanco Redevelopment Act, and common law theories of liability. One of our most notable successes was the defense of the public sector member of the Defense Steering Committee in a 30-party, \$80 million CERCLA contribution action related to a hazardous waste landfill closure (*Acme v. Alton CD, et al.*). We also assisted a City in recovering money to upgrade its wastewater treatment plant to address contaminated mine drainage.

CEQA & NEPA

All our land use attorneys are completely knowledgeable about the CEQA and NEPA, and several attorneys in our group have argued court cases that have set important legal precedents related to these laws. In addition to helping our clients comply with these laws in all their land use endeavors, we have a significant land use litigation practice defending clients from challenges brought under CEQA and NEPA. Many of our cases have resulted in published opinions by the courts.

Climate Change

Climate change issues—including greenhouse gas emission regulations, green building and sustainability regulations, as well as climate action plans—are a big part of our practice. We help clients analyze climate change impacts under CEQA and NEPA, reduce greenhouse gas emissions through local land use choices, address the needs of utility companies, and comply with all relevant regulations. We are regularly consulted by the media as leading authorities on climate change legal issues.

III. Team Qualifications and Assignments

If engaged, Leah Goldberg will serve as the project lead and contact with assistance from Sabrina Wolfson, John Harris, Amrit Kulkarni and Greg Newmark as appropriate. Together, they will utilize their combined talent to help the City with its Arsenal cleanup project. We have enclosed the team members' resumes in the Appendix.

A. Leah Goldberg, Project Leader

Due to her breadth and depth of experience in helping agencies successfully clean up contaminated sites, Leah will serve as the Project Leader. Leah has worked with Department of Toxic Substances Control (DTSC) on several projects over the years. Not only has Leah negotiated Imminent and Substantial Endangerment Orders and Consent Decrees, but Leah negotiated the first California Land Reuse and Revitalization Act (CLRRA) Agreement in the state with DTSC. Afterward, Leah worked with DTSC and others to refine the model agreement to further meet the needs of those seeking the protective provisions of CLRRA. She has also negotiated Prospective Purchaser Agreements with DTSC, Environmental Protection Agency (EPA) and various Regional Water Quality Control Boards. Leah sees brownfields redevelopment as a win-win situation for everyone involved. Not only do sites get put back into reuse bringing jobs and an increased tax base to blighted areas, but properties get cleaned up making the environment healthier for everyone living, working or recreating in the area.

Leah has participated in DTSC's Brownfields Restoration Advisory Group (BRAG). This group was convened by the Director of DTSC as a means of exchanging information about Brownfields and advising the Department on reuse issues. She is frequently asked to speak on panels with various DTSC senior staff members

Leah has been involved with reuse of the Alameda Naval Air Station and Hamilton Air Force Base. But many of the contamination issues on former military bases are parallel to the other complex sites such as the former Georgia Pacific Mill Site in Fort Bragg, the FMC site in Modesto, or the Lincoln Landfill site in Anaheim. Leah maintains excellent working relationships with regulators throughout the state including the various federal agencies (i.e. EPA Region 9, the Army Corps of Engineers, and Department of Interior).

B. Sabrina Wolfson, Environmental Law Specialist

Sabrina represents public agency clients in environmental remediation and water quality matters, including preparation and review of environmental site assessments, preparation and implementation of remedial action plans, implementation of the Polanco Redevelopment Act to facilitate cleanup of brownfields, and cost recovery litigation. Sabrina often negotiates administrative orders with state environmental agencies, such as the Regional Water Quality Control Boards, and federal consent decrees with the EPA and non-governmental organizations. In addition, she negotiates purchase and sale agreements, leases, easements, disposition, development agreements and owner participation agreements with developers and property owners on behalf of city and redevelopment agency clients.

C. Amrit Kulkarni, Environmental Law Specialist

Amrit Kulkarni is the head of the firm's Land Use and Environmental Law Practice Group. As legal counsel, Amrit's practice focuses on all aspects of land use and environmental law. He has represented public entities and private clients in numerous matters and cases involving CEQA, NEPA, the State Planning and Zoning Law, the Coastal Act, the Tidelands Trust, the Subdivision Map Act, the Cortese-Knox-Hertzberg Act, the Mitigation Fee Act, the Clean Water Act and civil rights claims in the land use context. Several of these cases have resulted in published appellate decisions. Amrit has significant land use experience representing public agencies in connection with controversial, large-scale public infrastructure, transportation and development projects. He also has substantial experience obtaining and defending land use entitlements for major commercial development projects.

D. John Harris, Environmental Law Specialist

John brings over 29 years of experience to Meyers Nave, advising both public agency and private clients throughout California on their rights, obligations, liabilities and opportunities under federal, state and local environmental laws and regulations, and representing clients in complex litigation. He has negotiated with the EPA, DTSC, the State Water Resources Control Board and environmental groups regarding NPDES public stormwater permits and other Clean Water Act matters. He has handled Superfund cases brought by the EPA, the State of California and private parties. John has litigated CERCLA claims, environmental insurance coverage matters, contaminated property and groundwater clean-up and cost recovery cases.

E. Greg Newmark, Environmental Law Specialist

Greg represents local agencies in litigation and compliance matters regarding environmental and land use issues, including brownfields, NPDES permitting proceedings, water quality, water rights, and inverse condemnation. Greg advises clients in environmental remediation matters including cost recovery litigation and compliance with cleanup orders. He is currently representing a municipality characterizing and remediating an approximately 950 acre site with soil and groundwater contamination. Prior to joining Meyers Nave, Greg was a Deputy Attorney General at the California Department of Justice, where he represented the State Water Resources Control Board and California Regional Water Quality Control Boards in litigation. As a Deputy Attorney General, Greg presented oral argument in the first Clean Water Act case reviewed by the California Supreme Court. (*Burbank v State Water Resources Control Board*). He also argued the first California reported decision to adjudicate a challenge to the merits of a total maximum daily load (TMDL) under the Clean Water Act and California's Porter-Cologne Water Quality Control Act. (*City of Arcadia, et al. v State Water Resources Control Board, et al.*).

IV. Relevant Experience

Our environmental attorneys have been directly involved in the administration of our clients' remediation projects, including contracting with and supervision of environmental consultants and interaction with regulatory agencies. We frequently negotiate the regulatory oversight agreements (Voluntary Cleanup Agreements, Cost Recovery Agreements) and remediation agreements (Prospective Purchaser Agreements, Imminent and Substantial Endangerment Consent Decrees, CLRRRA Agreements). EPA and DTSC often take their authority from the state and federal Superfund statutes, both of which require compliance with the National Contingency Plan (NCP). We ensure that our client and their consultants follow the NCP when appropriate. This is important to protect future cost recovery actions.

Since we represent public agencies, developers and responsible parties, we have looked at the reuse issues from all sides. This multifaceted perspective is invaluable in maintaining focus on the most important issues and resolving them as quickly and efficiently as possible.

Some of our experiences in this area of law include the following.

Georgia Pacific Mill Site Re-use. The City of Fort Bragg has an amazing opportunity to revitalize its community. After over 100 years of operation, the former Georgia Pacific lumber mill closed leaving one third of the incorporated land vacant. With the advice and guidance from Meyers Nave, the Fort Bragg Redevelopment Agency employed the Polanco Redevelopment Act to compel Georgia Pacific to clean up this coastal property to allow for its reuse. Meyers Nave assisted the redevelopment agency in hiring an environmental consultant and risk assessment expert, using the Polanco Redevelopment Act to compel cleanup, negotiating with the all the regulatory agencies involved, negotiating remediation and cost recovery agreements with Georgia Pacific and helping the community understand the process, risks and cleanup approach. But the environmental issues are only part of the story. Meyers Nave is also working

with the City to develop a specific plan for the former mill site and to conduct the necessary CEQA review of that planning document.

FUDS Program Point Vicente Interpretive Center. We negotiated a Memorandum of Agreement between the United States Army Corps of Engineers, the DTSE and the City of Rancho Palos Verdes, for environmental response activities at the a City park which had formerly been used by the Corps as a NIKE anti-aircraft missile site and a small arms range. The site was included in the Formerly Used Defense Sites (FUDS) Program. As such, the Corps was responsible for environmental response actions to address the responsibility of the U.S. Department of Defense at FUDS sites. We also negotiated the Remedial Action Plan for the site on behalf of the City, as well as related agreements. Further, we pursued claims by the City under the Federal Tort Claims Act against the Department of Defense, resulting in a settlement agreement whereby the Department agreed to remediate the property at its expense and assist in the ongoing operation and maintenance efforts. Meyers Nave team, along with the City's and other environmental consultants, reviewed feasibility and risk assessment studies and remedial action plans. This was to ensure that the remediation met the City's objective: restoring the environmental condition of the park to a condition such that it does not pose any risk to either health or the environment and so that the park could be fully utilized as an educational, recreation and community center. We also worked with the City, elected officials and other stakeholders to obtain sufficient federal funding for the remediation efforts. In the course of those efforts, we worked closely with representatives of the Corps, as well as DTSC's Office of Military Facilities.

New school site on contaminated property. We worked with the Redevelopment Agency of the City of Pittsburg and DTSC to employ the Polanco Redevelopment Act on two complex sites. The school site is partially on a former gasoline station site. The City's Redevelopment Agency, employing its Polanco powers, worked with the gasoline station operator and the school district to clean up the property so that it could be used for the school. Conflicting jurisdiction between the Regional Water Quality Control Board and DTSC complicated this redevelopment, but our attorneys worked with staff at both agencies to establish a seamless regulatory oversight arrangement that fulfills the statutory requirements for all parties involved.

Lincoln Landfill. The Anaheim Redevelopment Agency used the Polanco Redevelopment Act to compel clean-up on an historic landfill. Landfills are governed by several regulatory agencies including the Regional Water Quality Control Board, the former Integrated Waste Management Board (now Calrecycle), and the County Local Enforcement Agency. The redevelopment agency sought to recover the costs of cleaning up this landfill from the responsible parties. Ultimately the primary responsible party put in over \$5,000,000 towards the cleanup. This settlement was only possible by transferring some of the risk to an insurance company. Meyers Nave assisted in negotiating these complex environmental insurance policies. This blighted property that has plagued the City and was referred to by the press as "sinking Lincoln" will soon be a neighborhood shopping center offering a grocery store and several other commercial uses.

