

Selected Environmental Law Experience

(Partial Listing)

Environment

- Obtained State Mining and Geology Board approval of the "vested rights" of JMBM client Western Aggregates (Eagle Materials) to mine construction materials on 4,000 acres of land in Yuba County, California. This is the first-ever approval by the State Board of a vested right for mining (a grandfathered right to allow mining exempt from needing surface mining or use permits). The Yuba mine is one of the most significant construction aggregate resource in California and the western United States.
- Completed environmental due diligence on a \$1.1 million transaction involving about 250 sites within 3 months. This included managing 5 national environmental engineering consulting firms to commission and complete Phase I reports for all sites and Phase II reports for numerous sites.
- Representation of regional gasoline retailer in nationwide class action litigation claiming need for temperature correction equipment in sale of motor fuel.
- Successfully negotiated EPA Region 9's first CERCLA Bona Fide Prospective Purchaser Agreement in connection with development of retail store in Davis, CA.
- Representation of multiple clients in implementation of California's Greenhouse Gas/Climate Change legislation (AB 32 and SB 375) and related initiatives.
- After successful CERCLA pre-trial motion, successfully resolved multi-million dollar cost recovery litigation involving former Inland Empire aluminum smelter.
- Representation of major private mining enterprise for permitting and entitling limestone mine expansion in San Bernardino County, CA.
- Successful representation of big-box retailer in a significant brownfields redevelopment project, including the transformation of a former nuclear fuel rod manufacturing site into a retail center.
- Favorably resolved litigation for defendants in highly publicized litigation brought by California Coastal Commission against a Malibu-area homeowners association and association officers in connection with the creation of a berm along a mile of Broad Beach in Malibu, California.
- Beneficially resolved administrative and litigation claims against regional gasoline retailer in MTBE contamination case involving City of Santa Monica, Southern California Water Company, and multiple multinational oil companies.
- Successfully designed and implemented a global Proposition 65 settlement of claims against 248 lodging establishment clients on behalf of California Hotel & Lodging Association members. JMBM has implemented a similar program in conjunction with the California Apartment Association for dozens of apartment management companies.
- Resolved claims of a major California oil and gas producer related to the alleged theft of a large quantity of RECLAIM Trading Credits by an agent. The agent was criminally prosecuted.
- JMBM client scored a significant victory in the Ninth Circuit Court of Appeals involving the relationship of the federal Endangered Species Act to state law.
- Successfully defended scrap metal recycling enterprise in administrative hearing before Regional Water Quality Control Board and subsequent appeal before State Water Resources Control Board concerning water quality, stormwater, and waste discharge issues.
- Permitted and acquired emission reduction credits (ERCs) for several power generating facilities including obtaining air quality permits and CEC approvals.
- Negotiated federal consent decrees resolving alleged Clean Water Act violations against regional auto dismantling firm involving 14 separate sites.

Los Angeles

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- Represented gold mining operator in administrative litigation before U.S. Department of Interior, Board of Land Appeals involving landmark California Desert Conservation Act.
- Prosecution of CERCLA, RCRA and common law claims on behalf of property owner against lessee of former gun range facility located in the City of Huntington Beach and on separate former landfill sites in Orange County.
- Successfully processed and appealed more than 100 applications to the California Underground Storage Tank Cleanup Fund; clients have obtained more than \$40 million from this public program.
- Represented developers of energy, chemical and telecommunications projects in China, India, Indonesia, Italy, Japan, Nepal, Russia, Tunisia, Trinidad & Tobago, Vietnam, the United Kingdom and the United States regarding project structuring and transactions.

Land Use

- Achieved multiple victories on behalf of public company as real party in interest against claims brought against the Soledad Canyon Aggregate Mining Project under the California Environmental Quality Act and the National Environmental Policy Act, including multiple awards of attorneys fees.
- Successful representation of client in efforts to re-develop 80+ acre office campus in eastern San Fernando Valley involving complex environmental and land use issues. Property was former research and development site for aerospace firm.
- Represented substantial wall board manufacturer in a CEQA challenge to its \$100 million+ facility modernization and expansion. Prevailed in trial court, and matter pending in trial court again after appellate remand.
- Defense of waste-to-energy facility operator in companion CEQA challenges brought against the SCAQMD and the City of Rialto to set aside decisions to grant application to construct a resource recovery facility.
- Successfully intervened to defend agency action in the lawsuit brought by the Center for Biological Diversity alleging various endangered species violations by the U.S. Fish and Wildlife Service, which eventually resulted in a Ninth Circuit published decision upholding the validity of the agency's actions.
- Representation of proposed natural gas marketers in CEQA litigation regarding proposed LNG Receiving Terminal at Port of Long Beach.
- Successfully represented a major agricultural and water development company in litigation under CEQA concerning a proposed mega-landfill project in San Bernardino County.
- Obtained EIR certification and various governmental approvals for a controversial redevelopment project in the mid-City area of Los Angeles involving the adaptive re-use of a designated historic landmark.
- Processing entitlements and environmental clearances to develop controversial 369 acre/250 unit residential hillside subdivision in the City of Brea
- Participated in condemnation trial resulting in a verdict of \$49.5 million against the State of California, upheld on appeal, with a resulting payment to the property owner of over \$60 million (including interest and attorneys' fees).

Energy

- Representation of largest national waste-to-fuel producer in air permit enforcement matters.
- Representation of southern California-based waste-to-energy firm for permitting and entitlements at public sanitation facilities.
- Primary responsibility for environmental and regulatory aspects of siting and development of a liquefied natural gas (LNG) receiving and vehicle fuel distribution terminal at Port of Long Beach.
- Permitted and acquired emission reduction credits (ERCs) for several power generating facilities including obtaining air quality permits and CEC approvals.

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- Represented developers of energy, chemical and telecommunications projects in China, India, Indonesia, Italy, Japan, Nepal, Russia, Tunisia, Trinidad & Tobago, Vietnam, the United Kingdom and the United States regarding project structuring and transactions.
- Development of 30 MW wind energy facility in the Coachella Valley.
- Successfully opposed power plant proposed for Los Angeles' Baldwin Hills community.

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