

**Musick, Peeler & Garrett LLP**  
**Public and Environmental Law Group**

**RESPONSE TO THE CITY OF BENICIA'S**  
**REQUEST FOR QUALIFICATIONS**  
**FOR PROJECT MANAGEMENT AND LEGAL SERVICES**  
**FOR THE BENICIA ARSENAL INVESTIGATION**  
**AND CLEANUP PROJECT**

**NOVEMBER 4, 2010**

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The Public and Environmental Law Group of Musick, Peeler and Garrett LLP is pleased to submit this proposal to provide legal services to assist the City of Benicia in the Benicia Arsenal Investigation and Cleanup Project.

**A. SUMMARY OF PROPOSED STRATEGY AND APPROACH**

The City has identified the primary goal of the project as successfully negotiating, to the extent feasible, a voluntary agreement between the Department of Defense (U.S. Army), the Department of Toxic Substances Control (DTSC), the City of Benicia, other potential responsible parties and certain current property owners to provide for characterization and appropriate agreed-upon standards of cleanup and implementation of the cleanup.

As discussed in more detail below, our proposed strategy and approach is based on the Group's past and current experience on a number of matters nearly identical to the City's matter in which the Group represented clients with similar goals.

A primary objective to achieve the goal will be to convince the Department of Defense to fully participate and primarily fund the additional cleanup work required to allow the City to redevelop the property to its full beneficial use. In order to achieve this objective, it has been our experience that a multi-pronged, multi-agency approach is the most efficient and effective effort to achieve this objective. Specifically, our approach would include the following:

1. Organize the Benicia Arsenal Investigation and Cleanup Task Force. This Task Force would consist of the City, the DTSC and other appropriate agencies, if necessary, the City public relation person and lobbyists (again, if appropriate) the City's environmental consultant and local and elected officials or their representatives. The purpose of the Task Force would be to develop an efficient, coordinated multi-agency effort and utilize these agencies' resources to minimize the City's effort and costs. (As an example, the DTSC could issue the proposed imminent and substantial endangerment order and develop the appropriate cleanup standards while members of the Task Force attempt to negotiate a resolution with the Department of Defense and other potential responsible parties.)

2. Immediate communication with high level decision makers at the DTSC and other relevant agencies to focus agency resources and efforts to assist the City. We have excellent points of contact with these agencies.

3. Strong advocacy with local leaders and members of congress to further bring pressure on the Department of Defense. We have had success with this strategy in matters such as the one we lead in the Inland Empire, discussed below.

4. Assistance to the City in identifying alternative funding sources. This may include funds from programs within the Department of Defense that are little known but exist to provide funds for specific projects. We can discuss this during an interview.

5. Interfacing with the City's environmental consultant. The members of the Group have long standing relationships with many of the California based consulting firms and we have worked closely with them in developing an appropriate technical and legal response to contamination problems.

6. We also understand that the City wishes to minimize the disruption, both operationally and fiscally, of the occupants of the property who may be technically also responsible parties or whom the Department of Defense has pointed to as contributors to the contamination. Currently, we understand that these parties include, at a minimum, Valero Energy Corporation (now Nustar Energy, LP), Historic Arsenal Park, Ltd., The Rita Gonzalez Trust and Benicia Industries, Inc. This is a typical concern that can be handled with the requisite sensitivity once we have a better understanding of the details. One thing to keep in mind, if applicable, is the potential for insurance coverage that may be available. Insurance covering past activities, and potential insurance for future risks is something we can evaluate. Many of our cleanup projects have included a component of insurance that seeks to address the assignment of anticipated risks.

#### **B. IDENTIFICATION OF PROJECT TEAM**

The Legal Project Team will consist of Barry C. Groveman, a Senior Partner and Chair of the Firm's Public and Environmental Law Group with over 30 years of experience; Gregory J. Patterson, a Senior Partner and the head of the firm's Westlake Village office, with over 22 years of experience; and K. Ryan Hiete, a Partner with over 11 years of experience. Their respective experience and qualifications are discussed below. We also may, as occasion warrants, use one or more associates to assist the Team after discussion and approval with the City.

