

HAZARDS & REMEDIATION

Effective legal strategies for development of contaminated properties protecting clients from liabilities while helping them recover costs

Remediation & Development

Our team handles matters for remediation and development of contaminated and brownfields properties, including monitoring and reviewing remedial action plans, negotiating and manuscripting environmental insurance policies, and negotiating with regulatory agencies such as the Department of Toxic Substances Control, the State Water Board and Regional Water Quality Control Boards, and federal Environmental Protection Agency. We work on parcels that were former gas stations, mills, landfills, mines, military bases, shipyards and factories, and are now schools, housing, parks and commercial space. Our team has served as lead counsel handling several matters of significant exposure, helping clients respond quickly and develop and implement strategies to navigate complicated legal and technical issues.

Cost Recovery/CERCLA

We represent plaintiffs and defendants in environmental cost recovery matters including actions based on CERCLA, RCRA, the Hazardous Substance Account Act, traditional torts and the Polanco Act. We have been lead counsel on CERCLA exposure matters in multi-party cases involving numerous public agency and private defendants, including matters involving soil and groundwater contamination. We help clients recover costs and protect them from liabilities resulting from another party's actions or assumptions of liabilities.

Our expertise includes:

- Due Diligence
- CERCLA/HSAA (Pre-Enforcement and Enforcement Defense, Multi-Party Settlements, Sections 107/113 Contribution/Cost Recovery Litigation, Common Counsel, AAI Counsel, Section 106 Information Requests)
- RCRA (Compliance Counseling, Citizen Suit Defense, Pre-Enforcement and Enforcement Defense, Permitting)
- Emergency Response/Reporting
- EPCRA
- Risk Management
- PFAS

PRACTICE CHAIR



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- Pipeline Regulations
- Hazardous Material Transportation
- Medical Waste
- Radiation—Enforcement/Closure/OSHA

Solid Waste

Our lawyers have extensive experience with the environmental issues associated with solid waste transportation and disposal. We represent cities, waste management districts, sanitary districts, and other public agencies as well as private parties in transactions and litigation. We also counsel on landfill closure and post-closure issues, including CERCLA litigation for such costs.

EXPERIENCE

County of Los Angeles v. Chiquita Canyon Landfill – Nuisance Abatement Action

Residents near a Santa Clarita Valley landfill filed more than 25,000 odor complaints with the South Coast Air Quality Management District, unprecedented in the district's 50-year history, reporting smells that caused headaches, nausea, and nosebleeds and kept families indoors. The source is an underground smoldering reaction that has grown from 30 acres to more than 90, generating hazardous gases, heat, and toxic leachate and threatening the stability of the landfill itself. Regulators deemed the situation uncontrolled and a serious public health risk.

Los Angeles County retained Meyers Nave to bring a nuisance abatement action, and the firm won a \$20 million preliminary injunction funding temporary relocation for the 938 most severely affected households, with experts warning the reaction could continue for years. The Ninth Circuit dismissed the challenge to that injunction on May 27, 2026, and the matter returns to the district court to complete injunctive relief for the Castaic community.

Los Angeles World Airports – The PFAS Frontier

Representing LAWA in its response to administrative water quality orders on perfluoroalkyl and polyfluoroalkyl substances in groundwater around LAX, including an investigative order from the State Water Resources Control Board. LAX sits among the earliest recipients of these orders in California, which means the answers given now set the pattern for the ones that follow.

City of Vacaville – California River Watch v. City of Vacaville – RCRA/Clean Water Act Citizen Suit Defense (9th Cir. 2022, 39 F.4th 624)

In California River Watch v. City of Vacaville (9th Cir. 2022) 39 F.4th 624. Meyers Nave successfully defended Vacaville against novel claims by an environmental group

(California River Watch) that, while in full compliance with drinking water requirements, the City had allegedly violated RCRA's imminent and substantial endangerment provisions by transporting and storing water containing hexavalent chromium. Our client vigorously contested these novel attempts to expand RCRA liability. After obtaining summary judgment in the city's favor in the district court, an initial Ninth Circuit decision called for reversal. Meyers Nave filed a petition for rehearing en banc, which resulted in withdrawal of the initial decision and publication of a new opinion affirming the city's victory in the district court. The Plaintiff also alleged unlawful discharges of hexavalent chromium through Vacaville's MS4, but we negotiated a settlement of those aspects of the claim.

