Leaders and problem-solvers, the attorneys in our Environmental & Remediation Group are at the forefront of the ever-evolving field of environmental law and compliance. We employ a sophisticated, collaborative approach that focuses on our clients’ business objectives while identifying strategies for minimizing environmental exposure.

Brownstein’s team works with clients nationwide on virtually every aspect of environmental law. Our experience includes solid and hazardous waste, development of Brownfield sites, Superfund liability, water and air quality, underground storage tanks, protection of endangered species, natural resource protection and advice concerning legislative and rulemaking developments in the environmental arena.

With an average of more than two decades experience in the environmental field, the group’s attorneys have the experience and knowledge to provide invaluable assistance in the most complex transactional, regulatory or litigation matter, including the Comprehensive Environmental Response, Compensation, and Liability Act; Resource Conservation and Recovery Act; the Clean Water Act; the Clean Air Act; the Endangered Species Act and other environmental statutes.

Members of the group have worked for Congress and for federal and state agencies, including Congressional energy committees, the Departments of Energy and Interior, the Department of Justice, the Environmental Protection Agency and the Colorado State Attorney General’s office. Because we have worked on environmental and remediation issues from within the government, we have an excellent understanding of the system, which helps us obtain the best possible results for our clients.

**Representative Matters**

- Since 1991, has served as General Counsel to the Central Coast Water Authority, including coordinating legal services for all phases of planning, permitting, environmental compliance, right-of-way acquisition, construction and operation related to a $600 million drinking water delivery system. The project included 144 miles of buried pipeline, multiple pumping stations and a water treatment plant. Resolved construction disputes by negotiation and successfully defended the Authority in related litigation.

- Has represented the Hollister Ranch Owners Association on issues relating to the Coastal Act. In recent years, Brownstein has represented the Association in litigation against the California Coastal Commission and State Coastal Conservancy related to public access.

- Provide assistance to land use consultant preparing CEQA documentation and processing permits for remediation of oceanfront site in Santa Barbara County, and negotiating and drafting option agreement with non-profit for purchase of site upon completion of remediation. Assisting client in obtaining adequate water supplies for land farming, dust control, and revegetation of impacted site with natives plants and in obtaining permits for relocation of major creek. Permitting included Federal, State, and County agencies. Remediation groundbreaking is imminent.

- Assisted client in preparing remediated property for sale to park foundation in the middle of heavily industrialized area of Los Angeles County with no nearby park serving local residents. Services included negotiating and documenting sale, drafting appropriate deed restrictions to prevent change of use that could expose seller to risk of liability, resolving/clearing title issues, drafting lease agreement, coordinating with buyer in negotiations with regulatory agencies for bona fide purchaser status under California Land Reuse and Revitalization Act of 2004 (CLRRA), Prospective Purchaser agreement, agreement and covenant not to sue (from DTSC), land use covenant and agreement for environmental restrictions, and related documents. Transaction was completed timely.

- Represented property owner in a multi-week jury trial involving damage relating to the property’s natural
- Represents a number of oil and gas companies in obtaining state and local government land use and operating permits either through negotiation or litigation. Representation includes assisting companies in royalty, operating, and antitrust disputes with other operators.
- Secured a ruling in the Sacramento Superior Court that validated the eleven year-old Colorado River Quantification Settlement Agreement and related agreements and secured a key component of long-term reliable water supply for San Diego County. Brownstein team’s knowledge and experience of the California Environmental Quality Act (CEQA) played a major role in the victory of this litigation.
- Brownstein is collaborating with a greenfield mining company to implement an infrastructure development program that minimizes the length of time necessary to complete the state and federal permitting process.
- Represents Martin Marietta Materials, the largest aggregate producer in the Western United States, on all land use and environmental issues that arise from its quarrying and manufacturing activities. This work includes representing the company in litigation and administrative proceedings pertaining to alleged air, water and waste violations, as well as zoning and permit approvals.
- Represented the Santa Barbara Cattlemen’s Association regarding various land use and environmental issues in administrative proceedings before the County of Santa Barbara, State Water Control Board, and Central Coast Regional Water Quality Control Board.
- Provided land use and CEQA compliance advice to mixed-use project with 266 apartments and 88,000 square feet of commercial, the largest mixed-use project processed and approved by the City of Goleta, California.
- Defended action taken in furtherance of the City of Long Beach’s major clean air initiatives based on alleged violation of the Open Meeting Law, alleged improper delegation of police powers and alleged violations of the California Environmental Quality Act.
- Served as primary counsel for defense of CEQA litigation challenging a grocery store warehouse, kitchen and distribution center, and permitting and CEQA compliance for its expansion for a project built with the largest solar roof in the Western US; advised client regarding green initiatives for building and operations in analysis and mitigation of greenhouse gas/carbon footprint impacts of project under California Environmental Quality Act (CEQA).
- Represents Cotter Corporation, a large uranium production company, in the long-term remediation of its property in litigation actions with private parties, including all issues pertaining to land use and environment, surety and environmental matters. This representation is ongoing and includes successfully defending the company in litigation brought by environmental groups regarding the remediation, negotiating a complex cleanup settlement with federal and state environmental authorities, and overseeing each step of the remediation.
- Represent a major California water district in an appeal to the Ninth Circuit concerning an endangered species in the San Joaquin Valley in California.
- Successfully represented a prominent cement company in land use, mining, contract and environmental litigation and land use matters regarding its facilities in Colorado, New Mexico, and South Dakota. This work includes assisting the company in obtaining federal government and tribal approval for a mine and conveyor system on federal and tribal property.
- Represented Intercontinental Potash Corp. in all aspects of developing one of the largest potash mines in the country. Representation included guiding the company through every aspect of the multi-year NEPA and the Endangered Species Act permitting process and obtaining all necessary federal, state and local permits.
- Helped obtain funding for an innovative bioremediation project to remove a chemical pollutant from drinking water.
- Assisted Slaterpaull Architects in acquiring historic real property from the City & County of Denver and with
related environmental and rehabilitation tax credit matters.