Specific tasks for the Legal Project Team will be developed in consultation with the City. As an initial matter, we propose that Mr. Groveman head up efforts

to develop an initial strategy for approval by the City, which may include meetings with selected state and federal representatives and identifying potential alternative state or federal funding sources that could be used to help pay for the required investigation and cleanup. Mr. Patterson and Mr. Hiete will focus on interfacing with the City, DTSC and other regulatory agencies; interfacing with potentially responsible parties (PRPs) and implementing legal strategy.

Each of the assigned members of the Team can provide sufficient time to fully respond to this effort and the needs of the City.

**C. PROPOSED SCOPE OF WORK**

We propose the following initial scope of work which can be easily amended and further refined once we have fully consulted with the City. This scope of work is intended to follow the successful settlement strategy we employed on behalf of the City of Santa Monica in which we reached settlement agreements with the responsible parties to clean up the City's well field without resorting to litigation and the current strategy being employed by Inland Empire Perchlorate Task Force in which we are assisting water purveyors in the Inland Empire to resolve a perchlorate contamination crisis. Each of these efforts involved or involve multiple state agencies, multiple responsible parties and, in the case of the Inland Empire matter, negotiations with the Department of Defense.

For purposes of the proposed scope of work we have assumed a sequential effort which can be modified as circumstances require. We also have assumed a one year time period for the scope of work.

1. *Initial Kick-Off Meeting with the City and Site Visit.*

The purpose of this meeting will be to discuss the matter with the City, to further refine the City's goal and develop a consistent and comprehensive understanding of the City's requirements and needs. We also propose that we visit the site to obtain a better understanding of the site conditions and the City's plan for the property.

2. *Review and "Get Up To Speed" Regarding Site Documents and Information.*

This effort is intended to identify relevant site investigation and cleanup documents and other related documents and information necessary to fully

understand the issues that must be addressed once settlement discussions with the Department of Defense and other responsible parties begin. At this time we can also discuss document organization with the City, including the possibility of an online document repository accessible only to the City and its consultants.

3. *Organize, Schedule and Conduct an Initial Meeting of the Benicia Arsenal Investigation and Cleanup Task Force.*

We recommend the creation of a multi-agency task force to assist the City in its efforts to convince the Department of Defense (and to a lesser degree other responsible parties) to fund and conduct the necessary cleanup activities to allow a full beneficial use of the property. This task force would include, at a minimum, the City, the DTSC, the City technical consultant or consultants, the City public relations person, The City lobbyist, if one exists, and, if appropriate, several key local and state representatives.

The purpose of this meeting would be to develop a game plan in anticipation of entering settlement discussions with the Department of Defense and other responsible parties. We anticipate that the items that would be addressed at this meeting would be the identification of all potentially responsible parties, the identification of data gaps or other information needed to fully address the cleanup of the arsenal, the initial identification of potential alternative sources of funding, i.e., grants, redevelopment monies or other potential federal sources, the organization of the public relation arm and development of the cleanup goals required for the facility (including cleaning up to residential standards) in consultation with the DTSC to allow the City to fully develop the property.

In addition, we would identify a set of specific tasks, assign those tasks and develop an appropriate schedule and goals to implement the defined tasks. Finally, we also would prepare and organize the agenda for an initial meeting with the Department of Defense and other responsible parties.

4. *Schedule an Initial Meeting with the Department of Defense and Other Responsible Parties.*

We would then schedule, organize and conduct an initial meeting with the Department of Defense representatives and other responsible parties in which we would provide an overview of the status of the cleanup, including the DTSC's position that the property has not achieved appropriate cleanup requirements, overview of required site investigation, required cleanup standards and a clear

demand by the city that the Department of Defense (and to a lesser extent other identified PRPS) fund the additional cleanup efforts to closure. At that time we can also schedule additional settlement meetings if the City determines that such meetings would be beneficial. The goal of these meetings would be to develop a comprehensive settlement agreement, under the umbrella of a DTSC consent agreement or consent order, that would require the responsible parties to: (1) timely conduct the cleanup to DTSC's standards; and (2) fully reimburse the City for its fees and costs incurred in this effort, including attorneys' fees.

5. *Prepare for and Conduct Subsequent Settlement Meetings with the Department of Defense and Responsible Parties.*

These meetings would be held to fully develop and draft the settlement agreement if we determine that all parties are negotiating in good faith toward an acceptable resolution. If so, for purposes of developing a scope of work and budget, we anticipate monthly meetings over the course of one year to achieve resolution.