Tetra Tech EMI – U.S. Navy CLEAN \$265M installation restoration support

Supported the \$265 million installation restoration contract for U.S. Navy CLEAN, Naval Facilities Engineering Command, Southwest Division. Counseled the Navy on preparing and reviewing remedial investigations/feasibility studies, remedial action plans, records of decision; and negotiated with state regulatory agencies over installation clean-up goals and other requirements. Bio overview adds he served four years as primary regulatory specialist at Tetra Tech EMI providing remedial investigation, feasibility study and action plan assistance.

Inland Empire Utilities Agency (IEUA) – South Archibald TCE Plume – CERCLA Groundwater Contamination Cleanup

Meyers Nave represented the Inland Empire Utilities Agency (IEUA) in a multiparty CERCLA dispute over a multimillion-dollar cleanup of the South Archibald trichloroethylene (TCE) groundwater plume. IEUA led this effort to creatively resolve a decades-old problem. To fund a cleanup, we worked with IEUA to use grant money from several different sources. After lengthy negotiations with the parties and the state regulatory agency, the matter was settled by execution of a global agreement between all parties and an administrative settlement with the state that provides a high degree of certainty and contribution protection.

Three Harbor Suits, One Clean Sweep

Counsel to the City of Newport Beach on the harbor dredging and Confined Aquatic Disposal facility built with the Army Corps, sequestering 115,000 cubic yards of contaminated sediment beneath one of the nation's largest recreational harbors, and a complete 2024 trial victory in the three cases challenging it under CEQA, the Coastal Act, and the public trust doctrine.

Pharmaceutical Company – CERCLA Groundwater Cost-Recovery Defense

Meyers Nave attorneys represented pharmaceutical company on a federal multi-million-dollar cost recovery action under CERCLA, based on alleged historical discharges of hazardous wastes. Lawsuit involved complex evidentiary, technical and expert issues relating to impacts to vicinity groundwater and changes in local and regional groundwater levels and flow direction over 35 years.

City of Los Angeles – Santa Susana Field Laboratory

Representing the City, alongside other local jurisdictions, in matters related to DTSC oversight of cleanup at one of the most contaminated sites in California, conducted under RCRA and CEQA requirements.

Metropolitan Water District – Groundwater Contamination Defense

Defense of MWD in Orange County Water District v. Northrop under the Hazardous Substance Account Act, dismissed after the first phase of trial.

City of Fort Bragg – Mill Site Contamination & Insurance Recovery

Counsel on contamination and insurance recovery arising from the former coastal mill site.

County of San Bernardino – Santa Ana Regional MS4 Permit – Administrative Process (State Water Resources Control Board)

Meyers Nave represented the County of San Bernardino in the administrative process providing legal analysis and advice regarding the next tentative order for the Santa Ana Regional MS4 Permit. The permit affects dozens of permittees and three counties, including San Bernardino County, Riverside County, and Orange County. Meyers Nave took a lead role in spearheading negotiations with the Office of Chief Counsel for the State Water Resources Control Board on all legal issues related to the permit, including whether the Santa Ana Regional Water Board can pursue an enforcement order (a time schedule order, specifically) against permittees when there is no record of non-compliance based on staff audits of permittees' compliance plans. Meyers Nave worked closely with the principal county permittees and teams of consultants to ensure that the legal issues in the December 2021 staff working proposal for the MS4 permit are addressed and preserved for administrative appeal and potential judicial review.

Tesoro Refining & Marketing Company, LLC – Los Angeles Area Cost Recovery Litigation (Federal Court)

Meyers Nave represented Tesoro in federal court for cost-recovery litigation involving multiple defendants, including the owner of a nearby oilfield and wastewater treatment site and pipeline entities. The site is under Los Angeles Regional Water Quality Control Board oversight, and the cost-recovery causes of action include CERCLA, RCRA and common law claims. Tesoro sought to recover millions of dollars in past costs as well as future costs in the millions or tens of millions of dollars.

We served as the Complex Case Manager as well as managed discovery, including hard copy-only documents from the 1950s in this complex, multi-party environmental cleanup litigation in federal court. Meyers Nave supervised and directed the harvest of the relevant documents and managed an e-discovery vendor and its contract reviewers during the course of discovery. Tesoro recovered the majority of its past clean-up costs after successful mediation.

City of Oxnard – Halaco Superfund Site Re-Development –

CERCLA/RCRA Liability Resolution

Meyers Nave is resolving the City of Oxnard's alleged liability under CERCLA sections 106 and 107, RCRA section 7003, and response and recovery actions under California state law, for a portion of the Halaco Superfund Site in Oxnard, Ventura County, California near Ormond Beach. Prior to 1962, the City owned and operated a municipal trash and garbage dump on a portion of the site, thereby classifying the City as a former owner/operator within CERCLA's broad liability scheme. Meyers Nave has negotiated settlement terms in a consent order that do not impose any monetary liabilities on the City. Meyers Nave is further advising the City as it works with the California State Coastal Conservancy, and The Nature Conservancy to protect and restore Ormond Beach through the Ormond Beach Restoration and Public Access Project.