- Successfully defended one of the largest landfill operators in the country against allegations of non-compliance with air regulations and permits at the companies' facilities in Colorado. The resulting civil penalties were well below SEC reporting obligations for this publicly traded company.
- Successfully defended GCC against a local environmental group in New Mexico seeking to appeal an air quality permit.
- Successfully defended GCC, a coal mining operation in Hesperus, CO, against CDPHE allegations that the facility failed to obtain all required permits. The resulting fine was $10,000 when penalties could have exceeded half a million. Negotiated the return of over $5 Million of cash funded reclamation obligations for the limestone mine at the GCC facility in Pueblo, Colorado.
- Successfully represent a non-profit entity in Endangered Species Act listing litigation.
- Represented an energy company in a challenge on state and federal preemption grounds to County regulations governing oil and gas operations.
- Successfully represented applicant in development of 550,000 square foot shopping center project involving complex environmental issues, including location within the flight path of municipal airport.
- Represent a large electrical utility in a Clean Air Act investigation of a coal fired power plant. The EPA investigation covers over 25 years of documents and environmental and operational data at the multi-unit power plant. Representation involves advising the utility on its response to the agency and managing the production of tens of thousands of documents and data.
- Successfully represented interests of private property owners in Santa Barbara regarding proposal by an organization to paint blue waves across 68 city streets depicting a potential flood zone, which would have devalued hundreds of homes and businesses.
- Defended CEQA challenge to All American Canal Lining Project in trial and appellate courts.
- Handled all environmental and water compliance issues with the State of Colorado for a large animal production facility and achieved a favorable settlement for a number of alleged violations of environmental compliance laws at their facilities.
- Represented a large development company on the investigation and remediation of soil and groundwater contamination on a 65 acre parcel in the Central Platte Valley and worked closely with the State to obtain approval of Voluntary Clean Up Plans and No Further Action letters for this contaminated and environmentally-sensitive area.
- Represented a major home developer in the demolition of the CU Health Sciences Center and the redevelopment of this area for mixed commercial and residential use. Matter involved asbestos and radioactive material abatement, and hazardous and medical waste remediation in over 15 medical buildings.
- Represented city to insure that environmental documents prepared by city appropriately evaluated the global warming impacts created by the projects in city planning documents.
- Represented the District before the California State Water Resources Control Board (SWRCB), regarding renewal of water right permits for a USBR owned reservoir and before the National Marine Fisheries Service with respect to Endangered Species Act compliance for listed steelhead. Representation included coordination with USBR, who holds the water right permits, and other project members holding water right entitlements in the reservoir for environmental compliance with CEQA, development of a biological assessment and biological opinion, and protection of downstream water rights interests.
- Represented Capital Pacific Holdings in the land use permitting proceedings and subsequent environmental litigation for a 40-unit condominium project in Santa Barbara.
- Kern County/Department of Toxic Substance Control administrative civil actions against client City of Oxnard regarding the storage and handling of biosolids. Successfully negotiated fines and remedy.
- Property contamination requiring remediation, CERCLA 104(e) response. Drafted complex sale and...
• Negotiated settlement with insurer of $9M regarding dioxin contamination; commenced action against LADWP (settled).

• Property contamination requiring remediation. Negotiated approvals with agencies, approved cleanup.

• Process entitlements and coordinate environmental review for the subdivision of a 2,000-acre ranch in coastal Santa Barbara County.

• Served as litigation counsel for California water agency in litigation and appeals challenging the 2003 Quantification Settlement Agreement and related agreements governing Colorado River rights.

• Represented a public utility district in federal district court in a CERCLA action commenced by the Forest Service against multiple parties regarding groundwater contamination stemming from the contribution of waste, location of a district wastewater pipeline, and improper operation and closure of a landfill. The case was successfully resolved in the district's favor by entering into a consent decree and settlement agreement, neither of which required payment by the district. The district's legal costs were fully paid as a result of identifying and obtaining insurance coverage.