6. *Identify Tasks and Schedule Meetings with Congressional Representatives at the State and Federal Level.*

If the City is to achieve a non-litigation resolution with the Department of Defense, we have found it critical that state and federal congressional leaders also provide assistance to the City in identifying potential alternative funding and engaging the Department of Defense in discussions on behalf of the City. This effort would be conducted in concert with the scheduled meetings with the responsible parties. We would work closely with the City's Washington lobbyist and this may require several trips to Washington.

7. *Internal Client Scheduled Meetings to Discuss Status and Next Steps.*

We will schedule periodic meetings with the City to discuss the status of efforts and tasks going forward.

8. *Legal Analysis of Litigation Option if Settlement Fails.*

In order for the City to have a full understanding of its options, we also will prepare an analysis of the City's legal options under both federal and state laws in order to inform the City on its potential claims and possible litigation resolution that could be conducted if settlement negotiations fail.

**D. PROPOSED INITIAL SCHEDULE**

We have assumed this effort will take approximately 12 months. We are providing the following schedule based on that assumption. Of course, the City may determine early on in its discussions with the Department of Defense and responsible parties that a negotiated settlement is not an option, or settlement negotiations may proceed more quickly than assumed here.

1. *Initial Kick-Off Meeting with the City and Site Visit:* within 10 days of being retained.
2. *Review and Get Up To Speed Regarding Site Documents and Information:* within 21 days of being retained.
3. *Organize, Schedule and Conduct an Initial Meeting with the Benicia Arsenal Investigation and Cleanup Task Force:* within 45 days of kick-off meeting.
4. *Schedule an Initial Meeting with the Department of Defense and Other Responsible Parties:* within 45 days of initial kick-off meeting.
5. *Prepare for and Conduct Subsequent Settlement Meetings:* to be determined based on initial meeting. Assume that meetings will be conducted at least monthly for a period of 12-months.
6. *Identify Tasks and Schedule Meeting with Congressional Representatives at the State and Federal Level:* within 10 days of being retained.
7. *Internal Client-Scheduled Meetings:* periodic over the course of the year.
8. *Legal Analysis of Litigation Option, if Settlement Fails:* within 30 days of being retained.

**E. COST CONTROL MEASURES AND PROPOSED BUDGET**

We recognize the economic challenges facing public entities throughout the state. We have worked very hard with our public entity clients, such as the Los Angeles Unified School District, a client since 1988, to control costs. These efforts include reduced rates, careful assignment of staff, consistent coordination with in-house counsel, development and approval of budgets-updated periodically, and non-billing or reduction of certain costs such as faxes and copying. When circumstances require a modification to an approved budget, we will seek approval of the revised budget before exceeding any pre-approved budget. In the unlikely event an unapproved budget overrun occurs, the Firm will not hold the City responsible for any costs that exceed a pre-approved budget.

It is our practice to assign lawyers to a matter from inception to conclusion to avoid duplication of work by multiple attorneys on a file. We will discuss staffing with the City prior to working on the matter. If it becomes necessary to replace an attorney working on this matter, the Firm will not charge the City for time spent by the replacement lawyer learning the file.

We also rely heavily on technology to provide services to our clients and, if appropriate we can discuss the development of an extranet service or a dedicated website to organize and store documents and correspond. We are prepared to meet with the City to address such services, if required.

In addition, to the cost containment efforts described above, the Group is proposing rates far below their current market rates and will agree to freeze these rates for the entire matter. Furthermore, we have reviewed Appendix B, A Policy Guide for Law Firms Providing Legal Services to the City of Benicia, and will comply with the requirements of this policy, including rate structure and billing.

Finally, we recognize that the City will be concerned that the lawyers assigned to this matter are located in Southern California. **In order to address this concern, we will agree that we will not charge for travel time and costs to and from Southern California to the City of Benicia.** We also are willing to discuss other reasonable measures to ensure that travel expenses associated with meetings are controlled and will not be inconsistent with other law firms that are located in the Bay Area.

With respect to rates, the current market hourly rate for the partners assigned to this task generally run from \$400 to \$550 per hour. For purposes of this matter, we will agree to reduce the hourly rate for all three partners to a flat \$300 per hour. We will also reduce our senior associate rate to \$275 per hour and paralegals are billed at \$100 per hour. Please note that the Firm charges in 0.1 increments and we provide monthly invoices clearly describing the nature of the services provided.