Oak to Ninth. For over 100 years the Port of Oakland has owned and operated property located along the Oakland/Alameda estuary. This land is highly contaminated, but also presents a unique opportunity to put underutilized land back into reuse and provide much needed housing

in an urban setting. The proposal includes developing 34 acres into high density residential housing surrounded by 30 acres of open space. The City of Oakland, our client, will own the open space upon transfer of the land from the State Lands Commission. DTSC is the oversight agency. The developer is cleaning up the property under a CLRRRA Agreement and a Voluntary Cleanup Agreement. Leah has assisted the City in drafting risk allocation agreements, arranging for necessary financial assurance and insurance, to insulate the City from liability.

Crows Landing Naval Air Facility Re-use Project / PCCP West Park Development, County of Stanislaus. We assisted the County with preparation of a program and project-level EIR associated with the development of a general plan amendment, specific plan, redevelopment plan and preparation of disposition and development agreement for the re-use and redevelopment of the Crows Landing Naval Air Facility and 3,000 adjacent acres of property. The proposal is a 4,500-acre industrial and commercial development, including an inland rail port and airport.

Negotiated First Land Use and Revitalization Act Agreement with DTSC. Leah Goldberg negotiated the first California Land Reuse and Revitalization Act Agreement with the Department of Toxic Substances Control in December 2005. The Agreement allowed for an efficient and comprehensive clean up of a former pickle plant in Hayward. The property was subsequently redeveloped for affordable housing. Since then, we have completed two additional CLRRRA Agreements with the Department of Toxic Substances Control and the first CLRRRA Agreement with a Regional Water Quality Control Board.

Abandoned Mine Pollution. The City of Grass Valley discovered it was paying to treat hundreds of thousands of gallons of water each day that discharged onto its property from underground mine workings that was the responsibility of Newmont Mining Corporation. Although Newmont participated in discussions with the City initially, and even shared in the cost of a study to determine the levels of contamination, it eventually refused to take responsibility for the long-term costs of dealing with the mine drainage. The City filed a CERCLA lawsuit in U.S. District Court against the prior owner-operator of a closed gold mine. On the eve of the trial, the matter was resolved with a settlement that was fully satisfactory to the City. As result of the settlement, the mining company built a treatment plant and was charged with its operation, including securing its environmental permits.

Chief Environmental Counsel for the Los Angeles to Pasadena Metro Blue Line Construction Authority. Our responsibilities include oversight of the environmental aspects of the property acquisition, construction and remediation for a light rail project, as well as joint development of station sites.

Large-scale Remediation Project. We represented the City of West Hollywood in acquisitions and remediation of properties for a large commercial redevelopment project, including the EPA Gateway Pilot Environmental Assessment Project.

Remediation Negotiations of a Former Landfill Site. We represented of the Carson Redevelopment Agency in negotiations for remediation and development of a 93-acre former landfill site as a Brownfields project.

Acquired Contaminated Property to Create Park Space. We represented a conservancy in acquisition of a contaminated site for park purposes.

Inert Waste Landfill Site. We served as counsel for landowner in negotiations with Regional Water Quality Control Board for permitting of inert waste landfill and in defending the issuance of waste discharge requirements before the State Water Resources Control Board.

Negotiation of Former Oil Property for Recreational Use. We represented the City of Brea in negotiations to acquire oil producing property to be developed for sports and recreational facilities.

Lead Counsel in Drafting NPDES Permit. We served as lead representative for twenty-three cities in drafting the 1996 Los Angeles County NPDES municipal storm water permit and in negotiations with the State Water Resources Control Board, the Regional Water Quality Control Board, the U.S. Environmental Protection Agency, and numerous environmental groups. Also drafted municipal storm water ordinances for cities to comply with permit and responsible for supervision of permit compliance. Headed numerous workshops on permit compliance.

The following are some of the major environmental litigation matters we handled.

Carson Harbor Village Ltd. v County of Los Angeles, et al. We successfully defended the City of Carson on Clean Water Act, CERCLA, RCRA and common law claims and contribution and indemnity cross-claims relating to claims of contaminants in storm water. (See, Carson Harbor Village, Ltd. v. Unocal Corporation, 990 F. Supp. 1188 (C.D. Cal 1997), affirmed on appeal, Carson Harbor Village, Ltd. v. Unocal Corporation, et al., 270 F.3d 865 (9th Cir. 2001).

Phillips Petroleum Co. v County of Los Angeles, et al., and Shell Oil Company, et al. v County of Los Angeles, et al. We defended 11 cities in CERCLA action regarding the alleged disposal of municipal waste at the Cal Compact Disposal Site in Los Angeles County.

County of Los Angeles, et al., v California State Water Resources Control Board, et al. We represented eight cities in administrative and Superior Court petitions and subsequent lawsuits, challenging the terms of the 2001 Municipal NPDES Permit for Los Angeles County. We also authored California League of Cities Amicus Letter supporting petition for review to Supreme Court.

City of Rancho Cucamonga, et al., v Regional Water Quality Control Board, et al. We represented the cities in mandamus action challenging the 2002 San Bernardino County Municipal NPDES Permit for urban runoff.

City of Burbank and City of Los Angeles v State Water Resources Control Board, et al. We authored an Amicus Curiae brief of the California League Of California Cities in support of Petitioners, City Of Burbank And City Of Los Angeles.

Cities of Arcadia, et al., v State Water Resources Control Board, et al. We authored an Amicus Curiae brief of the California League of California Cities in support of Petitioner cities challenging TMDL.

City of Norwalk v Fire Point U-Serve, Inc., et al. We represented a public water supplier in action to recover cost of remediating contamination of water supply well.

Cedars-Sinai Medical Center v Atlantic Richfield Company et al. We successfully defended a property owner in suit brought by adjoining property owner alleging environmental contamination relating to oil production operations.

Hay v Commonwealth Insurance Company et al. We instigated an action against 10 insurance carriers. The case resulted in payment of defense costs and other payments in settlement of bad faith claims.

V. Intended Approach in Arsenal Project

While the Arsenal project is certainly unique, we will draw on our experiences from other complex contaminated sites, including both successes and lessons learned, to approach this project. Our aim is to help the City negotiate—as quickly and effectively as possible—an agreement to address the clean up and reuse of the site. To this end, we will strive for a collaborative effort in which all parties work together to clean up the environmental contamination so that the City can make use of the former arsenal property. We are confident in this goal as we have helped clients successfully turn blighted and underutilized properties into community assets due in large part to the strong cooperative working relationships we have formed over the years with various regulatory agencies, including DTSC, the State Water Resources Control Board and Regional Water Quality Control Board. Our collaborative approach helped the agencies understand the unique role of local governments in redeveloping brownfield sites. We have also assisted cities in obtaining funding sources for such efforts, such as EPA funding for the assessment of brownfield sites and will look to do the same for the City of Benicia.

VI. Scope of Work

Our general approach stresses a) preparation; b) strong advocacy and pursuit of City's goals; c) collaboration with the client team (City staff and the environmental consultant); d) regular and prompt updates to the city staff and the City Council; e) creative solutions and strategies; f) cost-effective use of time and resources; and g) professional relationships with the client team based on shared information, trust and mutual respect. Below is a summary of our work plan for our proposed engagement with the City of Benicia.

Meet with City Staff and Officials. Our team proposes an initial meeting. This meeting will ensure that we fully understand the scope of the project, the desired outcome, and obstacles to achieving the goal, significant immediate deadlines, and the budget. By first obtaining a

comprehensive understanding of the project, we select team members who bring the right expertise to specific tasks, minimizing the need for familiarization with the area of the law. The understanding gained through our approach also reduces wasted effort.

Coordination with the Environmental Consultant. We will assist the City in selecting an environmental consultant. As with any professional service, satisfaction with the services is often dependent on whom you work with. And environmental consultants are no different. We have worked with dozens of consultants at several environmental consulting firms and can assist the City to select the best consultant and firm for this project. If the City has already hired a consultant, we will work closely with the consultant to ensure NCP compliance and to address the environmental issues at the former arsenal.

Negotiate an Environmental Oversight Agreement with DTSC. There are several oversight agreement options. We understand that DTSC has issued a draft IS&E Order, but that does not necessarily foreclose another oversight arrangement with DTSC and some funding options may be closed if the funding agency sees that the site is under an order. Therefore, we will work with the City to select the most appropriate oversight arrangement. For example, it may be more appropriate in this case to enter into an Environmental Oversight Agreement. Deciding which agreement is most appropriate requires a full understanding of the City's goals and an understanding of the regulatory agency's goals. We understand that meetings between the City, other responsible parties and DTSC have already taken place. We will work with City staff to gain the background necessary to fully advise the City on type of oversight agreement. Then we will work closely with the City to negotiate terms that again will meet the City's goals.

Compliance with the Order/Remediation Schedule: Work with the City, DTSC and the other responsible parties to ensure that the remediation schedule can be met and that any deadlines are actually met once the parties agree to the overall approach. This on-going work may require additional agreements between the parties such as right of entry agreements, waste disposal agreements and further risk shifting agreements.

Assist the City with its Public Outreach Plan. We will work with City staff, the environmental consultant and DTSC at the onset to keep the public informed, welcoming input and addressing concerns from citizens. On an ongoing basis, we will guide City staff and the DTSC public participation staff in publishing appropriate documents on their websites. In our experience, DTSC generally makes public participation a large component of its oversight, so the legal work required for this task may be minimal. We understand that the initial agreement between the parties sets the framework, but that the best lesson in remediation is to "expect the unexpected" and be ready to deal with those issues when they arise. By maintaining good relationships with the whole team (regulators, other responsible parties, environmental consultants and the community), the unexpected issues along the way can be effectively and efficiently managed.

