

ENVIRONMENTAL ISSUES AFFECT ALMOST EVERY PUBLIC PROJECT. OUR DIVERSE EXPERTISE AND PUBLIC LAW FOCUS YIELD EFFICIENCY AND BETTER RESULTS.



KENTON L. ALM
Chair, Environmental Law Practice Group

Kenton Alm's career has spanned more than 30 years, during which Kenton has developed a practice focused on public and environmental law issues. He represents clients in litigation, provides non-litigation advice and serves as general counsel to public entities such as wastewater and solid waste agencies.

The multi-faceted environmental issues that confront municipalities and public agencies call for a team like ours that knows environmental law and public entity needs equally well. Our understanding of your goals and decision factors allow us to be a true partner, while our astute legal skills and manner of representation make us a truly valuable one.

We advise our clients of their rights, obligations, liabilities, and opportunities under the law—offering counsel and representation in many aspects of environmental law.

We also interface with regulatory agencies and have built strong relationships with such agencies as the state and regional water boards, Department of Fish and Game, the Coastal Commission, the Department of Toxic Substances Control, and the U.S. Environmental Protection Agency. Some of our environmental services are described below.

WATER QUALITY & WATER RIGHTS

Water issues are critical in California. We provide complete legal services related to water quality, water supply and water rights, including acquiring and transferring water rights and protecting existing water rights. We also frequently advise on public agencies' responsibilities for the management and control of stormwater and urban runoff.

We have expertise in Clean Water Act / NPDES compliance and permitting advice, the California Porter-Cologne Water Quality Act, the Resource Conservation and Recovery Act, wetlands section 404 permit assistance, and AB 939 Solid Waste requirements.

Our services commonly include defense regulatory and non-governmental organization (NGO) enforcement actions, administrative appeals, and state and federal court litigation of regulatory standards. We have represented clients during administrative and regulatory

processes within the federal and state court systems, serving as general counsel, litigation counsel and special transactional / regulatory counsel.

BROWNFIELDS REMEDIATION & REUSE

Through our representation of public agencies, developers and other parties in contaminated ground 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 brownfields liabilities.

Our expertise in using such tools—including the Polanco Redevelopment Act, the California Land Reuse and Revitalization Act of 2004 (AB 389), Prospective Purchaser Agreements, and environmental insurance—is extensive. We have also worked to help clients obtain environmental insurance policies such as cost cap coverage, third-party liability coverage, and other liability coverage.

ENERGY

Meyers Nave advises operators, interest owners, landowners, royalty owners, public agencies, universities and other insitutional clients on a variety of energy issues. We have an insider's understanding of the operational issues faced by exploration and production companies, which forms the foundation on which we assist public and private clients.

We also frequently work with the firm's public power and climate change practice groups to bring clients additional expertise. Our advice

Environmental Law Services

- Soil contamination remediation
- Wastewater permitting & compliance
- Stormwater permitting & compliance
- Recycled water production / delivery
- Hazardous substances regulation
- Cost recovery actions
- Wetlands regulations
- Water supply verifications
- Water rights determinations
- Due diligence investigations
- Polanco Redevelopment Act
- California Land Reuse and Revitalization Act
- Prospective purchaser agreements
- Risk shifting agreements
- Environmental insurance
- Lease negotiations
- Title reviews
- Renewable energy
- Energy-producing property and pipeline sales
- Pipeline franchise drafts
- Formation of joint powers agencies
- Drafting and administration of operating agreements
- Financing transactions
- Production purchase and sales agreements
- Governmental agency agreements
- Public trust doctrine
- Resource protection
- Negotiation and drafting of solid waste collection franchises
- Rate setting and applicability of Prop 218
- AB 939 compliance
- Contractual dispute resolution
- Landfill closure and post-closure advice and litigation
- Endangered species
- Climate change & greenhouse gases compliance

encompasses legal issues related to electric power generation, alternative and renewable energy, oil and gas, and landfill gas projects.

In connection with energy transactions, we have advised clients on lease negotiations, operating agreements, financing, production purchase and sales agreements, and sales of oil- and gas-producing properties and pipelines. Our litigation experience includes lawsuits over the rights of landowners and royalty owners, lease termination disputes, actions for breach of implied covenants and fiduciary duty, title matters, constitutional questions, securities fraud cases, and more.

ENDANGERED SPECIES ACT (ESA)

Compliance with the Endangered Species Act (ESA) is a critical issue facing public agencies that deliver services that affect the natural environment. Our attorneys have participated in hundreds of consultations under Section 7 of the ESA and participated in negotiations of habitat conservation plans involving timberlands, water use, transportation, municipal permitting and other types of development.

We have represented clients on critical ESA issues, from California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) evaluations to “take” evaluations and habitat conservation plans, and including federal and state court litigation of these issues and related 5th Amendment takings claims.

SOLID WASTE

We advise and represent dozens of waste management districts, sanitary districts, cities and other public agencies in transactional issues and litigation related to the environmental issues associated with solid waste. We are also engaged in landfill closure and post-closure issues, including CERCLA litigation for such costs.

CLEAN AIR ACT

Meyers Nave is intimately familiar with the requirements of the Clean Air Act and other laws that aim to reduce smog and air pollution. We have represented clients in responding to and resolving SCAQMD administrative notices of violation and CARB administrative discovery matters. We routinely advise on air quality issues related to major development projects and have also advised on Clean Air Act issues relating to the acquisition of refineries and oil properties.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA)

Our team has served as lead counsel handling several matters of significant CERCLA exposure. One of our most notable matters was a successful outcome in 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.*).

COASTAL ACT

The Coastal Act governs nearly all activities defined as “development” in coastal areas. Meyers Nave attorneys represent public entities and private parties in obtaining Coastal Development Permits. We also represent coastal cities and counties in drafting, certifying and amending Local Coastal Plans. Coastal Act compliance can be complex and Meyers Nave can help you navigate your way through the Coastal Act and Coastal Commission approval process.