### **Estimated Budget**

Based on this hourly rate and the anticipated hours, we estimate the budget for legal fees for the entire twelve-month period described in the scope of work will be in the range of \$220,000 to \$250,000.

Further, if we are retained and once we have a better understanding of the effort required to achieve the City's goals, we will agree to modify this budget and develop a comprehensive 90-day budget for each quarter, which we will agree cannot be exceeded without prior approval of the City.

We are also prepared to discuss payment of a flat monthly fee that would be applied to the bill until paid in full or other payment schedules useful to the City.

## **F. EXPERIENCE AND QUALIFICATIONS**

### **The Firm**

Musick, Peeler & Garrett, LLP, formally founded in 1954, is a well-established, general practice firm dedicated to providing legal services of the highest quality. Currently, 110 attorneys practice in the Firm's offices located in Los Angeles, San Francisco, San Diego, Orange County, Ventura County, and Santa Barbara. If retained by the City, the Group will use its San Francisco office as the primary office for this matter.

The Firm's attorneys practice in nine major specialty groups: Public and Environmental Law, Litigation, Insurance, Tax and ERISA, Trusts and Estates, Corporate, Real Estate, Labor and Employment, and Healthcare. The Firm represents a diverse clientele, ranging from individuals to public agencies and institutions, private and publicly-traded, profit and non-profit, domestic and foreign businesses and institutions.

The Firm is proud of its ability to provide top quality legal services at very competitive rates. Unlike many other firms in Los Angeles, the Firm has resisted the law firm merger trends, declining many invitations to join national and international law firms, preferring instead to remain California lawyers with California practices and clients. While the Firm offers a competitive compensation package and work environment that attracts the highest quality of associates, it strongly believes that the increased focus on salaries and profit comes at the expense of the quality of the practice of law. The Firm also enjoys a much lower than average turnover of attorneys. In fact, many of the attorneys and staff at the Firm have been together for 20 years or more. Members of the Public and Environmental Law Group have practiced together for over 10 years, with several having practiced together for over 22 years. Such continuity and stability provides a rare level of legal and institutional knowledge, experience, and efficiency in a law practice.

### **The Public and Environmental Law Group**

Musick Peeler & Garrett's Public and Environmental Law Group currently is made up of five partners who are supported by an in-house environmental science and technical advisor, as well as the Firm's numerous other attorneys, associates and paralegals. The Group's areas of practice include all primary sectors of state and federal environmental law.

At the federal level, the Group's areas of practice include the following: the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); the Resource Conservation and Recovery Act (RCRA); the Clean Water Act (CWA); the Clean Air Act (CAA); the Endangered Species Act (ESA), and the National Environmental Policy Act (NEPA).

At the state and local level, the Group also has substantial experience assisting both public and private clients in actions involving the California Hazardous Waste Control Act, the Porter Cologne Water Quality Control Act, The California Environmental Quality Act (CEQA), California and local air pollution laws and regulations, the Safe Drinking Water and Toxic Enforcement Act (Proposition 65), Cal/OSHA rules and regulations, and most recently, the California Global Warming Solutions Act of 2006 (also known as Assembly Bill or AB 32). The Group also has extensive experience in developing, drafting and promoting legislation and regulations designed to further protect and/or enhance the position of its clients.

The Group has taken great pride in representing public entities on seminal environmental matters over the years, including, among others, the cities of Santa Monica, South Pasadena, Morro Bay, Palo Alto and American Canyon (Napa County), the Los Angeles Unified School District (since 1988), Compton Community College, and the San Bernardino Unified School District. The Group also represents several large public water districts and other water purveyors, such as the West Valley Water District (located in Rialto), on a wide-range of critical and often cutting edge environmental, legislative, and policy matters.

As a result of the Group's experience representing public entities and, in particular, cities, the Group is sensitive to the need to develop strategies that, among other things, respond to issues such as maintaining public confidence, serving the community, publicity, controlling costs, and keeping councils, boards and other interested decision-makers and stakeholders well informed. The Group also has gained valuable experience interfacing with local, state, and federal environmental and regulatory agencies, including the Department of Defense, the United States Environmental Protection Agency (US EPA), Cal EPA, the Department of Toxic Substances Control, the State Water Resources Control Board and the Regional Water Quality Control Boards, the United States Army Corps of Engineers, the United States Fish and Wildlife Services and the California Department of Fish and Game.