Assist the City in Applying for Brownfields Funding. The Brownfields Funding cycles through EPA are fairly rigid. We will work with the City to be prepared for and meet the EPA

funding deadlines. There are also State and Federal fund (HUD Funds) that are not tied to a rigid schedule and we will work with the City to apply for those Funds throughout the year.

VII. Project Schedule

Leah Goldberg, Sabrina Wolfson and Amrit Kulkarni are all located in our Oakland office and are available to work on this project immediately upon approval by the City. John Harris and Greg Newmark, who are located in our Los Angeles office and will be serving in an advisory capacity, are also available. There are no major projects that would impede our ability to focus immediately on the above tasks for the City of Benicia. Neither Leah nor Sabrina has vacations planned that would take them out of the office for any period of time in the next few months.

A timeline in this matter is somewhat difficult to predict since negotiating an oversight arrangement—whether it be an IS&E Consent Decree, an IS&E Order, an Environmental Oversight Agreement or a Voluntary Cleanup Agreement—can take time depending upon the availability of the other parties' attorneys and staff. We anticipate meeting with the client within the first week after completing the contract. Due to our knowledge of oversight documents, we expect our initial review to not take more than a couple of hours.

Selecting a consultant will take between two to six weeks. But negotiations on the oversight agreement can be conducted concurrently. After the oversight arrangement is executed, we anticipate semi-monthly or monthly coordination meetings.

The next EPA funding cycle begins in September 2011; we will be poised to work with the City to apply for those funds. Meanwhile, we will work with the City to apply for state and other federal funds that are not tied to an annual funding cycle.

VIII. Proposed Compensation

Meyers Nave is committed to providing the highest quality legal services at reasonable rates. Clients understand that their legal costs are not determined by the hourly rate alone. Rather, what determines the overall cost is the number of hours charged at that rate. Because of the size, scope and experience of Meyers Nave, the City can be assured that the right attorney with the right skills will be assigned to any matter. This will give the City efficient and effective expertise at an overall lower cost than an attorney at perhaps a lower rate but with insufficient experience. We do not propose teaser rates or unrealistically low rates in order to secure an engagement.

A. Total Number of Hours

We anticipate that the initial scope of work (meeting with the City, getting a consultant on board if necessary, negotiating an oversight agreement with DTSC and coordinating with the other responsible parties) will take between 50-75 hours. We anticipate that the remaining portion of the project will require 10 -20 hours a month with some months consuming more hours and others less.

B. Rates

For this engagement, we propose the following rates.

Principal and Senior Of Counsel	\$350
Of Counsel	\$325
Associate	\$260
Paralegal	\$150

All fees include all office support services. We do not bill for costs such as duplication, word processing time, facsimile charges, delivery charges, and postage expenses; instead, we have found that an overhead charge of 4 percent of each invoice covers these costs. We do bill for third-party expenses such as expert witness fees, deposition and court reporter fees, and electronic legal research.

IX. References

Randy Starbuck, Trans Bay Cable Asset Manager
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
Telephone: 925.252.4006
Attorney: Leah Goldberg

Project description: Randy was the Redevelopment Director when we worked on the school site and several other sites in the Los Medanos Redevelopment Project area. Several of these projects are now built and others are victims of the economic downturn. Now Randy works for the Pittsburg Power Company.

Heather Lee, Deputy City Attorney
City of Oakland
One Frank H Ogawa Plaza
Oakland, CA 94612
Telephone: 510.238.3838
Attorney: Leah Goldberg

Project description: Heather worked with Leah Goldberg on the Oak to Ninth Project in the City of Oakland. This 64 acre site will be developed with high density residential buildings and over 30 acres of open space. The City will ultimately own the open space. But the property is highly contaminated and needs to be remediated first. DTSC is the oversight agency. This project is on-going.

Brad Kilger, City Manager

City of Ceres

2720 Second Street

Ceres, CA 95307

Telephone: 209.538.5755

Attorney: Amrit Kulkarni

Project description: Amrit represents the City as special counsel in its processing of land use entitlements and detailed EIR for a proposed 300,000+ square foot shopping center, including a Wal-Mart Supercenter. This project is still in the environmental review process.

Christopher B. Bobo, City Attorney

Office of the City Attorney

City of Los Angeles, Harbor Division

425 South Palos Verdes Street

San Pedro, CA 90731

Telephone: 310.732.3750

Attorney: Amrit Kulkarni

Project description: We serve as lead outside counsel to the Port in connection with the environmental review of multiple large-scale projects in the Port

Ignacio Dayrit, Director of Programs

Center for Creative Land Reuse

200 Pine Street, Ste 400

San Francisco, CA 94104

Telephone: 415.398.1080 ext. 107

Attorney: Leah Goldberg

Project description: Ignacio is well known in the brownfields world having been the driving force behind the Emeryville redevelopment

Matthew Lust, Project Manager

Community Development Commission for the County of Los Angeles

2 Coral Circle

Monterey Park, CA 91755

Telephone: 323.890.7203

Attorney: Leah Goldberg

Project description: Leah is assisting the CDC to compel cleanup of a former chemical mixing facility in the redevelopment project area.



Leah Goldberg
Sr. Of Counsel

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Practice Groups
Environmental Law
Redevelopment, Real Estate and Housing

California Bar Number
157278

Education
University of California, Hastings College of
the Law JD, 1991 Tony Patiño Fellow

Colorado State University, BA Political
Science, 1985

Practicing Since: 1991

Leah Goldberg specializes in re-use and redevelopment of contaminated properties. She works with developers, responsible parties, redevelopment agencies and regulators to develop brownfields agreements and strategies. In addition, Leah practices general environmental and land use law with an emphasis on clean water, underground storage tanks, stormwater permits, hazardous substances and wastes, California Environmental Quality Act (CEQA) compliance, land use entitlements, Endangered Species Act issues, and Section 404 Wetlands permits. Leah is admitted to practice in California, Colorado and the District of Columbia.

Representative Experience

Anaheim, CA. With Leah's guidance, the Anaheim Redevelopment Agency used the Polanco Redevelopment Act to compel clean-up on four sites. Formerly, the sites had been used as a chrome plating facility, a landfill, a truck maintenance facility and a gasoline station respectively—each use left a legacy of contamination. Two of these sites are now award-winning residential neighborhoods.

San Jose, CA. The first time that the San Jose Redevelopment Agency used the Polanco Redevelopment Act, Leah guided the Brandenburg Family Associates, the San Jose Redevelopment Agency, and the California Regional Water Quality Control Board through the Polanco Redevelopment Act process. This successful clean-up allowed for the property to transfer to a redeveloper, resulting in the revitalization of the Stockton/Julian Redevelopment Area.

Hayward, CA. Leah negotiated the first California Land Reuse and Revitalization Act Agreement with the Department of Toxic Substances Control in December 2005. The Agreement allowed for an efficient and comprehensive clean up of a former pickle plant. The property was subsequently redeveloped for affordable housing. Since then, Leah has completed two additional CLRRA Agreements with the Department of Toxic Substances Control and the first CLRRA Agreement with a Regional Water Quality Control Board.

Pittsburg, CA. Leah worked with the Redevelopment Agency of the City of Pittsburg and the Department of Toxic Substances Control to employ the Polanco Redevelopment Act on two complex sites. The first is a new school site and the other involves a Resource Conservation and Recovery Act (RCRA) permitted property that may be re-used as an industrial park. The school site is partially on a former gasoline station site. The Redevelopment Agency of the City of Pittsburg, employing its Polanco powers, worked with the gasoline station operator and the school district to clean up the property so that it could be used for the school. Conflicting jurisdiction between the Regional Water Quality Control Board and the Department of Toxic Substances Control complicated this redevelopment, but Leah worked with her contacts at these agencies to establish a seamless regulatory oversight arrangement that fulfills the statutory requirements for all parties involved.

Fort Bragg, CA. Leah is working with the Fort Bragg Redevelopment Agency to plan for the re-use of the former Georgia Pacific Mill Site. The mill property, which encompasses one-third of the total land in the incorporated city, presents an enormous land use opportunity for a community that has over the years lost its economic base—which was formerly composed of logging and fishing. However, the re-use of the mill property is complicated by years of industrial activity on the property and a very vocal and concerned community. The regulatory oversight is being handled by the Department of Toxic Substances Control. Leah helped the Agency employ the Polanco Redevelopment Act, including drafting and negotiating several agreements to ensure clean-up that will meet the Agency’s goals for the end use of the property.

Culver City, CA. The Culver City Redevelopment Agency used the Polanco Redevelopment Act, with Leah’s assistance, to compel Shell Oil Co. U.S. to clean up a former vacant gasoline station. The property, which is located on a busy intersection, is part of mixed use project that will reinvigorate the neighborhood.

Professional Affiliations

- Member, California Redevelopment Association, Brownfields Committee
- Chair, Executive Committee, Bar Association of San Francisco, Environmental Law Section
- Member, American Bar Association, Environment, Energy and Resources Sections
- Member, California Bar Association, Environmental Law Section
- Member, Washington, D.C. Bar Association

Presentations and Publications

- Speaker, “Introduction to the Polanco Redevelopment Act.” Los Angeles Regional Quality Control Board, May 26, 2010.
- Speaker, “The Polanco Redevelopment Act, A Special Tool in Your Agency’s Toolbox.” California Redevelopment Agency Distance Learning Program, April 28, 2010.

