



## Ryan Waterman

### Shareholder

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**San Diego, California**

Being mindful of the goal without getting lost in the details is a critical part of Ryan Waterman's practice as an environmental attorney specializing in land use, water, storm water and hazardous substances. Ryan's deep familiarity with the land use entitlement process and CEQA/NEPA environmental review are foundational to his practice representing complex pre-approval entitlement and post-approval litigation in the trial and appellate courts. Ryan also delivers strategic advice on California water permitting, regulations and compliance related to water sufficiency, water quality, storm water permitting, groundwater, infrastructure, renewable energy and policy development. Ryan regularly defends his clients against Clean Water Act citizen suits and State and Regional Board enforcement actions. Clients seek out Ryan for his expertise in the inextricably linked issues of land use and water within California.

Ryan also has a long-standing commitment to providing pro bono legal services and serves on the firm's Pro Bono Committee.

Prior to joining Brownstein, Ryan was of counsel at Stoel Rives, LLP, and an associate at Latham & Watkins, LLP. From 2008 through 2012, Ryan co-taught an environmental law seminar as an adjunct professor at the University of San Diego School of Law. Prior to entering private practice, Ryan served as a law clerk to the Honorable Jeanne E. Scott, U.S. District Judge in the Central District of Illinois.

### **Practices**

Energy & Natural Resources, Land Use, NEPA/CEQA, Water, Infrastructure Development, Environmental & Remediation, Renewable Energy

### **Industries**

Energy & Mining, Government, Regulation & Public Policy, Infrastructure, Water

### **Project Entitlement / Land Use / CEQA-NEPA**

Ryan advises clients through all phases of the entitlement process and works closely with both clients and consultants to prepare legally defensible CEQA and NEPA documents. Ryan represents a wide range of projects, including renewable energy, mixed use, residential, industrial, commercial and infrastructure projects. Ryan also advises clients on California's open meeting and public information statutes, including the Brown Act, Bagley-Keene Act and Public Records Act. Where required, Ryan defends projects against environmental litigation in federal and California trial and appellate courts, defending writ petitions and challenges to project entitlements and CEQA/NEPA documents.

Commercial, Residential, Mixed-Use, Industrial and Infrastructure Matters:

- Defend Drakes Bay Oyster Company in federal court to prosecute NEPA violations by the National Park Service, including appeal to 9th Circuit Court of Appeals.
- Defense of 400-unit residential development against CEQA challenge in Carlsbad.
- Permitting and CEQA for redevelopment of industrial park in San Diego.

- Permitting and CEQA for mixed use project in San Diego.
- Permitting and CEQA for industrial chemical distribution center in San Diego.
- Permitting and CEQA for redevelopment of Brown Field Airport in San Diego.
- Permitting and CEQA for mixed-use bayfront development in San Diego region.
- 4,700-unit residential and 1,200,000 square-foot commercial mixed-use project in the City of San Diego.
- 140,000 square-foot retail mall in San Diego; successful defended permits in San Diego Superior Court.
- 483-unit mixed use project; successfully defended permits in *Torrey Hills Community Coalition v. City of San Diego* (2010) 186 Cal.App.4th 429.
- 4,000 unit residential project in City of Orange; successfully defended permits in *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523.

#### Renewable Energy Matters:

- Permitting and CEQA for 168 MW Soitec Solar Project in San Diego County; successfully defended permits in San Diego Superior Court.
- Permitting and CEQA for 50 MW Ocotillo Wells Solar Project in San Diego County.
- Permitting and CEQA/NEPA for 200 MW Tule Wind Project in San Diego County.
- Due diligence and analysis of over 5,000 MW of solar and wind energy projects throughout the U.S. prior to acquisition, sale and/or financing.

#### **Hazardous Substances and Remediation**

Ryan advises companies addressing hazardous substance contamination, responding to regulatory enforcement actions and securing or complying with operating permits. Ryan's fluency in the Clean Water Act, CERCLA, RCRA and the California state law equivalents, including the Porter-Cologne Water Quality Control Act and the Health & Safety Code, and his deep familiarity with land use permitting and CEQA/NEPA environmental review are essential to his success addressing hazardous substance issues. Where required, Ryan litigates before administrative bodies and in both the trial and appellate courts.