Specifically relevant to this matter, the Group has developed an excellent relationship with key decision makers at the Department of Toxic Substances Control and significant experience interfacing with state and federal congressional leaders and the Department of Defense in several successful efforts to obtain funding to assist in cleanup efforts.

As one example, over the last several years, the Group has represented the West Valley Water District in a large cost recovery action involving, among many other PRPs, a former US Army World War II explosives and munitions storage facility. The District was required to address significant perchlorate and solvent contamination in the groundwater, much of which is emanating from the former federal weapons storage facility. As part of this project, Mr. Groveman was appointed by a member of the California State Senate to serve as Chairman of the Inland Empire Perchlorate Task Force, which is comprised of impacted water agencies, the DTSC, the local regional board, the California Department of Public Health and the United States Environmental Protection Agency. This Task Force has been instrumental in the coordination of the agencies' response to the massive groundwater contamination plume impacting the region. The Task Force meets

It is also important to note that the Group is chaired by Barry Groveman, who, for many years, has been recognized as one of the leading environmental lawyers practicing in California. During the last 25 years, Mr. Groveman has acquired extensive experience in a number of areas of law, including environmental, public health and safety, OSHA, land use, CEQA, NEPA, municipal, public policy, regulatory, and legislative matters, and has been involved in the creation and implementation of several groundbreaking and landmark environmental laws such as The Safe Drinking Water and Toxic Enforcement Act of 1986, which Mr. Groveman co-authored. In addition to serving as a senior environmental counsel and environmental crimes prosecutor in both the Los Angeles City Attorney's Office and Los Angeles County District Attorney's Office, Mr. Groveman established and led the Los Angeles Toxic Waste Strike Force, a multi-agency enforcement effort chartered with cracking down on serious environmental crimes in Southern California. Over the past two decades he has served in numerous appointed positions in environmental oversight roles, and was elected to the City Council of a local municipality, where he currently serves as Mayor. As a local elected official, Mr. Groveman also sits on and participates in a number of local government committees and boards and in that capacity, regularly reviews and serves in a quasi judicial role regarding complex CEQA, land use, and permitting issues. Mr. Groveman has experience with legal and practical perspectives on the adoption and implementation of public laws, as well as the process and procedures involved in the review and approval of proposed local projects.

### **Summary of Experience and Expertise in Related Matters**

Aside from the matters discussed above, the following provides a summary of the Group's pertinent experience representing cities and other public agencies in matters involving cost recovery and cleanup efforts similar to that facing the city. A number of these matters involved successful non-litigation efforts that achieved the goals of the client without the need to litigate.

First, we thought it would be useful to provide an overview of similar cases so the City can review the Group's actual results in past and current cost recovery and cleanup efforts. The following graph identifies the client, the responsible party or parties, the estimated fees and costs incurred by the client, the amount recovered and the time frame of the matter from inception to resolution. While every case is different and we cannot predict the outcome of any case, we think the chart provides the City with a helpful summary of other cleanup actions similar to that

<b>Client</b>	<b>Responsible Party(s)</b>	<b>Fees/Costs</b>	<b>Recovery</b>	<b>Project Goal/ Timeframe</b>
San Gabriel Valley Water Company and Fontana Water Company (South El Monte Operable Unit/San Gabriel Valley Superfund Sites)	40 RPs	\$407,459.00	\$11,000,000.00 (includes 3 other plaintiffs – case ongoing)	Identification of PRPs/Cost Recovery/3/1 2 years to date/ongoing
West Valley Water District	15 – 20 PRPs	\$1,100,000	\$3,000,000 (to date) plus grant funds of \$16 million	Ongoing Cost Recovery Action
City of American Canyon	Coca Cola Corporation	\$485,000	\$7,500,000.00 (including all of the City's attorneys' fees)	Cost Recovery, environmental due diligence program, Supplemental Env. Project: 18 months
LAUSD (South Central, Los Angeles)	Oil Company	\$440,000	\$28,000,000.00 (including all of the District's attorneys' fees)	Identification of PRPs / Cost Recovery Action / 24 months
LAUSD (East Valley, Los Angeles)	ConocoPhillips	\$55,000	\$270,000.00 (including all of the District's attorneys' fees)	Cost Recovery: 12 months
LAUSD (Southgate I)	Major Automobile Corporation	\$593,000	\$1,200,000.00 (including all of the District's attorneys' fees)	Cost Recovery Action: 12 months

recovery of all costs of the City, including the payment of attorney's fees and costs.