- Speaker, “Drafting and Negotiating Risk Shifting Provisions in Purchase and Sale Agreements, OPAs and DDAs,” California Redevelopment Association-Redevelopment Institute, July, 2009.
- Speaker, “Say What? Avoid Surprises with Brownfields Property Transactions,” California Redevelopment Association Annual Conference, April, 2009.
- Speaker, “Innovative Approaches to Public/Private Brownfields Remediation,” Association of Environmental Professionals Annual Conference, March, 2008.
- Speaker, “Stop the Bulldozers; This Dirt is Dirty—Reuse of Contaminated Properties,” Sonoma County Bar Association, September, 2008.
- Speaker, “Environmental Risk Shifting – It Is All In the Wrist,” California Redevelopment Association Legal Issues Symposium, August, 2008.
- Speaker, “AB 389: A Brownfields Program Worth Renewing?” Bar Association of San Francisco Environmental Law Section, July 2008.
- Speaker, “Deal Stoppers and How to Solve Them,” U.S. EPA Conference on Nuts and Bolts of Brownfields Redevelopment, April, 2008.
- Speaker, “Redevelopment Teams, Partnering with Redevelopment Agencies for Brownfield’s Reuse in Southern California,” Meyers Nave Public Law Breakfast Series, March, 2008.
- Speaker, “Introduction to the Polanco Redevelopment Act,” Presentation to the Truckee Redevelopment Agency and the Lahontan Regional Water Quality Control Board, March, 2007.
- Speaker, “Mixing and Matching Brownfields Tools on Complex Sites,” California Redevelopment Association Annual Conference, February, 2007.
- Speaker, “Take a Look Around - Environmental Due Diligence, All Appropriate Inquiry,” Bay Area City Attorneys Luncheon, October, 2006.
- Speaker, “Stop the Bulldozers’ This Dirt is DIRTY!!” CEB Land Use Program, October, 2006.
- Speaker, “Deal or No Deal,” CRA Legal Issues Symposium, August, 2006
- Speaker, “Introduction to the Polanco Redevelopment Act.” Presentation to LA Regional Board, May, 2006.
- Speaker, “Environmental Due Diligence, All Appropriate Inquiry,” Meyers Nave Public Law Breakfast Series, May 2006.
- Speaker, “Hot Topics in Brownfields Reuse.” CRA Annual Conference, March, 2006.
- Speaker, “Successful Teams Partnering with Redevelopment for Brownfields’ Reuse in the Central Valley?” Meyers Nave Public Law Breakfast Series, Sacramento, CA, January, 2006
- Article, “An Ounce of Prevention Could be Worth Millions,” The Transportation Lawyer, 2003.
- Article, “Brownfields,” Handbook of Environmental Science, Health and Technology, First Edition, McGraw Hill, 2000.

- Article, "Polanco Act, Can It 'Save' Your City?" Redevelopment Journal, 1998.
- Article, "How Do Redevelopment Agencies Spell Relief? The Polanco Act," Redevelopment Journal, 1997.
- Article, "Is Re-use of Contaminated Properties a Pie-in-the-Sky Idea?" Clearwater Group Inc., 1997.
- Article, "Public Litigation Update," League of California Cities, City Attorney's Department, 1996.



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Education
Whittier Law School, JD, cum laude, 1997
Vermont College of Norwich University,
BA, Liberal Arts, 1993

John Harris is one of our firm's lead attorneys on environmental and energy issues. He brings over 29 years of experience to Meyers Nave, advising both public agency and private clients throughout California on their rights, obligations, liabilities and opportunities under federal, state and local environmental laws and regulations, and representing clients in complex litigation. John has represented numerous public agencies and groups of cities throughout California in a wide variety of environmental litigation cases, including representing cities in litigation over the management of public stormwater control systems and liabilities arising from urban runoff and floods. John has also litigated CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) claims, environmental insurance coverage matters, contaminated property and groundwater clean-up and cost recovery cases. He has negotiated with the U.S. Environmental Protection Agency, the California Department of Toxic Substances Control, the State Water Resources Control Board and environmental groups regarding NPDES public stormwater permits and other Clean Water Act matters. He has handled Superfund cases brought by the U. S. Environmental Protection Agency, the State of California and private parties.

John has also litigated many different types of oil and gas cases, such as: lawsuits over the rights of landowners and royalty owners under oil and gas leases and operating agreements, lease termination disputes, drainage and development and subsurface trespass claims, actions for breach of implied covenants and fiduciary duty, quiet title matters and other title disputes, claims for misuse of confidential information, constitutional questions, secured transactions issues, and securities fraud cases. John's experience has given him a unique understanding of the technical issues, business cases and political considerations involved in oil operations in California.

John is particularly experienced in the redevelopment of brownfields sites, including assisting public agencies in obtaining federal grants and assisting agencies in exercising their rights

under the Polanco Redevelopment Act, and negotiating environmental insurance policies. John is an active participant in the California Redevelopment Association's Brownfields Committee and was a member of the Committee's negotiating team that developed the Redevelopment Agency Environmental Oversight Agreement in partnership with the Department of Toxic Substances Control. John represents public agencies, school districts, property owners and tenants in negotiations for the remediation of properties and has assisted in the oversight of numerous remediation projects such as the Los Angeles to Pasadena Metro Blue Line Construction Authority, oversight of the remediation of a public park which had been contaminated through its prior use as a military facility, and oversight on behalf of a city of the remediation of a former tank farm for commercial/residential development. Clients have called upon John to assist in dealing with and obtaining permits and approvals from California environmental agencies. He assists clients with obtaining permits, waste discharge requirements and other approvals from California environmental agencies, such as the Regional Water Quality Control Board and the Department of Toxic Substances, and other state and local agencies.

John regularly counsels public agencies on their compliance with the federal Clean Water Act and California's Porter-Cologne Act. He has represented cities throughout California in negotiating and implementing NPDES (National Pollutant Discharge Elimination System) public stormwater permits and the development and implementation of their stormwater programs. His environmental expertise includes regularly advising public entity and private sector clients on the impact of environmental laws on the redevelopment, acquisition, sale, financing and leasing of property.

John also regularly advises operators, landowners, working interest owners, public agencies, universities and institutional clients on energy, oil and gas, and environmental matters. He has extensive experience in all aspects of the oil industry, including the challenges faced by landowners and royalty owners in dealing with operators, as well as the wide range of operational problems faced by exploration and production companies operating in California and in other states. On the transactional side of his practice, John has helped landowners and industry clients in oil and gas lease negotiations, sales of oil- and gas-producing properties and pipelines, operating agreements, financing transactions, and production purchase and sales agreements—as well as agreements with governmental agencies. John provides mineral title opinions to operators and landowners and also assists clients in solving complex title problems.

Representative Experience

Environmental and Other Complex Litigation

- *Catlin Specialty Insurance v. Yoelin*. Representation of insured in coverage and bad faith action against two carriers on claims regarding petroleum storage tanks.
- *County of Los Angeles et al. v. California State Water Resources Control Board et al.* Represented eight cities in administrative and Superior Court petitions and subsequent lawsuits, challenging the terms of the 2001 Public NPDES Permit for Los Angeles County. Author of California League of Cities Amicus Letter regarding petition for review to Supreme Court.

- *City of Rancho Cucamonga et al. v. Regional Water Quality Control Board et al.* Represented cities in mandamus action in challenging the 2002 San Bernardino County Public NPDES Permit for urban runoff.
- *City of Burbank and City of Los Angeles v. State Water Resources Control Board et al.* Authored Amicus Curiae brief of the League of California Cities in support of petitioners, City of Burbank and City of Los Angeles.
- *Cities of Arcadia et al. v. State Water Resources Control Board et al.* Authored Amicus Curiae brief of the League of California Cities in support of Petitioner cities challenging TMDL.
- *Bach v. Yoelin.* Defense of oil and gas operator on environmental contamination claims.
- *Carson Harbor Village Ltd. v. County of Los Angeles et al.* Successfully defended the City of Carson on Clean Water Act, CERCLA, Resource Conservation and Recovery Act (RCRA) and common law claims and contribution and indemnity cross-claims relating to claims of contaminants in stormwater.
- *Phillips Petroleum Company v. County of Los Angeles et al.* and *Shell Oil Company et al. v. County of Los Angeles et al.* Successfully defended 11 cities in CERCLA action regarding the alleged disposal of public waste at the Cal Compact Disposal Site in Los Angeles County.
- *AES Redondo Beach, LLC v. City of Redondo Beach.* Represented the City in administrative and judicial proceedings regarding the assessment of \$56 million utility users on natural gas used at an electrical generating plant.
- *City of Norwalk v. Five Point U-Serve, Inc. et al.* Represented a public water supplier in action to recover cost of remediating contamination of water supply well.
- *City of Aliso Viejo v. City Of Mission Viejo et al.* Represented the City in administrative petition to the State Water Resources Control Board, challenging the terms of the Public NPDES Permit for South orange County and obtained a partial stay of the Permit. (SWRCB Order WQO 2002-0014)
- *City of Huntington Beach v. K.J. Enterprises et al.* Represented a public lessor in an action to compel operator to plug and abandon an idle well and remediate environmental contamination so that a public beach maintenance facility could be built on the property. The case resulted in a settlement in which the operator abandoned the well and related facilities.
- *Miller v. Union Oil Company of California.* Represented a surface owner of producing property in Santa Fe Springs to compel operator to plug and abandon idle wells and remediate environmental contamination so that property could be developed for commercial purposes.
- *Cedars-Sinai Medical Center v. Atlantic Richfield Company et al.* Successfully defended a property owner in suit brought by adjoining property owner alleging environmental contamination relating to oil production operations.
- *Hay v. Commonwealth Insurance Company et al.* Instigated an action against ten insurance carriers. The case resulted in payment of defense costs and other payments in settlement of bad faith claims.

- *City of Brea v. Esco Rubber Company*. Represented the City of Brea in action to recover environmental response and remediation costs resulting from contamination of a stream and storm drain system following a fire at a rubber plant. The case resulted in a favorable settlement for the client.
- *City of Brea v. Hall & Foreman, Inc. et al.* Represented the City of Brea in action to recover from consultants and contractors inflated costs for remediating a former oil producing property. The case resulted in a favorable settlement for the client.
- *Decalta International Corporation v. Royal Insurance of Canada et al.* Represented the PRP in action against fourteen insurance carriers for defense costs and future remediation costs at Oil Superfund site. The case resulted in a favorable settlement for the client.

