

AIR QUALITY

Having well-versed greenhouse gas and air quality regulatory compliance legal counsel is essential in California due to its ever-evolving, pioneering regulatory framework that creates procedurally complex compliance pathways for entities doing business in California.

Public and private sector clients in the infrastructure and supply chain sectors, particularly those with large-scale complex facilities turn to Meyers Nave because our broad experience and respected relationships with state and local regulators help them realize major project in accordance with their strategic planning goals. As experts in this field, we excel in how to succeed within administrative frameworks of air districts and have successfully handled over 100 matters before the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB).

Meyers Nave advises clients on compliance with the Clean Air Act and other laws targeting air pollution and greenhouse gases. We maintain strong relationships with federal, state and local regulators, including the SCAQMD and CARB.

We represent clients at every step of air quality compliance, including in responding to and resolving administrative notices of violation and permit disputes issued by the Bay Area Air District and SCAQMD. Additionally, we handle administrative discovery matters and notices of violation from CARB, including regulatory programs like CARB's fuel and mobile source standards. We have also supported our clients by obtaining variances to temporarily suspend local air quality rules and permit conditions through successful administrative hearings at the SCAQMD.

Our attorneys advise on air quality issues ranging from development projects to the acquisition of refineries. We specialize in addressing the specific considerations and unique needs of industrial clients, including ports, airports, mass transit systems, oil companies, and other large-scale complex facilities.

Our expertise includes:

- Alt Fuels
- Audits
- Citizen Suit Defense
- Emergency Response and Reporting
- Enforcement Defense
- Federal Preemption

PRACTICE CHAIR



Amrit
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PRINCIPAL

ATTORNEYS

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Nicole Gordon

- Greenhouse Gas Regulation Compliance
- Other Permitting/Variations
- Risk Management
- Title V Permitting

EXPERIENCE

Port of Los Angeles (POLA) Master Plan and Project Implementation

Meyers Nave serves as lead environmental compliance and land use permitting counsel for multiple large-scale cargo, shipping and transportation projects for container terminals and dockside intermodal railyards. All shipping terminal projects we advise on involve regional and local air quality concerns due to emissions from shipping, on dock vehicles, and train and truck traffic. In addition, Meyers Nave is currently representing the Port of Los Angeles in a decades-long dispute related to the air quality impacts of continued operation of an existing marine terminal. This includes defending POLA against a CEQA challenge to the Port's Supplemental Environmental Impact Report prepared to replace mitigation measures determined to be infeasible, brought by NRDC, the South Coast Air Quality Management District, with the State of California and the California Air Resources Board intervening. The case is currently pending at the Court of Appeal.

Los Angeles Department of Water & Power (LADWP)

For the largest municipal utility in the United States, Meyers Nave provides sophisticated and complex air quality advice to guide LADWP through the SIP-approved regulatory framework that requires a multi-billion dollar dust control program on Owens Lake, involving thousands of acres of federal property owned by the Bureau of Land Management. Meyers Nave has worked in coordination with numerous agencies to obtain necessary approvals, prepare air quality and SIP review, CEQA/NEPA review, and negotiate lease/access agreements to implement the project.

Metrolink (Southern California Regional Rail Authority)

Meyers Nave assists the Metrolink commuter rail system with environmental analyses for new and expanded transportation facilities related to multi-year \$1 billion system-wide improvement program and projects. This includes evaluating compliance with California's Clean Air Act SIP. We are advising Metrolink in assessing air quality emissions from its Central Maintenance Facility in the City of Los Angeles and in adopting measures to lessen those emissions and their impacts. This representation is a groundbreaking effort at environmental analysis conducted for the purpose of responding to concerns expressed by the surrounding urban community. We are also representing the client in responding to an order from the California Regional Water Quality Control Board, Los Angeles Region, regarding Metrolink's dewatering system at Tunnel 26 near Chatsworth, California. This is a cutting-edge issue related to previously unregulated activity.