- The Group represented the City of American Canyon in its enforcement of its wastewater discharge requirements against a large bottling facility. This representation includes recommendations on cost recovery, supplemental environmental projects, imposition of fines and inter-action with state and federal regulatory agencies. Successful resolution of this matter concluded without the need to file a lawsuit and the settlement includes payment of the largest ever administrative fine for the types of violation at issue and recovery of all of the City's costs and attorney fees.

- The Group represented a large water utility in the San Gabriel Valley Superfund Sites, involving basin wide groundwater contamination by numerous chemicals. In the Baldwin Park Operable Unit, the Group was involved in negotiating a historic \$100 million settlement involving the cleanup of a contaminated groundwater basin in the San Gabriel Valley. These negotiations involved the USEPA, the water utilities, and the local Water Board. The cleanup was made more complex by the presence of emerging chemicals, such as perchlorate. The landmark settlement requires eight companies to pay for the cleanup of the groundwater basin over a 15-year period. When complete, the cleanup will produce enough clean water to supply more than 100,000 homes. The settlement ensures that the residents in the affected area will not have to pay for any part of the cleanup.

- Since 1988, the Group has represented the Los Angeles Unified School District in numerous CERCLA and RCRA cost recovery actions, resulting in the recovery of tens of millions of dollars for the District. Such matters include actions against numerous companies, including large multi-national oil companies responsible for soil and groundwater contamination caused by historical operations and releases from leaking fuel and product pipelines. These matters often involve the search for and identification of multiple responsible parties, the review and analysis of possible insurance coverage, as well as responding to parties either in or seeking bankruptcy protection.

Mr. Groveman has also been appointed by a member of the California State Senate to serve as Chair of the "Inland Empire Perchlorate Task Force," which is responsible for coordinating the investigation and response to the serious perchlorate water contamination crisis impacting approximately 20 drinking water wells and 500,000 people in the Inland Empire. Members of the Task Force include Cal/EPA, the Santa Ana RWQCB, DTSC, California Department of Health Services, and two local municipalities. This Task Force is a critical part of the strategy necessary to assist water purveyors in resolving the perchlorate contamination crisis. The purpose of the Task Force is to bring the authority and resources of the public and regulatory agencies to bear on the potentially responsible parties. One of the initial steps of the Task Force is the identification and acquisition of alternative water supplies that will be paid for by the potentially responsible parties.

Mr. Groveman also serves as lead counsel to the West Valley Water District and Fontana Water Company in their efforts to recover removal and remedial costs for the loss of over 50% of their drinking water wells due to perchlorate contamination. Mr. Groveman was also responsible for drafting SB 1004-(Soto) (California Water Code Section 13304), which provides authority for local water boards to issue water replacement orders against parties responsible for polluting groundwater.

Mr. Groveman served as counsel for several cities located throughout California. For example, Mr. Groveman served as lead counsel to the City of South Pasadena on CEQA issues related to the expansion of a local school campus, as well as the review of environmental reports relating to the extension of the Gold Line running through the City. Mr. Groveman also served as counsel to the City of Santa Monica in several matters involving the restoration of drinking water wells and recovery of costs associated with MtBE contamination. Mr. Groveman similarly acted as lead counsel for the City of Morro Bay in a matter relating to MtBE contamination threatening the City's drinking water wells. In the Morro Bay matter, Mr. Groveman utilized a nuisance abatement hearing process to force the responsible party to remediate the contamination and reimburse all of the City's costs, including its attorneys' fees. The use of the nuisance abatement hearing resulted in a total victory for the City.

Over the years, Mr. Groveman has used his extensive environmental and public safety experience and knowledge to draft local ordinances and state statutes, including provisions in the California Hazardous Waste Control Act that established the first felony sanctions for hazardous waste violations in California. In addition, in 1986, Mr. Groveman was the principal co-author of Proposition 65, and later campaigned for its successful passage.