Administrative and Compliance Matters

- Represented and advised numerous cities, corporations and individuals with respect to their compliance with state and federal environmental laws and regulations and in obtaining permits and approvals from California environmental agencies, such as the Regional Water Quality Control Board and the Department of Toxic Substances, as well as local and other agencies.
- Served as lead representative for over twenty cities in drafting the Los Angeles County NPDES public stormwater permit in negotiations with the State Water Resources Control Board, the Regional Water Quality Control Board, the U.S. Environmental Protection Agency, and numerous environmental groups. He also drafted public stormwater ordinances for cities to comply with permit and responsible for supervision of permit compliance. Finally, he headed numerous workshops on permit compliance.
- Served as a member of the California Redevelopment Association's Brownfields Committee negotiating team that developed the recent Environmental Oversight Agreement in partnership with the Department of Toxic Substances control and form AB 389 Agreement.
- Represented the City in acquisitions and remediation of properties for large commercial redevelopment project, including a USEPA Project.
- Represented the Carson Redevelopment Agency in acquisitions and remediation of properties, including the redevelopment of a 93-acre former landfill site as a brownfields project.
- Responsible for public enforcement of environmental ordinances, including drafting pipeline and environmental related ordinances. He also supervised numerous environmental remediation projects, including contracting with and supervision of environmental consultants, including clean-up of producing properties, tank farms and facilities and underground storage tank sites.
- Served as chief environmental counsel for the Los Angeles to Pasadena Metro Blue Line Construction Authority: Responsibilities included the oversight of the environmental aspects of the property acquisition, construction and remediation for a light rail project, as well as joint development of station sites.
- Represented a city in negotiations with Department of Toxic Substances (DTSC) and the U.S. Army Corps of Engineers for remediation of a public park former used as a rifle range.

- Counseled landowner in negotiations with Regional Water Quality Control Board for permitting of inert waste landfill and in defending the issuance of waste discharge requirements before the State Water Resources Control Board.
- Negotiated remediation agreements, consent decrees and prospective purchaser agreements with California environmental agencies and the U.S. Environmental Protection Agency.
- Represented City of Brea in negotiations to acquire oil producing property to be developed for sports and recreational facilities.
- Represented redevelopment agencies in implementation of Polanco Act powers to compel remediation of contaminated properties.

Professional Affiliations

- Member, California Redevelopment Association's Brownfields Committee
- Member, California Bar Association, Environmental Law section
- Member, California Bar Association, Natural Resources subsection of Real Property section
- Member, Los Angeles County Bar Association, Environmental Law section
- Editor, ABA Natural Resources, Energy and Environmental Law Section's "Year in Review," Oil and Natural Gas Exploration and Production Committee's Annual Report

Presentations and Publications

- Frequent speaker on environmental, brownfields and oil and gas issues for numerous professional and trade associations.
- Site Design to Protect Stormwater Quality: How New Rules Will Affect You, American Planners Association, October 2000.
- The Impact of Standard Urban Stormwater Mitigation Plans on Cities and Developers, Los Angeles County Bar Association Environmental Law Section, Spring 2001.
- The Bare Minimum That City Attorneys Need to Know About the Renewed Public NPDES Permits for Stormwater and Urban Runoff in Southern California, League of California Cities Continuing Education Seminar, February 2002.
- NPDES Permit Development, Orange County City Attorneys' Association, April 2005.
- Current Issues in Storm Water Regulation seminar, Oakland, June 2007.
- What Planners Should Know About the Redevelopment of Brownfields Sites: New obligations and Opportunities for Cities.
- The New DTSC Environmental Oversight Agreement, Association of Environmental Professionals, April 2004.

- Legislative and Regulatory Changes in the Environmental Assessment and Development of Contaminated Properties, 15th Annual Association of Environmental Health and Sciences meeting and West Coast Conference on Boils, Sediments and Water, March 2005.
- The Legal Perspective on Risk-Based Corrective Action, California Redevelopment Association Legal Issues Symposium, August 2005.
- The End of the Innocent Landowner Defense, California Redevelopment Association Legal Issues Symposium, August 2005.
- The Practical and Legal Aspects of Managing Environmental Review of Extended Right Of Way Projects, IRWA, October 2005.
- The Role of Redevelopment Agencies in Brownfields Development, March 2006.
- Institutional Controls on Contaminated Sites, California Redevelopment Association Legal Issues Symposium, August 2006.
- GASB New Accounting Requirements for Pollution Remediation, CSAC EIA Board of Directors, October 2006.
- New Approaches to Old Problems: Mixing and Matching Brownfields Tools to Maximize Redevelopment Opportunities, California Redevelopment Association Annual Conference, March 2007.
- A Year in the Life of a Development Deal: Land Use Impacts on Real Estate Transactions, Bakersfield, March 2007.



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Education
Northwestern School of Law of Lewis and
Clark College, JD, 1998

University of California at Santa Cruz, BA
Environmental Studies / Policy and
Planning, 1994

Practicing Since: 1999

Amrit Kulkarni is the head of the firm's Land Use and Environmental Law Practice Group. His practice focuses on all aspects of land use and environmental law. He has represented public entities and private clients in numerous matters and cases involving the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), the State Planning and Zoning Law, the Coastal Act, the Tidelands Trust, the Subdivision Map Act, the Cortese-Knox-Hertzberg Act, the Mitigation Fee Act, the Clean Water Act and civil rights claims in the land use context. Several of these cases have resulted in published appellate decisions.

Amrit has significant land use experience representing public agencies in connection with controversial, large-scale public infrastructure, transportation and development projects. He also has substantial experience obtaining and defending land use entitlements for major commercial development projects.

Representative Experience

Development Experience

- All Plains American Crude Oil Marine Terminal, Tank Farms, and Pipelines Project. Currently advising the Port of Los Angeles (POLA) on compliance with CEQA and NEPA in connection with its preparation (along with the U.S. Army Corps of Engineers) of a joint Environmental Impact Statement (EIS) / Environmental Impact Report (EIR) for a proposed crude oil terminal and related infrastructure.
- Berths 97-109 (China Shipping) Container Terminal Project. Currently advising POLA on compliance with CEQA and NEPA in connection with its preparation of a joint EIS/EIR for a proposed new 142-acre container terminal and related infrastructure and for the China Shipping Lines at Berths 97-109 of the Port.

- Clean Trucks Program. Represented POLA and the Port of Long Beach in connection with environmental review of implementation of concession program to convert existing diesel trucks to LNG.
- Trapac Container Terminal Project. Advised POLA on compliance with CEQA and NEPA in connection with its preparation of a joint EIS/EIR for a proposed lease to expand container terminal operations at Berths 136-147.
- Ultramar Inc. (Valero) Marine Terminal Lease Renewal Project. Currently advising POLA on compliance with CEQA and NEPA in connection with its preparation of an EIR for a proposed lease renewal for a marine petroleum products terminal on a 10-acre site at Berths 163-164. Under the proposed lease renewal, annual throughput at the facility would increase to 17 million barrels, from an existing rate of 14 million barrels.
- Best Rock Products Corporation, Aggregate Mine Expansion. Representing Best Rock regarding application to County of Ventura for major expansion of aggregate mining operation and related CEQA review.
- DesertXpress. Currently advising municipalities regarding NEPA/CEQA and related issues in connection with the High Speed Rail project, DesertXpress, between Victorville and Las Vegas.
- JAKS Commercial Shopping Center, Hemet, California. Represented the developer in connection with application for land use entitlements and CEQA review for a regional commercial shopping center in Hemet.
- Los Angeles International Airport. Represented Los Angeles International Airport (LAX) in connection with its recent approval of a \$13 billion airport expansion. Amrit advised LAX on a broad range of land use and environmental issues, including CEQA, NEPA, the California Coastal Act, the Federal Coastal Zone Management Act, the federal and state endangered species laws, and other state and federal regulatory requirements. Amrit was also the lead outside land use counsel for the CEQA review of the South Airfield Improvement Project, the first project to be implemented under the LAX Master Plan. In addition, Amrit assisted LAX in the defense against multiple lawsuits challenging the approval of the airport's expansion plans for violations of the CEQA, NEPA and the California Coastal Act.
- Lowes Shopping Center Project, Concord, California. Representing Lowe's in connection with its application for land use entitlements and CEQA review for a regional commercial shopping center in the City of Concord.
- Lowe's Home Improvement Store, Hemet, California. Represented Lowe's in connection with application for land use entitlements and CEQA review for a new store in Hemet and successfully defended land use approvals in a CEQA lawsuit filed by a public interest group.
- Lowe's Home Improvement Store, Rocklin, California. Representing Lowe's in connection with its application for land use entitlements and CEQA review for a new store in the City of Rocklin.
- Lowe's Home Improvement Store, West Fresno, California. Representing Lowe's in connection with its application for land use entitlements and CEQA review for a new store in Fresno.

- Regents of the University of California. Currently representing the University of California in multiple campus expansion projects, including the University of California Santa Cruz, North Campus Expansion and the University of California Lawrence Berkeley National Laboratory Solar Energy Research Project.
- United States Postal Service (USPS) Relocation of Western Regional Hub To Reno/Tahoe International Airport. Advised several homeowners' organizations in connection with USPS' environmental assessment under NEPA for the relocation of its Western Regional Hub from Oakland to Reno/Tahoe International.
- Wal-Mart Super Center, Ceres, California. Representing City of Ceres in connection with CEQA review for Wal-Mart super center and additional anchor tenants.