- Defend ski resort against a regulatory investigation by the Central Valley Regional Water Quality Control Board, California Department of Fish & Wildlife and U.S. Army Corps of Engineers regarding asphalt grinding discharge to waters of the U.S. and waters of the state.
- Defend scrap metal recycler against California Department of Toxic Substances Control enforcement action related to historic soil contamination.
- Defend pool chemical supplier against enforcement action related to spill of approximately 2,000 gallons of sodium hypochlorite (bleach).
- Defend electrical wholesale supplier against Cleanup and Abatement Order issued for migrating contamination related to operations of a neighboring circuit board manufacturer.
- Defend shipbuilder against investigation and Cleanup and Abatement Order related to sediment contamination. This matter also included federal and state litigation to allocate financial responsibility for clean up under CERCLA and state law equivalents.

#### **Water and Stormwater**

Ryan assists his clients in complying with water quality permits and regulations, including the 2015 Industrial General Storm Water Permit, Construction General Permit, and San Diego MS4 Permit, rectifying upsets and regulatory actions and defending legal actions, including Clean Water Act citizen suits.

- Advise both public and private clients on how to comply with NPDES permits and California waste discharge requirements, including the Industrial General Storm Water Permit, MS4 permits and individual NPDES / WDR permits.

- Defend agricultural interests against threatened State Board action related to alleged groundwater contamination.
- Defend concrete batch plant entities in Los Angeles and Orange Counties against Clean Water Act Notice of Intent to Sue alleging failure to comply with the California Industrial Storm Water permit.
- Defend steel manufacturer against Clean Water Act Notice of Intent to Sue alleging failure to comply with the California Industrial Storm Water permit.
- Defend Southern California municipal utility against Clean Water Act Notice of Intent to Sue alleging failure to comply with the California Industrial Storm Water permit.
- Defend Southern California horse racetrack against Clean Water Act Notice of Intent to Sue alleging failure to comply with the California Industrial Storm Water permit.
- Defend ski resort against a regulatory investigation by the Central Valley Regional Water Quality Control Board, California Department of Fish & Wildlife and U.S. Army Corps of Engineers regarding asphalt grinding discharge to waters of the U.S. and waters of the State.
- Defend Northern California aggregate mine against Clean Water Act citizen suit alleging failure to compliance with the California Industrial Storm Water permit.
- Defend Southern California shipbuilder against Cleanup and Abatement Order related to historic sediment contamination.
- Defend electric supply wholesaler against Cleanup and Abatement Order related to historic groundwater contamination.
- Obtain rescission of improperly issued Cleanup and Abatement Order for retailer.

## **News & Events**

- The Future of Energy in 2030: Policies and Technologies Affecting Electricity Distribution and Generation
- Ryan Waterman Joins Brownstein's Water Group

## **Community**

Public Policy Committee, San Diego Regional Chamber of Commerce  
Board Secretary, Board of Directors, Big Brothers Big Sisters of San Diego County  
Executive Committee, California State Bar Environmental Law Section

## **Publications & Presentations**

- EPA Seeks Comments After Controversial Ninth Circuit Decision, *Brownstein Client Alert*, February 20, 2018
- Ninth Circuit Holds Wastewater Discharge to Groundwater Requires Clean Water Act Permit in Hawai'i Wildlife Fund v. County of Maui, *Brownstein Client Alert*, February 7, 2018
- CEQA News You Can Use - Vol. 3, Issue 1, *Brownstein Client Alert*, February 1, 2018
- Two Questions Every Industrial Storm Water Permittee Should Answer Before January 1, 2018, *Brownstein Client Alert*, November 13, 2017
- Citizen Suits Under the Clean Water Act, Speaker, CalCIMA Education Conference, Olympic Valley, CA, November 8, 2017
- Environmental Law Conference at Yosemite, Co-Chair, Environmental Law Conference at Yosemite, Fish Camp, CA, October 19-22, 2017
- Public and Private Enforcement of the Industrial General Permit, Supporting Speaker, 2017 CASQA Annual Conference, Sacramento, CA, September 26, 2017
- Brownstein Water: Current Trends in Water Law & Policy, Contributor

- CEQA News You Can Use - Vol. 2, Issue 2, *Brownstein Client Alert*, July 20, 2017
- State and Regional Water Management and Planning, Presenter, Water Laws and Regulation, April 25, 2017

### **Education**

- J.D., 2003, UC Berkeley School of Law
- B.S., 1996, California Polytechnic State University
- M.C.P., 2003, University of California at Berkeley

### **Admissions**

- California
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Central District of Illinois
- U.S. Court of Appeals, Ninth Circuit
- U.S. Supreme Court

### **Membership**

Bioenergy Association of California  
California State Bar Association  
California Association of Environmental Professionals  
San Diego County Bar Association