In 1979, Mr. Groveman joined the Los Angeles City Attorney's Office, where he was soon appointed a Special Prosecutor, becoming Chief Environmental Prosecutor for the City of Los Angeles and Head of the City Attorney's Environmental Protection Unit. In his capacity as a Senior Assistant City Attorney, Mr. Groveman served as General Counsel for environmental affairs for the City commissions and departments, including the Department of Public Works, the Los Angeles City Council, and the Mayor of Los Angeles. The types of environmental issues handled by Mr. Groveman included those related to air, water, hazardous waste, endangered species, noise pollution, historic preservation, and transportation. Mr. Groveman also established and chaired the "Los Angeles Toxic Waste Strike Force," which was one of the first and most successful such groups in the nation specifically created and designed to investigate and prosecute environmental crimes in a focused and cooperative fashion. During the years 1985 through 1986, Mr. Groveman served as the Head of the Environmental Crimes/OSHA Division of the Los Angeles County District Attorney's Office, where he continued to investigate and prosecute serious environmental violations through the Strike Force, including felony hazardous waste violations and workplace-related deaths.

Mr. Groveman's litigation experience covers a wide-range of matters, including extensive experience in both state and federal courts, as well as in administrative hearings and proceedings. Mr. Groveman has tried over 50 jury trials.

Mr. Groveman also has considerable experience and knowledge handling municipal, local, and state government and policy matters. In 1987, Mr. Groveman was appointed by then-newly elected State Controller Gray Davis to lead the transition team for the California State Lands Commission, which involved matters relating to the California Coastal Commission. Moreover, in 2003, Mr. Groveman was elected to the City Council of a local municipality, where he served as Mayor in 2006. As a local elected official, Mr. Groveman has acquired important legal and practical perspectives on the adoption and implementation of public laws, as

well as the process involved in the review and approval of proposed development projects. For example, as a councilmember, Mr. Groveman regularly reviews and performs a judicial function relating to complex CEQA, local land use, and permitting issues. Mr. Groveman also serves as a liaison to various other governmental agencies, as well as sits on and participates in many local government committees and boards.

Mr. Groveman is founder and past Chairman of the Los Angeles County Bar Association's Environmental Law Section and is a past member of the Los Angeles County Bar Association's Ethics Committee.

**Gregory J. Patterson (Bar No. 136665)**

Gregory J. Patterson is a Partner and member of the Firm's Public and Environmental Law Group. Mr. Patterson also serves as the Managing Partner of the Firm's Westlake Village office. Mr. Patterson has practiced exclusively in the area of environmental law for the past 22 years, and has a broad range of experience that includes a mixture of environmental litigation at the state and federal level, environmental audit and compliance counseling, and representation before federal, state, and local administrative agencies on environmental issues.

Mr. Patterson has prosecuted and defended numerous cases under CERCLA, RCRA, and related state claims for a variety of clients. Representative cases include *FMC v. Aero Industries* (bench trial); *Linkov. Borg Warner* (jury trial); *In re Hardage Superfund* (successful representation of large multi-state company in one of the first federal Superfund case); *Sears and Roebuck Co. v. USA Petroleum* (Settled after successful summary judgment motion); *Los Angeles Unified School District v. MHC, Inc.* (Settlement involving on-going cleanup of active school site); *Los Angeles Unified School District v. General Motors* (Confidential settlement); *Thomson v. ICN Pharmaceuticals* (Settlement involving radioactive contamination); *San Gabriel Valley Water Company v Aerojet* (recovery of response costs involving a San Gabriel Valley Superfund Site) and *Bodycote v. Estate of Collins* (Settlement involving transfer of cleanup obligations with the Regional Water Quality Control Board).

Since 1990, Mr. Patterson has represented the Los Angeles Unified School District on many environmental matters. In that position, Mr. Patterson has counseled the District on land use matters and assisted in the drafting of landmark California Education Code provisions requiring school districts to follow rigorous requirements regarding property acquisition and school construction in

environmentally-sensitive areas. Mr. Patterson also regularly represents the District in cost recovery actions that, over the years, have successfully recovered millions of dollars for the District. Mr. Patterson also advises the District with respect to its ambitious school building program. Most recently, Mr. Patterson and other members of the Group have been retained by the District to assist it in complying with the requirements of AB 32, California's groundbreaking and comprehensive greenhouse gas legislation.

Examples of representative cases handled by Mr. Patterson include the following:

- Representing a private water company in multiple lawsuits involving the San Gabriel Valley Superfund Site. This representation included assisting in negotiations leading to a historic \$100 million dollar settlement, which included cleanup of emergent chemicals, such as perchlorate.
- Representing the City of Santa Monica in a lawsuit against a large multi-national oil company, which was one of the first cases involving contamination of a drinking water supply with MtBE.
- Representing the City of American Canyon in the City's efforts against a large bottling company to enforce its wastewater discharge requirements under the City's NPDES permit. This effort resulting in the payment of the largest administrative fine ever paid by a bottling company for the type of violations at issue.