Land Use Litigation Experience

- *Aetna v. South San Francisco*. Defended the City of South San Francisco regarding the adoption of a general plan update against state and federal claims of regulatory takings, equal protection, failure to comply with state planning laws and failure to comply with CEQA. Obtained a trial court ruling in favor of the city which was upheld on appeal.
- *Benicia Harbor Corporation v. City of Benicia*. Successfully defended the CEQA review prepared by the City of Benicia for construction of an emergency storm water drainage system from lawsuit filed by the Benicia Harbor District. The trial court ruled in favor of the City, and the appellate court affirmed.
- *Berkeley Keep Jets Over the Bay v. Port Of Oakland*. Successfully represented the City of San Leandro in its challenge of the Port of Oakland's CEQA review of its airport expansion plans.
- *CASWLTS v. City of Hemet*. Successfully represented developer in a CEQA lawsuit by a public interest group challenging the City of Hemet's approval of regional shopping. The court dismissed the case on statute of limitations grounds.
- *Citizens for Political Responsibility v. City of Pico Rivera*. Successfully defended against a lawsuit filed by a public interest group challenging the approval of a Wal-Mart super center for failure to comply CEQA and the City's Redevelopment Plan.
- *City of Lathrop v. County of San Joaquin*. Successfully represented the City of Lathrop in a CEQA lawsuit challenging the County of San Joaquin's approval of an animal slaughterhouse and feed lot in the City's sphere of influence that would have interfered with the City's plans to promote major residential development in the same area.
- *City of Riverside v. City of Los Angeles*. Currently representing the POLA in a CEQA lawsuit filed by the City of Riverside challenging the Port's certification of an EIR for the China Shipping Container Terminal Project. The lawsuit alleges that the POLA failed to adequately analyze regional air quality and transportation impacts associated with the project.
- *Garrett Hardware v. Town of Windsor*. Successfully defended against a host of CEQA and State Planning and Zoning Law challenges to a series of approvals for a regional shopping center brought by

a business competitor. After winning summary judgment in one case (challenging a gas station and fast food restaurant component of the shopping center) and assisted with bulletproofing a supplemental EIR for Home Depot to be added to the center, Garratt Hardware finally withdrew their remaining legal challenges.

- *Hernandez v. City of Atwater*. Represented the City of Atwater against a lawsuit filed by a public interest group challenging the approval of a regional shopping center, including a Super Target, for violations of CEQA and the State Planning and Zoning Law.
- *Las Lomas Land Company LLC v. City of Los Angeles*. Defending City in action brought by developer for violation of CEQA, due process and equal protection for denial of annexation and pre-zoning for 5,000-home development
- *Monterey Hills Investors v. City of Los Angeles*. Representing City in connection with lawsuit filed by developer challenging City's decision to require additional environmental review for proposed development and related land use civil rights claim.
- *Morada Area Association v. City of Stockton*. Successfully represented the City of Stockton in San Joaquin County Superior Court against a challenge to the City of Stockton's certification of an EIR for the construction of wastewater collection infrastructure to serve undeveloped areas of the City planned for future development. The City had previously prepared a Program EIR for a general plan update in 1990 which examined the impacts of planned urbanization of undeveloped areas of the City. The EIR challenged in this case relied on the prior Program EIR and focused its analysis on the impacts of constructing the wastewater collection infrastructure. Petitioner claimed that the City was required to reanalyze the cumulative and growth inducing impacts of the wastewater collection infrastructure because it would facilitate future development.
- *Natural Resources Defense Council v. City Of Los Angeles*. Currently represents POLA in connection with litigation regarding the implementation of the terms of a stipulated judgment between POLA and NRDC over CEQA/NEPA litigation challenging the approval of the West Basin Transportation Improvement Program.
- *Riverwatch v. City of Healdsburg*. Represented the City of Healdsburg in a seven-day trial in federal court regarding a Clean Water Act citizen suit claiming that the City had discharged pollutants into navigable waters. This case was one of the first cases applying the Rapanos decision by the U.S. Supreme Court.
- *United States of America Ex. rel. Pram Nguyen v. City of Los Angeles*. Representing Los Angeles World Airports in \$200 million False Claims Act Lawsuit claiming violations of the Clean Air Act and FAA grant funding requirements.

Professional Affiliations

- Member, California State Bar
- Member, Environmental Law Section, California State Bar

- Member, Airports Council International

Presentations and Publications

- Ailanto v. City of Half Moon Bay (2006) 142 Cal.App.4th 572
- City of Goleta v. Superior Court (2006) 40 Cal.4th 270
- Northern California River Watch v. City of Healdsburg (2006) 457 F.3d 1023
- City of Half Moon Bay v. Superior Court (2003) 106 Cal.App.4th 795
- Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (2001) 91 Cal.App.4th 1344
- Las Lomas Land Company, LLC v. City of Los Angeles (2009) 177 Cal. App. 4th 837



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Education
Hastings College of the Law, JD, 1997
University of New Mexico, BA History cum
laude, Minor Biology, 1994

Practicing Since: 1997

Gregory J. Newmark represents local agencies in litigation and compliance matters regarding water quality, water rights, inverse condemnation, brownfields, land use, First Amendment, and other constitutional issues. He also advises public entities on compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and reviews environmental documents on behalf of these entities.

Gregory has assisted clients on a broad array of environmental and land use matters. He often represents clients in administrative permitting and enforcement proceedings before California Regional Water Quality Control Boards. He works closely with his clients and with water board staff and counsel to negotiate the terms of permits and orders. When necessary, he litigates administrative appeals and civil actions on behalf of waste discharge and NPDES permittees. Gregory currently manages litigation in environmental, land use, and oil and gas matters.

Prior to joining Meyers Nave, Gregory was a Deputy Attorney General at the California Department of Justice. In that capacity, he represented natural resources agencies (e.g., the State Water Resources Control Board, the Department of Forestry and Fire Protection, the Department of Water Resources, the Department of Fish and Game) in trial court and appellate litigation surrounding the issues of air and water pollution, inverse condemnation, CEQA, exotic species, endangered species, fire suppression cost recovery and many others.

As Deputy Attorney General, Gregory presented oral argument in the first Clean Water Act case reviewed by the California Supreme Court. (*Burbank v. State Water Resources Control Board* (2005) 35 Cal.4th 613.) He also argued the first California reported decision to adjudicate a challenge to the merits of a total maximum daily load (TMDL) under the Clean Water Act and California's Porter-Cologne Water Quality Control Act. (*City of Arcadia, et al. v. State Water Resources Control Board, et al.* (2006) 135 Cal.App.4th 1392.)

Gregory received commendations from the State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region, for his representation of those agencies in water quality litigation. He was also commended by the U. S. Department of Justice “for outstanding performance and invaluable assistance” in a water quality case.

Prior to joining the Attorney General’s Office, Gregory represented non-profit groups in environmental citizen suits under Proposition 65, NEPA, the Clean Water Act and the Endangered Species Act. During law school, he served as a judicial extern to the Honorable A. James Robertson II in San Francisco Superior Court.

Gregory is admitted to the U.S. Court of Appeals for the Ninth Circuit, and the U.S. District Court of California, Northern and Central Districts.

Experience

Water Quality / Water Rights

- *City of Burbank, et al. v. State Water Resources Control Board, et al.* Defended State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region, in a challenge to wastewater discharge permits by the cities of Burbank and Los Angeles. The issues involved California Porter-Cologne Water Quality Control Act, federal Clean Water Act, state Administrative Procedure Act, CEQA and fee recovery under Code of Civil Procedure section 1021.5. Assisted lead trial counsel in superior court, and was lead counsel on appeal and remand. Presented oral argument in California Supreme Court. (*Burbank v. State Water Resources Control Board* (2005) 35 Cal.4th 613.)
- *United States of America, et al. v. City of Alameda, et al.* Representing Stege Sanitary District, in collaboration with other operators of sewage collections systems, in federal court enforcement action by U.S. Environmental Protection Agency and intervenor plaintiff San Francisco Baykeeper regarding allegedly unlawful discharges of primary treated wastewater and sanitary sewer overflows, and seeking injunctive relief requiring infrastructure improvements to regional sewage collection and treatment systems.
- *United States of America, et al. v. East Bay Municipal Utility District.* Representing Stege Sanitary District, in collaboration with other operators of satellite sewage collection systems, in negotiations with the U.S. Environmental Protection Agency and Department of Justice regarding federal court enforcement action seeking injunctive relief requiring infrastructure improvements to regional sewage collection and treatment systems.
- *San Francisco Baykeeper v. City of South San Francisco.* Representing City of South San Francisco in federal Clean Water Act citizen suit regarding sanitary sewer overflows from City’s sewage collection system.

- Representing City of Sebastopol in responding to 60-day notice of intent to sue under the federal Clean Water Act from Northern California River Watch regarding sanitary sewer overflows and force main failure.
- *Our Children's Earth Foundation v. City of Pacifica*. Representing City of Pacifica in federal Clean Water Act citizen suit, and in related enforcement proceedings by California Regional Water Quality Control Board, San Francisco Bay Region, regarding sanitary sewer overflows and bypass of partially treated wastewater allegedly in violation of NPDES permit requirements.
- *United States, et al. v. City of Los Angeles*. Represented plaintiff California Regional Water Quality Control Board, Los Angeles Region, in enforcement action against City of Los Angeles involving over 4,000 sewage spills under California's Porter-Cologne Water Quality Control Act and the federal Clean Water Act. Acted as lead trial counsel for the state in close collaboration with co-plaintiffs the United States and environmental groups. After intensive discovery and law and motion practice, lengthy negotiations led to a settlement that provided substantial penalties and millions of dollars in injunctive relief to improve wastewater infrastructure.
- *Palmdale Water District v. City of Palmdale*. Defending City of Palmdale in lawsuit brought by local water district seeking to enjoin City's efforts to obtain and utilize recycled water and alleging claims under the Water Recycling Act of 1991.
- Mt. View Sanitary District – Sanitary Sewer Overflow. Represented Mt. View Sanitary District in negotiations and preparation of formal response to administrative civil liability complaint for civil penalties from California Regional Water Quality Control Board, San Francisco Bay Region, regarding sanitary sewer overflow in Contra Costa County.
- Representing the City of Healdsburg in settlement negotiations and administrative proceedings regarding administrative civil liability complaint from California Regional Water Quality Control Board, North Coast Region, alleging violations of NPDES permit effluent limitations.
- Representing City of Barstow in negotiations with California Regional Water Quality Control Board, Lahontan Region, and administrative appeal to State Water Resources Control Board of order to investigate groundwater contamination and develop remediation plan and order to supply replacement drinking water.
- Representing the Water Replenishment District in response to threat of administrative civil liability penalties for alleged violations of general NPDES permit reporting requirements.
- Representing City of Inglewood in administrative petition to the State Water Resources Control Board challenging a Notice of Violation and Water Code § 13383 Order issued by the Regional Water Quality Control Board alleging violations of MS4 NPDES Permit based on alleged exceedances of the Santa Monica Bay Beaches Bacteria Dry Weather TMDL.
- Representing City of Healdsburg in NPDES permitting proceedings before the California Regional Water Quality Control Board, North Coast Region, including issues regarding proper interpretation of Basin Plan and calculation of effluent limitations.