Inland Empire Utilities Agency (IEUA) – PFAS Contamination – Settlement Opt-Out and Manufacturer Litigation Strategy

Over the last several years, as both government regulators and the public at large have become more educated as to the health risks associated with exposure to PFAS, numerous categories of plaintiffs, including many public water suppliers, have brought lawsuits against the manufacturers of these substances and certain products containing them, seeking, among other damages, the costs of water treatment or other measures necessary to comply with PFAS-driven regulatory mandates. We represent the Inland Empire Utilities Agency (and many others) in opting out of the recent nation-wide PFAS Water Settlements and concurrently developing a litigation strategy to sue DuPont, 3M, and other PFAS manufacturers. Our unique approach for IEUA will assert claims for PFAS impacts to wastewater treatment systems.

San Diego County Regional Airport Authority (SDCRAA) – Sediment Contamination and Environmental Liability Allocation in Leasing (San Diego Bay)

Sediment Contamination and Environmental Liability Allocation in Leasing. We represent the San Diego County Regional Airport Authority in negotiations with the Regional Water Quality Control Board regarding investigation of sediment contamination in San Diego Bay. The Regional Board alleges that PCBs and heavy metals were discharged from storm water conveyance systems into the Bay. The matter is ongoing and requires an understanding of the interplay between state and federal water quality laws, including amendments to the Water Quality Control Plan for Enclosed Bays and Estuaries of California, the Industrial General Storm Water Permit, the surrounding municipal separate storm sewer system (MS4) and related permit, and the ongoing adoption of Total Maximum Daily Loads in the San Diego Bay.

City of Rancho Cordova – Superfund NPL Site Redevelopment – CERCLA Liability Protection

Meyers Nave is representing the City of Rancho Cordova, which is the process of acquiring several portions of a Superfund site listed on the National Priorities List (NPL). Acquiring property with pre-existing contamination causes the City to be classified as an "owner" and, therefore, "potentially responsible party" for the pre-existing contamination

even though the City neither contributed or caused the contamination; therefore, Meyers Nave is successfully implementing protections against liability based in part on satisfying CERCLA's "All Appropriate Inquiry" (AAI) standards and performing additional assessment to address perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), which now are listed as hazardous substances under CERCLA.

Major waste generators and potentially responsible parties nationwide – Nationwide CERCLA and Private Cost Recovery

Representation of Major Waste Generators and PRPs

"Bryan represents major waste generators and potentially responsible parties nationwide in multiparty Comprehensive Environmental Response, Compensation and Liability Act and private cost recovery actions, both with and without regulatory enforcement components." He also has extensive experience handling soil and groundwater contamination enforcement matters before courts and state agencies, and provides counsel on regulatory and permitting matters including Sections 401 and 404 of the Clean Water Act. He represents clients before Regional Water Quality Control Boards, the State Water Resource Control Board and the Environmental Appeals Board, and has negotiated multi-decade consent decrees involving wholesale upgrades to municipal infrastructure.

City of San Luis Obispo – Former Tank Farm and PFAS

Contamination – Property Acquisition Negotiations

Meyers Nave is representing the City in negotiations to acquire contaminated property from a major oil company that operated a tank farm for fuel storage, during which time the land became contaminated with petroleum hydrocarbons, polychlorinated biphenyls (PCBs), recently discovered per- and polyfluorinated substances (PFAS), and many other contaminants. The oil company proposed an "as is" conveyance that would have shifted to the City responsibility for PFAS and other types of contamination. Meyers Nave is providing the City negotiation strategies, including the option to reduce or eliminate its liability through acquisition of the property through eminent domain.

U.S. Department of Justice – Environment and Natural Resources Division

Prosecuted environmental enforcement litigation on behalf of the EPA and other federal agencies, recovering over \$10 million in fines and injunctive relief. Served as lead counsel in CERCLA cases, including *United States v. Miami Drum* (S.D. Fla. 1986), Clean Air Act cases such as *United States v. Mobil Chemical Company* (E.D. Cal. 1988), and Clean Water Act matters, including *United States v. Ketchikan Pulp* (Alaska 1994) and *United States v. Simpson Paper Company and Louisiana-Pacific Corporation* (N.D. Cal. 1989). Tried bench and jury cases, including *United States v. Allied Corporation* (N.D. Cal. 1990) and *United States v. Trident Seafoods* (W.D. Wash. 1993).

