



ENVIRONMENTAL

Luce Forward lawyers and scientific staff have significant experience in government and private practice in all aspects of environmental law. The backgrounds of our environmental lawyers encompass air and water quality issues, hazardous materials, natural resource problems, pollution, litigation and Superfund. Our environmental lawyers work closely with lawyers from other disciplines to provide an integrated approach to solving our clients' problems.

Added to the capabilities of our legal staff are the resources of our Science Advisory Group, a team of expert scientists whose experience covers many areas of environmental science. With their help, we are able to obtain research faster, reduce the cost of hiring consultants and react with greater flexibility to client needs.

Our clients include manufacturers, hotels, municipalities and other public entities, financial institutions, oil and energy companies, landfill operators, land developers, and biotech and biomedical companies. Our services include helping buyers and sellers of property and businesses avoid environmental liabilities; obtaining permits and entitlements; counseling businesses on compliance issues; and defending enforcement actions and "citizen" lawsuits. We also have an active water rights practice, assisting clients in obtaining water supplies through perfection of rights or water transfers.

Business, Finance and Real Estate.

We have extensive experience in addressing the regulatory and financial implications of environmental issues related to the purchase or sale of businesses and their regulatory compliance, negotiation with or on behalf of lenders, and facilitating the purchase or sale of real estate with contamination and wetlands or other natural resource issues. Our activities include regulatory audits and obtaining regulatory agency clearance as a condition to transactions, the analysis of both contamination and natural resource permitting obstacles associated with real estate development projects, and general environmental risk analyses. We have extensive experience in negotiating "brownfields" understandings with regulatory agencies, natural resource permits, and in negotiating insurance clean-up costs coverage and environmental indemnities.

For example, in San Diego, we were responsible for the environmental due diligence related to a military-base closure and the transfer of a naval facility to a California special district. Also, in Southern California, we handled all aspects of the \$400 million purchase of a contaminated 725-acre site, including negotiating a \$25 million fund from the previous owner to pay for cleanup and limited releases from Department of Toxic Substances Control and a neighboring oil company. And, in San Francisco, we handled all aspects of the purchase of a \$30 million industrial project including negotiating the first "Covenant Not to Sue with Contribution Protection" in California.

Regulatory Compliance and Administrative Proceedings.

We advise and represent our clients in all aspects of federal, state and local environmental law compliance, including matters relating to hazardous wastes, air emissions, Proposition 65, exposures to materials like lead and asbestos, pesticides, water quality, wetlands, endangered species, natural resource damages, and environmental impacts. We counsel a broad range of clients on compliance issues, and we represent our clients in both regulatory agency proceedings

and in litigation involving alleged violations and permitting matters. Our state and federal agency backgrounds provide invaluable insight into agency positions, access to regulatory decision makers, and credibility with the regulators.

For example, we represent the owner and operator of an aboveground fuel storage facility in Escondido and developers in connection with various proceedings before the California Regional Water Quality Control Board and in litigation concerning recovery of cleanup costs. We also have handled hundreds of litigation and regulatory compliance matters involving petroleum contamination of soil and/or groundwater at more than 100 gas station and convenience store sites throughout California.

Environmental Permitting.

We handle all aspects of permitting for environmental issues, including obtaining needed permits, and appealing and contesting permit requirements and conditions. This includes permits for construction, development, plant operation, waste disposal, import/export, transportation, and so on.

In this connection, for the Port of Stockton, we were responsible for the legal provisions (including ordinances) that implemented the Port's municipal permit for storm water discharges. We also handled all environmental law aspects of the purchase of a \$70 million construction site in San Francisco, including negotiation of "no further" remedial releases from government agencies and negotiating with purchase and construction lenders.

Litigation.

We handle all types of environmental litigation, including defense of civil and criminal environmental enforcement actions and administrative actions arising under federal, state and local laws. We prosecute and defend Superfund cost recovery actions. We also defend governmental, private and "citizen suit" actions arising under the Clean Water Act, RCRA, CERCLA, California's Proposition 65 and other laws.

For example, we serve as common counsel to a PRP Group of 55 companies under a consent decree with California EPA, including performing a \$30 million cleanup of a hazardous-waste recycling facility and obtaining cost recovery from other responsible parties. We also handled all aspects of the investigation, remediation and cost recovery of a 65-year-old oil and chemical terminal facility, recovering \$5 million for the landowner and full indemnity from all contamination. In addition, we negotiated a release from government cleanup obligations. Later, we provided expert testimony in a suit that recovered an additional \$4 million from a third party. We also represent a large port district in defense of a citizen suit under the Clean Water Act, as well as several industrial and land developer clients in suits alleging NPDES and storm water violations.