• MTBE Contamination - Resolved the matter by coming to an agreement with Shell Oil that they would purchase the City Pumping Station; in addition they would pay for the purchase of substitute property as well as the increased costs in infrastructure development. Shell paid the City over $8M to accomplish these resolutions.

• Cost recovery/CERCLA suit involving cleanup in the San Gabriel Valley.

• Represented a large electric utility in an enforcement action containing numerous alleged violations of the Clean Air Act against one of its coal-fired generating stations. The enforcement action was brought by the Nevada Division of Environmental Protection, the United States Environmental Protection Agency and the United States Department of Justice. After considerable time and effort, the company was able to negotiate a complex settlement with all parties in the form of a consent decree filed in U.S. District Court. The settlement included a fine significantly less than the fine amounts initially proposed by the governments. In addition, the consent decree involved several supplemental environmental projects, including the creation of environmental reduction credits.

• Brownstein represented a water and sewer district in the condemnation of 1,400 acres of land and 2,300 acre-feet of surface water rights on a river for use in connection with the district's recycled water operations. Condemnation was commenced in Federal Court after pre-condemnation negotiations did not result in an amicable purchase.

• Defended CEQA litigation challenging project with 483 luxury condominiums in two, 47 story towers in Century City, California

• Provided appellate defense in Court of Appeals and Supreme Court of CEQA challenge to California Public Utilities' rulemaking related to liquefied natural gas (LNG) on behalf of major utility.

• Represented a major hotel developer in inverse condemnation and CEQA actions related to the Sacramento County Airport expansion.

• Represented private property owners in successful cost recovery claims against U.S. Dept. of Defense for remediation of contamination conditions of Formerly Used Defense Sites in the US District Courts and the U.S. Court of Federal Claims.

• Defended NEPA, Endangered Species Act, Clean Water Act and Federal Power Act challenge to FERC's issuance of a 50-year permit renewal for hydroelectric dam for major utility in Ninth Circuit Court of Appeals.
• New Waters of the United States Definition Will Challenge Colorado Development
• How Varying California Greenhouse Gas Rules May Hurt The Economy
• A Tale of Environmental Inclusion
• SB 375: Breakthrough or Stall?

Meet The Team

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hubert A. Farbes, Jr.</td>
<td>Shareholder</td>
<td>T 303.223.1186</td>
<td><a href="mailto:hfarbes@bhfs.com">hfarbes@bhfs.com</a></td>
</tr>
<tr>
<td>Wayne F. Forman</td>
<td>Shareholder</td>
<td>T 303.223.1120</td>
<td><a href="mailto:wforman@bhfs.com">wforman@bhfs.com</a></td>
</tr>
<tr>
<td>Gary M. Kvistad</td>
<td>Shareholder</td>
<td>T 805.882.1414</td>
<td><a href="mailto:gkvistad@bhfs.com">gkvistad@bhfs.com</a></td>
</tr>
<tr>
<td>Lawrence J. Jensen</td>
<td>Shareholder</td>
<td>T 202.747.0509</td>
<td><a href="mailto:ljensen@bhfs.com">ljensen@bhfs.com</a></td>
</tr>
<tr>
<td>Mark J. Mathews</td>
<td>Shareholder</td>
<td>T 303.223.1179</td>
<td><a href="mailto:mmathews@bhfs.com">mmathews@bhfs.com</a></td>
</tr>
<tr>
<td>Dulcinea Z. Hanuschak</td>
<td>Shareholder</td>
<td>T 303.223.1184</td>
<td><a href="mailto:dhanuschak@bhfs.com">dhanuschak@bhfs.com</a></td>
</tr>
<tr>
<td>Jeffrey A. Jay</td>
<td>Associate</td>
<td>T 303.223.1173</td>
<td><a href="mailto:jjay@bhfs.com">jjay@bhfs.com</a></td>
</tr>
<tr>
<td>Julia E. Rhine</td>
<td>Associate</td>
<td>T 303.223.1279</td>
<td><a href="mailto:jrhine@bhfs.com">jrhine@bhfs.com</a></td>
</tr>
<tr>
<td>Michael P. Smith</td>
<td>Associate</td>
<td>T 303.223.1150</td>
<td><a href="mailto:msmith@bhfs.com">msmith@bhfs.com</a></td>
</tr>
<tr>
<td>Brooke M. Wangsgard</td>
<td>Associate</td>
<td>T 310.500.4627</td>
<td><a href="mailto:bwangsgard@bhfs.com">bwangsgard@bhfs.com</a></td>
</tr>
<tr>
<td>Ryan Waterman</td>
<td>Shareholder</td>
<td>T 619.702.7569</td>
<td><a href="mailto:rwaterman@bhfs.com">rwaterman@bhfs.com</a></td>
</tr>
</tbody>
</table>