Tesoro Refining & Marketing Company, LLC – Long Beach Soil and Groundwater Cleanup and Abatement Order

Represented Tesoro Refining in contesting a cleanup and abatement order singling out

Tesoro among multiple other potentially responsible parties that contributed pollutants to property located in Long Beach, California adjacent to a long-time oil brine wastewater treatment facilities. Successfully counseled the Tesoro to address Los Angeles Regional Water Quality Control Board clean-up directives and recovered the majority of past clean-up costs in a CERCLA and common law cost-recovery action (described above).

Tesoro Refining & Marketing Company, LLC – Pipeline Contamination Investigation Order Contest

Represented Tesoro Refining in contesting an order requiring Tesoro to investigate contamination allegedly associated with a Tesoro pipeline at property where other pipeline operators and a fleet services facility operated for decades. Successfully counseled the Tesoro to address Los Angeles Regional Water Quality Control Board directives and petitioned the State Water Resources Control Board for review.

County of Mariposa – Bartlett Petroleum Groundwater Contamination – Replacement Drinking Water Supply

We represented the County of Mariposa regarding a replacement drinking water supply and cleanup negotiations with an underground storage tank owner for the Ben Hur Road Site. The tank caused methyl tertiary-butyl ether (MTBE) contamination in a county drinking water well. On behalf of our client, we reached a favorable settlement.

IPS Corporation – Groundwater Contamination – DTSC HSAA Cleanup Directive

Representing the IPS Corporation in a decades' long clean-up directive from the Department of Toxic Substances Control under the HSAA to address subsurface contaminants, many of which can be demonstrated to originate from entities other than the IPS. Successfully negotiated a consent order, avoiding an imminent and substantial endangerment order.

Central Contra Costa Sanitary District – VOC Contamination Defense (Gregory Village Partners Litigation)

Meyers Nave defended the Central Contra Costa Sanitary District against a CERCLA/RCRA action, Gregory Village Partners, L.P. v. Chevron U.S.A., Inc., et al. and Schaeffer, et al. v. Gregory Village Partners, L.P., related to contamination from dry cleaning solvents and petroleum hydrocarbons, as well as a RCRA 90-day notice of intent to sue by a down-gradient property owner.

City of Barstow, Negotiations in Groundwater Contamination

Represented the City of Barstow in negotiations with the California Regional Water Quality Control Board, Lahontan Region, and in an administrative appeal to the State Water Resources Control Board's orders to investigate groundwater contamination, develop a remediation plan and supply replacement drinking water.

Unnamed international food company – Toxic Exposure Allegations

Defense

Jenny has deep expertise in mass tort and complex litigation, including defense of an international food company against allegations of toxic exposures, defense of a multinational technology company against allegations of chemical injuries, and cases involving catastrophic disasters, including the Thomas Fire/Montecito debris flow, the Maui Fires, and Kincade Fire.

Manufacturer Chlorinated Solvent Discharge – Water Board

Investigation and Remediation Plan

Advised on contamination from chlorinated solvents and waste oil activities, scope of allowable discharges under an NPDES permit for groundwater extraction systems, and scope of permissible discharges for construction activities under a stormwater permit. Negotiated permit terms to align with current and planned business activities.

City of Modesto – Represented City of Modesto in ensuring compliance with settlement order related

Represented City of Modesto in ensuring compliance with settlement order related to sanitary sewer overflow; drafted letters and reports to State Water Quality Control Board; concurrently represent client in preparing indemnification and access agreements related to soil vapor remediation.

Industrial Property Owner – Groundwater Contamination and Cross-Site Claims (DTSC)

Represented the owner of an industrial property regarding groundwater contamination involving a DTSC investigation and cross-site contamination.

Landowner – RWQCB Investigative Order Challenge and CERCLA/HSAA Defense

Represented a landowner in suit against the RWQCB for improper issuance of an investigative order; concurrently represent client in a CERCLA and HSAA suit for the contamination under a City-owned street.

Multi-Party Environmental Contamination Litigation – Successful Resolution

Successfully resolved a multi-party environmental contamination litigation in California state court against a national title insurance company concerning underground storage tanks.

Chemical and Pharmaceutical Company – Products Liability and Toxic Tort Defense

Defended a chemical and pharmaceutical company in products liability and toxic tort trials in California and Florida state courts.

Manufacturer

Provided counsel on alleged historical discharges of chlorinated solvents and other wastes by the company and its predecessors. Worked with technical consultants to negotiate with the Water Board and develop an investigation and remediation plan.