- Representing Cities of Dublin and San Leandro in administrative appeal of California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit challenging both administrative procedures for permit adoption as well as improper substantive requirements imposed in violation of state and federal law.
- Southern California Regional Rail Authority – Tunnel 26. Representing Southern California Regional Rail Authority (Metrolink) in preparing response to directive from California Regional Water Quality Control Board, Los Angeles Region, to submit a report of waste discharge for groundwater pumped out of Tunnel 26 near Chatsworth, California.
- Administrative Proceedings Regarding City of Dixon Wastewater Treatment Plant. Represented the City of Dixon in proceedings before the California Regional Water Quality Control Board, Central Valley Region, challenging complaint for administrative civil liability and cease and desist order relating to alleged reporting violations and groundwater contamination.
- Bartlett Petroleum Groundwater Contamination – Ben Hur Road Site. Representing County of Mariposa in negotiations regarding replacement drinking water supply and clean-up with the owner of an underground storage tank that caused MTBE contamination of County drinking water well.
- Los Angeles River Trash TMDL Litigations (*Cities of Arcadia, et al. v. State Water Resources Control Board, et al.*; *City of Los Angeles Bureau of Sanitation v. State Water Resources Control Board, et al.*; *County of Los Angeles, et al. v. State Water Resources Control Board, et al.*) Represented defendant State Water Resources Control Board and California Water Quality Control Board, Los Angeles Region in actions challenging regulations adopted to control the amount of trash discharged through stormwater drains into the Los Angeles River Watershed. Acted as lead trial and appellate counsel. The cases brought by the City of Los Angeles and the County of Los Angeles resulted in a mutually satisfactory settlement. In action by Cities of Arcadia, et al., the superior court issued split judgment after trial, adjudicating some issues in favor of each side. The published appellate opinion (*City of Arcadia, et al. v. State Water Resources Control Board, et al.* (2006) 135 Cal.App.4th 1392) resolved all water quality issues in favor of the water boards, but found the Los Angeles River Trash TMDL had not been adopted in compliance with CEQA.
- Pre-1914 Appropriative Water Rights Assessment. Representing Northern California municipality in effort to research, investigate and substantiate the priority and scope of its pre-1914 appropriative water rights in response to correspondence from enforcement staff at the State Water Resources Control Board.
- Water Rights to Treated Wastewater Assessment. Providing water rights counsel to Central Valley municipality regarding competing water rights claims to treated wastewater.
- Analysis of Surface Water Rights in Adjudicated Basin. Researching and analyzing regulatory compliance obligations and transfer of water rights in an adjudicated basin in Northern California.
- *Cities of Arcadia, et al. v. State Water Resources Control Board, et al.* Defended State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region, in action challenging regulation adopted to control the amount of trash discharged through stormwater drains

into the Los Angeles River Watershed. Acted as lead trial counsel and filed a demurrer resulting in dismissal because regulation was not final.

- *Cemex, Inc., et al. v. California Regional Water Quality Control Board*. Defended California Regional Water Quality Control Board, Los Angeles Region, in action brought by mining company challenging wastewater discharge permits. Acted as lead attorney in negotiations leading to mutually satisfactory resolution.
- *County Sanitation District No. 2 of Los Angeles County v. State Water Resources Control Board, et al.* Represented defendants State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region, in action challenging wastewater discharge permits. Acted as lead attorney during initial motions, defeating application for stay of challenged permit conditions and successfully moving for change of venue.
- *City of Thousand Oaks v. State Water Resources Control Board, et al.* Defended State Water Resources Control Board and California Regional Water Quality Control Board, Los Angeles Region, in action challenging \$2.3 million civil penalty assessed against the plaintiff City of Thousand Oaks for spilling 86 million gallons of raw sewage. Settled for payment of reduced penalty.
- *County Sanitation District No. 20 of Los Angeles County v. California Regional Water Quality Control Board, Lahontan Region*. Represented defendant California Regional Water Quality Control Board, Lahontan Region, in action challenging cease and desist order issued to abate contamination of groundwater by wastewater.
- *County Sanitation District No. 14 of Los Angeles County v. California Regional Water Quality Control Board, Lahontan Region*. Defended California Regional Water Quality Control Board, Lahontan Region, in action challenging cease and desist order issued to abate nuisance created by flooding of dry lake with wastewater.

Inverse Condemnation / CEQA

- *Speights v. City of Oceanside, et al.* Defending City of Oceanside in inverse condemnation suit brought by developer seeking \$12 million in damages alleging unreasonable pre-condemnation conduct (a *Klopping* claim) and alleged improper exactions.
- *Malibu Canyon L.P. v. County of Los Angeles*. Representing County of Los Angeles in Subdivision Map Act and inverse condemnation action alleging that developer suffered \$80 million in damages when its final subdivision map was not accepted for filing.
- *Eliopulos v. City of Palmdale*. Represented City of Palmdale in post-trial motions and on appeal in developer's action for breach of contract, inverse condemnation, and petition for writ of administrative mandate. City prevailed on the merits and recovered attorneys' fees.
- *People of State of California, Ex Rel. Attorney General Bill Lockyer and State Park and Recreation Commission v. Foothill/Eastern Transportation Corridor Agency, et al.* Represented State Park and Recreation Commission in action alleging environmental analysis of toll road project violated CEQA.

- *Munari v. City of El Paso De Robles, et al.* Defended Department of Fish and Game as lead counsel on CEQA issues in action by developer challenging denial of development application by City of Paso Robles and mitigation requirements imposed by Department of Fish and Game relating to endangered species. Successfully resolved by summary judgment, which was affirmed by Court of Appeal.
- *Southern California Bass Council, et al. v. State Of California, et al.* Defended Department of Water Resources on remand from Court of Appeal judgment finding violation of CEQA in connection with seismic retrofit of state water project. Negotiated settlement agreement, ending nine years of litigation.
- *Teasdale v. California Department of Food and Agriculture.* Represented defendant Department of Food and Agriculture in inverse condemnation action arising from enforcement of Red Imported Fire Ant quarantine against plaintiff nursery owner. Prevailed by motion for summary judgment and successfully defending appeal.
- *Lee Vinocur v. California Integrated Waste Management Board.* Successful defense of California Integrated Waste Management Board in appeal from favorable judgment rejecting regulatory takings claims.

Miscellaneous Environmental Matters

- *Bach v. Yoelin, et al.* Defending oil and gas operator against claims by surface rights owner alleging trespass, environmental contamination and seeking to quiet title. Obtained temporary restraining order and preliminary injunction securing continued access to oil and gas production assets, and preparing for trial in Ventura County Superior Court.
- *Catlin Insurance, et al. v. Yoelin.* Defending oil and gas operator in declaratory relief action filed by insurer in United States District Court for the Central District of California seeking to deny coverage, and counterclaim against insurer alleging insurance bad faith.
- *Anaheim Redevelopment Agency v. Tesoro Refining and Marketing.* Representing redevelopment agency as plaintiff in civil action to recover costs of remediating contaminated property under Polanco Redevelopment Act and common law theories.
- *Redevelopment Agency of the City of Pittsburg v. Marine Express, Inc.* Representing redevelopment agency as plaintiff in civil action to recover costs of investigating remediating contaminated property under Polanco Redevelopment Act and to compel property owner to take remedial actions.
- Representing Southern California redevelopment agency in negotiations with responsible parties to compel clean-up or cost recovery for properties contaminated by petroleum production facilities and underground storage tanks.
- Proposed Glamis Imperial Gold Mine. Represented the Attorney General in his independent capacity in evaluating and commenting on actions of U.S. Department of Interior decision to reverse position of previous administration regarding proposed cyanide heap-leach gold mine.
- *Ironite Products Company v. California Department of Food and Agriculture.* Defended California Department of Food and Agriculture and its secretary in challenge by fertilizer manufacturer to

regulations requiring labeling of heavy metal content in fertilizers and restricting levels of certain heavy metals. Successfully defended regulation in trial court and appellate proceedings, and negotiated favorable settlement after a denial of writ of supersedeas.

- *People of State of California Ex Rel. Air Resources Board, et al v. Pacific Custom Material.* Represented the Attorney General in his independent capacity, the Air Resources Board and the Ventura County Air Pollution Control District as plaintiffs in enforcement action against aggregate manufacturing facility for violation of air pollution permits and requirements.
- *People of State of California, et al. v. Mesa Exhaust Products, Inc., et al.* Represented Attorney General in his independent capacity and the Air Resources Board as plaintiffs in enforcement action against after market automobile exhaust products manufacturer alleging violations of the Health and Safety Code and Business and Professions Code sections 17200 and 17500. Obtained \$505,500 in civil penalties by default judgment.
- *People of State of California, et al. v. Bug Motors, Inc., et al.* Represented the Attorney General in his independent capacity and the Air Resources Board as plaintiffs in enforcement action against automobile re-manufacturer and related businesses alleging violations of the Health and Safety Code and Business and Professions Code sections 17200 and 17500. Obtained settlements and default judgments totaling over \$1.4 million in civil penalties.
- *People of State of California Ex Rel. Air Resources Board v. Ultra Acquisition Corporation, et al.* Represented plaintiff Air Resources Board in enforcement action against motorcycle manufacturer and retailers prosecuting violations of the Health and Safety Code. Action was settled to satisfaction of client.