Mr. Patterson's practice often involves interfacing with various federal, state, and local agencies, including the USEPA, the DTSC, and the RWQCBs. He represents clients requesting permits and variances, in negotiating consent orders and settlements, and defending clients charged with violating various air emissions, permit, and hazardous waste management requirements. Mr. Patterson also currently serves as a member of the Ventura County Pollution Control District Advisory Board.

Mr. Patterson graduated Cum Laude from Saint Mary's College, Moraga, California, with a Bachelor of Arts degree in Integral Liberal Arts. Mr. Patterson attended Southwestern University School of Law, where he was a member of SCALE, an accelerated two-year program. He graduated first in his class in 1988.

**K. Ryan Hiete (State Bar No. 204614)**

Mr. Hiete is a Partner in the Firm's Los Angeles office and is a member of the Public and Environmental Law Group. Mr. Hiete's practice includes all aspects of environmental law, including compliance, governmental environmental reviews and investigations, administrative hearings, real property transactions involving environmentally- impacted sites, due diligence, and litigation. Mr. Hiete typically handles cases involving, among others things, CERCLA, RCRA, California's Hazardous Waste Control Act and Hazardous Substances Account Act, CEQA, NEPA, CAA, CWA, California's Porter-Cologne Water Quality Control Act, Proposition 65, and most recently, California's new climate change law, AB 32.

Mr. Hiete regularly interfaces with governmental agencies, including attorneys, officers, and technical staff from US EPA, Cal/EPA, CARB, the California Attorney General's Office, the Los Angeles County District Attorney's Office, Los Angeles City Attorney's Office, DTSC, various RWQCBs, SCAQMD, the Office of State Fire Marshal, local fire departments, and health and safety departments of various counties and municipalities. Mr. Hiete also works closely, when necessary, with non-governmental organizations and non-profit environmental groups and commissions.

Mr. Hiete's environmental practice is focused on the representation of public entities. Mr. Hiete represents and has represented cities, school districts, public water districts, colleges, and public health care centers.

Mr. Hiete has extensive experience in the following areas of environmental law: surface and groundwater pollution cases; contaminated soil and soil gas-related issues; storm water discharge; air emissions and permitting; climate change/global warming-related issues; hazardous waste management; energy; environmental insurance; brownfields; real estate development and construction projects; landfills; asbestos; access issues; above and underground storage tank cases; zoning and land use planning; drafting environmental legislation; and handling responses to federal, state and local criminal cases.

Mr. Hiete's work on such matters includes the following:

- Representing the Los Angeles Unified School District in matters related to its massive school construction program. Specifically, Mr. Hiete

response to civil and criminal proceedings concerning alleged unlawful air emissions and water discharge; (iv) Proposition 65-related cases; (v) alleged violations of hazardous waste laws (e.g., RCRA); (vi) efforts to close facilities under oversight of governmental agencies; and (vii) purchase and sale of plating operations.

In 1999, before beginning his private practice, Mr. Hiete acted as legal counsel for the Belmont Commission, a commission charged with reviewing and analyzing all of the environmental and safety issues associated with the then-planned Belmont Learning Complex, a \$200 million proposed joint use project in downtown Los Angeles. In this capacity, Mr. Hiete reviewed all of the legal issues associated with the project, including CEQA, CERCLA, nuisance, trespass, Proposition 65, CWA, CAA, and seismic-related issues. Mr. Hiete also worked with the individual commissioners in analyzing environmental legal issues and interfacing with experts called to testify before the commission.

Mr. Hiete graduated from the University of Colorado, Boulder in 1994, with a Bachelor of Arts degree in Political Science. Mr. Hiete graduated from McGeorge School of Law in 1999. Mr. Hiete also attended Loyola Law School in 1999 as a visiting student, where he was on staff with the *Loyola Law Review*. Mr. Hiete is a current member of the Executive Committee of Los Angeles County Bar Association, Environmental Section. In 2007, the Executive Committee appointed him to serve as the Section's Global Warming Advisor.

## **H. REFERENCES**

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