Los Angeles International Airport Planning, Expansion and Modernization

Meyers Nave represents Los Angeles World Airports in its air quality compliance matters, securing relief from local air quality rules that conflicted with or are preempted by federal aviation law. We provide LAWA with advice on operations involving diesel-fueled equipment, mobile emission sources, and enforcement matters. In our role as counsel in connection with the development and implementation of the Los Angeles International Airport Master Plan, a \$13 billion expansion of one of the world's busiest airports, we coordinated with a vast number of federal, state, and regional agencies, including CARB and SCAQMD and advised on a comprehensive range of environmental issues, including state and federal regulatory and permitting requirements under the Clean Air Act and California's State Implementation Plan.

Ships at Berth Emissions Regulation (Pacific Merchant Shipping Association v. Newsom)

Defense of the state regulation governing emissions from vessels at berth, in *Pacific Merchant Shipping Association v. Newsom* (2021) 67 Cal.App.5th 711, a rule that reaches every container ship calling at a California port.

San Bernardino Regional Greenhouse Gas Reduction Plan

We assisted San Bernardino Associated Governments (SANBAG) in development and adoption of a Regional Greenhouse Gas Reduction Plan and environmental impact report under CEQA. This was the first-of-its-kind effort by a regional agency to develop a plan that could be used by local agencies as the basis for individual GHG reduction plans. Our work involved novel issues relating to GHG reduction measures, CEQA analysis of the impacts of the implementation of reduction measures, and structuring an EIR for use by multiple agencies. The Regional Plan helped implement the GHG reduction goals of AB 32, SB 375, and the RTP/ Sustainable Communities Strategy adopted by the Southern California Association of Governments.

Refineries and Associated Terminals and Pipelines

Meyers Nave provides air quality compliance advice to numerous refineries and associated terminals and pipelines. For example, when federally enforceable Clean Air Act permits were issued for a client, we strategically filed appeal and variance petitions with the South Coast Air Quality Management District in a way that secured within weeks dozens of permit revisions that had been pending for several years, thereby eliminating violations for operating contrary to the permit. We have also advised on complex "source" and "facility" determinations to implement greenhouse gas requirements of the California Air Resources Board and other regulatory programs. As air quality and CEQA compliance counsel for another client, Meyers Nave interacts with SCAQMD and San Joaquin Valley Unified Air Pollution Control District and also assists with anticipated litigation under CEQA and the Clean Air Act. For another refinery client, we work with SCAQMD on various air quality issues and assist with emerging regulatory issues involving refinery fence-line monitoring. For example, each time the refinery undertakes scheduled or unscheduled maintenance activities, we work to secure variances in contested and uncontested matters before the SCAQMD hearing board. We routinely

advise on complex air quality monitoring, reporting, and permit compliance and work extensively with refinery process and environmental engineering teams.

California Air Resources Board – CEQA Defense of Advanced Clean Trucks Regulation

Assisted in the successful defense of a CEQA challenge to California's Advanced Clean Trucks rule, a landmark regulation designed to accelerate the transition to zero-emission heavy-duty vehicles and reduce statewide greenhouse gas emissions.

California Air Resources Board – Zero-Emission Off-Road Engine Regulation Rulemaking

Served as lead legal advisor supporting development and adoption of regulations governing zero-emission off-road equipment. Work included CEQA compliance, rulemaking support, and coordination with engineers, scientists, and policymakers.

LADWP – Great Basin Unified APCD dust-control litigation

Represented the Los Angeles Department of Water and Power in litigation with the Great Basin Unified Air Pollution Control District over dust-control obligations at Owens Lake, spanning three trial-court cases and an appeal.

POLA + POLB – Clean Trucks Program diesel-to-LNG environmental review

Representing POLA and the Port of Long Beach, Meyers Nave facilitated the environmental review for implementing a program to convert diesel trucks to liquid natural gas, enhancing environmental compliance and sustainability.

BNSF – Barstow International Gateway (BIG)

Meyers Nave is lead counsel to BNSF Railway Company (BNSF) on the Barstow International Gateway (BIG) project, one of the most significant private freight infrastructure investments in California history.