First Amendment

- *La Habra v. Gammoh.* Defended City of La Habra in superior court litigation of cross-complaint for civil rights damages allegedly arising from City's regulation of fully nude adult cabaret.
- *In Plain Sight, et al. v. William H. Jackson, et al.* Defended members of Community Redevelopment Agency of Los Angeles Board of Commissioners against action to invalidate ordinances regulating the placement of signs in Hollywood Redevelopment Area.
- *City of Santa Fe Springs v. Foxz Corporation, Los Angeles County Superior Court.* Represented City of Santa Fe Springs as plaintiff in action to enjoin operation of fully nude adult cabaret in incorrect zone while acting as an assistant trial counsel. Prevailed at trial.

Other Matters

- *California Department of Forestry and Fire Protection v. Caufield.* Represented plaintiff Department of Forestry and Fire Protection in action seeking recovery of \$800,000 in fire suppression costs in six-day jury trial.

- *Phenomenal Properties v. City of Desert Hot Springs*. Successful defense of City of Desert Hot Springs in action challenging denial of business license.
- *Smith v. Southern California Edison Company (and Related Actions)*. Represented plaintiff California Department of Forestry and Fire Protection in fire suppression cost recovery case which settled for \$6.55 million after extensive law and motion activity.
- *California Department of Parks And Recreation v. Darian Construction Company/ Accent Builders Incorporated*. Represented Department of Parks and Recreation in action in interpleader regarding payments on construction contract for reconstruction of Malibu Pier; dispute between partners precluded payment to either. Case was resolved in favorable settlement.
- *Department of Parks and Recreation v. Stephen Harper*. Represented plaintiff Department of Parks and Recreation in trademark infringement action against individual who acquired internet domain names related to Malibu Pier and attempted to register trademark in his name.
- *FSY Architects, Inc. v. Cohasset Manor Apartments, L.P., et al.* Defended Department of Housing and Community Development in mechanic's lien litigation regarding property subject to Department's security interest.
- *Sullivan v. Galoia, et al., Los Angeles County Superior Court*. Defended Department of Housing and Community Development in action by lien holder for damages allegedly resulting from Department's failure to indicate existence of lien on mobile home title.
- *People of State of California Ex Rel. Dale T. Geldert, Director of the California Department of Forestry and Fire Protection v. Ian Fawnmeade*. Represented plaintiff Department of Forestry and Fire Protection in action seeking recovery of \$2.2 million in fire suppression costs.

Professional Affiliations and Honors

- Member, California State Bar
- Recipient of Certificate of Commendation, U.S. Department of Justice
- Appointed by Board of Governors as Member, Executive Committee, State Bar of California, Environmental Law Section
- Co-Chair, Legislation Committee, State Bar of California, Environmental Law Section
- California Delegate, National Association of Attorneys General Clean Air Act Conference
- Associate Editor, Hastings West-Northwest Journal of Environmental Law and Policy, Participant, Hastings Public Interest Law Foundation

Presentations and Publications

- Instructor, 2009 Environmental Law Conference at Yosemite, "California Water Quality: An Introduction to Regulation under State and Federal Law," October 2009

- Panelist, Lorman Education Services, “Acquiring and Preserving Water Rights,” December 2008
- Panelist, Sonoma County Bar Association, “The Perfect Stormwater: Where is the Finish Line for Urban Runoff Control?,” November 2008
- Moderator, 2008 Environmental Law Conference at Yosemite, “Smelt Down: Endangered Species and Water Supply in Crisis,” October 2008
- Panelist, City Attorneys Association of Los Angeles County 2008 Annual Conference, “The Perfect Stormwater: Where is the Finish Line for Urban Runoff Control?,” March 2008
- Panelist, Lorman Education Services, “Current Issues in Stormwater Regulation,” Oakland, June 2007
- Guest Lecturer, UCLA Environmental Law Clinic, Municipal Sewage Spill Litigation, Spring 2003
- Panelist, “Sewage Happens, Hot Environmental Legal Issues on the California Central Coast,” Santa Barbara, California, July 19, 2002 (discussion on application of state and federal water quality laws to sewage spills from municipal wastewater collection systems). [Transcript published at Environmental Law Section of the State Bar of California, Sewage Happens (Winter 2003) Environmental Law News, pp. 27-36.]
- Presenter, “Avoiding Legal Pitfalls When Investigating Forest Fire Cause and Origin,” Office of the State Fire Marshal, Sacramento, September 2001
- Panelist, Project Underground Hard Rock Mining Conference, “Clean Water Act and Proposition 65 Enforcement Against Mines,” San Francisco, November 1999



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Practice Group
Environmental Law
Redevelopment, Real Estate and Housing

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248444

Education
Seattle University School of Law, JD,
magna cum laude, 2006
University of Colorado, BA, Environmental
Studies, 1999

Practicing Since: 2007

Sabrina Wolfson represents and advises public agencies in litigation, advice and compliance matters relating to water quality, recycled water, underground storage tanks, cost recovery, re-use and redevelopment of contaminated property, environmental due diligence, solid waste and hazardous waste. Sabrina's water quality work includes representing clients in administrative permitting and enforcement proceedings before California Regional Water Quality Control Boards, representing clients in administrative appeals before the California State Water Resources Control Board and defending clients in federal Clean Water Act citizen suit actions.

In addition, Sabrina represents and advises redevelopment agencies and municipalities on real estate transactions; implementing, developing and monitoring affordable housing programs; and compliance with the Community Redevelopment Law, CEQA, state and federal relocation law, and state and federal fair housing law.

Prior to joining Meyers Nave, Sabrina was an extern for the U.S. Environmental Protection Agency Region X and an extern for the Central Puget Sound Growth Management Hearings Board, a state agency charged with interpreting Washington's Growth Management Act.

While in law school, Sabrina was a member of the 2005 national moot court team; a quarter-finalist in the Frederic C. Tausend Appellate Competition; secretary and vice president of the Environmental Law Society; and editor of *Environmental Perspectives*, the Environmental Law Society's annual publication. Her awards include the CALI Award for Excellence in Legal Writing and the CALI Award for Excellence in International Trade.

Sabrina is admitted to practice in the U.S. District Court, Northern District of California.

Representative Experience

Water Quality

- *Our Children's Earth Foundation v. City of Pacifica*. Representing City of Pacifica in federal Clean Water Act citizen suit regarding sanitary sewer overflows and effluent limitation violations.
- Representing City of San Bruno in potential federal Clean Water Act citizen suit regarding sanitary sewer overflows.
- Representing City of South San Francisco in potential federal Clean Water Act citizen suit regarding sanitary sewer overflows.
- *San Francisco Baykeeper v. City of Burlingame et al.* Represented City of Burlingame in federal Clean Water Act citizen suit regarding sanitary sewer overflows and effluent limitation violations.
- Representing City of Barstow in negotiations with California Regional Water Quality Control Board, Lahontan Region, and administrative appeal to State Water Resources Control Board of order to investigate groundwater contamination and develop remediation plan and order to supply replacement drinking water.
- *United States of America, et al. v. City of Alameda, et al.* Representing Stege Sanitary District, in collaboration with other operators of satellite sewage collection systems, in federal civil enforcement action by the U.S. Department of Justice on behalf of the Environmental Protection Agency regarding sanitary sewer overflows.
- Representing City of Pacifica in administrative proceedings before the California Regional Water Quality Control Board, San Francisco Bay Region regarding administrative civil liability complaint for civil penalties for sanitary sewer overflows and effluent violations.
- Representing Stege Sanitary District, in collaboration with other operators of satellite sewage collection systems, in NPDES permitting proceedings before the California Regional Water Quality Control Board, San Francisco Bay Region and in administrative appeal to State Water Resources Control Board challenging NPDES permit.
- Representing City of Healdsburg in NPDES permitting proceedings before the California Regional Water Quality Control Board, North Coast Region including issues regarding proper interpretation of Basin Plan and calculation of effluent limitations.
- Representing Southern California Regional Rail Authority (Metrolink) in preparing response to directive from California Regional Water Quality Control Board, Los Angeles Region, to submit a report of waste discharge for groundwater pumped out of Tunnel 26 near Chatsworth, California.
- Represented the City of Dixon in administrative proceedings before the California Regional Water Quality Control Board, Central Valley Region challenging complaint for administrative civil liability and cease and desist order relating to alleged reporting violations and groundwater contamination.

- Representing the City of Healdsburg in response to administrative civil liability complaint from California Regional Water Quality Control Board, North Coast Region alleging violations of NPDES permit effluent limitations.
- Representing the Water Replenishment District in response to threat of administrative civil liability penalties for alleged violations of general NPDES permit reporting requirements.
- Representing City of Inglewood in administrative petition to the State Water Resources Control Board challenging a Notice of Violation and Water Code § 13383 Order issued by the Regional Water Quality Control Board alleging violations of MS4 NPDES Permit based on alleged exceedances of the Santa Monica Bay Beaches Bacteria Dry Weather TMDL.
- Representing City of San Leandro and City of Dublin in administrative petition to the State Water Resources Control Board challenging the Municipal Regional Stormwater NPDES Permit.
- Advising the City of South San Francisco on revisions to its pretreatment ordinance and compliance with EPA's pretreatment regulations.

Other Environmental

- *Anaheim Redevelopment Agency v. Tesoro Refining and Marketing*. Represented redevelopment agency as plaintiff in civil action to recover costs of remediating contaminated property under Polanco Redevelopment Act and common law theories.
- *Redevelopment Agency of the City of Pittsburg v. Marine Express, Inc.* Represented redevelopment agency as plaintiff in civil action to recover costs of investigating and remediating contaminated property under Polanco Redevelopment Act and to compel property owner to take remedial actions.
- Represented private client in administrative proceedings before the California Underground Storage Tank Fund, challenging denial of request for reimbursement for clean-up costs.
- Advising sanitary district on commercial and industrial recycled water project.

Professional Affiliations

- Member, California State Bar

Publications and Presentations

- Speaker, "Basic Affordable Housing," Redevelopment Institutes, California Redevelopment Association, Garden Grove - May 2008, San Ramon - July 2008

