

California Environmental, Natural Resources, and Climate Change



HUNTON



Highlights

Hunton offers a full suite of environmental, natural resources, and climate change legal services in California, with offices in Los Angeles and San Francisco. Our practice covers state, local, and federal environmental and safety laws applicable to California development, operations, and to products sold in California. Our lawyers include former government and in-house lawyers, capable of assisting with the most complex and high-stakes environmental and safety matters. With rich talent, resources, and knowledge of California-specific regulations, we are deftly and nimbly able to navigate the ever-changing demands on industry doing business in California.

Air Quality and Air Permitting

Our lawyers are at the forefront of air quality issues in California, handling complex permitting matters, variances, emissions credit transactions, enforcement actions, and rulemakings before the Air Resources Board and local air districts. We work with all major air districts in developing, appealing, and defending permits. We also defend state, local, and federal enforcement actions and citizen suits.

Climate Change

In addition to the firm's national involvement on the federal Clean Power Plan (CPP), our California lawyers are actively engaged with clients on advocacy for and implications of California's compliance with the CPP, particularly given the state's emphasis on renewables. We also work with companies on Low Carbon Fuel Standard registration, compliance and enforcement, and on AB32 cap-and-trade issues, including mandatory greenhouse gas reporting regulations. With California being the US gateway to Asia from an economic standpoint, we advise on climate issues and green energy policy for clients internationally, including those in Asian countries.

Land Use and CEQA

Our California land use attorneys have permitted the development and redevelopment of commercial and industrial facilities throughout the state. We develop bespoke permitting and California Environmental Quality Act (CEQA) compliance strategies backed by durable evidentiary records for high profile projects that are likely to face legal challenges. As an example of the depth and scope of our practice, our team is currently permitting mines and quarries, a bulk material port terminal in San Francisco, carbon capture and sequestration facilities, water infrastructure, and oil and gas facilities.

Water Quality

Our lawyers represent California clients on wastewater, stormwater, recycled water, groundwater, oil field-produced water, agricultural discharge, and drinking water issues under the Clean Water Act, the Porter-Cologne Water Quality Control Act, the Safe Drinking Water Act, and SB 4, among other statutes. We work with agencies ranging from the US EPA, the State and Regional Water Quality Control Boards, and the Department of Conservation's Division of Oil, Gas, and Geothermal Resources on behalf of our clients in matters involving permitting, compliance counseling, enforcement, and defense of citizen suits. Our attorneys are well versed in the intersection between water supply needs and other regulatory requirements.

Solid and Hazardous Waste Management

We routinely address issues related to management and disposal of both hazardous and non-hazardous wastes, working with the US EPA, the Department of Toxic Substances Control (DTSC), Regional Water Quality Control Boards, and CalRecycle to assist clients in permitting, compliance analysis and enforcement. Our California lawyers have defended several high-profile Resource Conservation and Recovery Act civil and criminal enforcement investigations.



Mining and Mineral Processing

We have a team of practitioners focused on representation of the mining industry. We help mining clients develop holistic operating plans designed to comply with applicable federal, state, and local laws and regulations and help project applicants navigate the CEQA, National Environmental Policy Act (NEPA), and local land use and zoning processes. Our team is currently representing a wide variety of companies that are exploring for and developing precious metals, base metals, critical materials, and building materials (construction aggregate).

CERCLA Litigation and Contaminated Property

We handle all aspects of contaminated property work, from identifying responsible parties, to negotiating cleanup requirements, to defending claims for or seeking cost recovery and contribution, to gaining or limiting site access. We regularly work with US EPA, DTSC, California Regional Water Quality Control Boards, property owners, and insurers to negotiate and implement cleanup requirements and agreements.

California's Proposition 65

Our team has represented hundreds of clients in matters alleging product, environmental, and occupational exposures to Prop 65-listed chemicals. Representations include alleged cases of exposures to chemicals in food and beverage containers, cosmetic and beauty products, toys, jewelry, china, crystal, food items, computer products, automotive parts, clothing, food supplements, and more. We also assist companies selling products into California in establishing compliance programs and conducting audits/assessments of their programs. See Hunton's Prop 65-dedicated website, Huntonprop65.com.

Enforcement and Internal Investigations

We have extensive experience defending enforcement by federal, state, and local regulators, including administrative, civil, and criminal claims. With former DOJ lawyers and federal and state agency enforcement lawyers and inspectors on hand, we adeptly defend alleged noncompliance and the third-party citizen suits that often follow government investigations, both in California and in other jurisdictions throughout the Western US.

Due Diligence

Our lawyers have extensive experience in environmental due diligence for projects and transactions. We bring the unique lens of California law to bear in evaluating and advising clients on potential risks and developing strategies to mitigate or to leverage them in transactions. We help clients anticipate regulatory developments that may impact the value of a transaction, given that California is frequently at the cutting edge of new regulatory approaches.

Incident/Emergency Response and Release Reporting

Unintentional releases of chemicals that may result from tank ruptures, pipeline failures, overpressure incidents at refineries or chemical plants, ammonia refrigeration accidents, and the like generate significant public attention as well as potential enforcement response from a range of local, state, and federal agencies, and citizen suits/toxic tort litigation. Incidents threaten substantial business interruption, and, in California, they hold even greater potential business risk due to the heightened regulatory and enforcement climate. Our environmental and safety team advises clients in advance and assists them when incidents occur. We immediately respond to and adeptly navigate the issues that arise on the first day, in the next week, and over subsequent months to help clients manage and bring issues to closure. We can handle all aspects of the response, from release reporting requirements, to witness interviews, to dealing with investigators, to coordinating with public relations teams, to handling any subsequent litigation.

Process Safety Management/Risk Management Planning

California, through its Division of Occupational Safety & Health (Cal/OSHA) and Cal/EPA, imposes comprehensive process safety and risk management planning requirements on facilities using and storing hazardous chemicals in their operations. Cal/OSHA and Cal/EPA are in the process of adopting standards far more stringent than the US EPA and federal OSHA. We advise our California clients on compliance with these requirements and defend them in enforcement actions that may result from inspections, accidental releases, or other means.

Toxic Tort Litigation

Our team includes leading toxic tort litigators with extensive experience defending companies in California in mass claims from industrial accidents or historical activities. Our work focuses on manufacturing, retail, and energy-generation sectors, among other sectors, with a focus on pretrial claim winnowing, using case management techniques, and motion practice designed for early testing of causation evidence and early challenges to the admissibility and sufficiency of scientific expert opinion. We use comprehensive strategies for handling mass multijurisdictional toxic tort litigation and have implemented those strategies and delivered results effectively and efficiently in numerous cases involving personal injury, wrongful death, product liability, medical monitoring, nuisance, trespass, and property diminution. Experienced in class actions, our litigators have successfully defeated class certification in claims involving toxic tort personal injury, medical monitoring, and property diminution.

Chemicals and Sustainability

Operating in the world's fifth-largest economy means that California's manufacturing and retail industries must satisfy stringent regulatory requirements for chemicals and products. We have experience with the Green Chemistry Initiative, the Safer Consumer Products Regulations, Extended Producer Responsibility requirements (takebacks), and the interplay of these initiatives with other domestic and international requirements, such as the recently amended federal Toxic Substances Control Act and the European Union's REACH. We help our clients navigate the global supply chain implications and advise on meeting demands for sustainability, while evaluating related product specification and promotion considerations such as US FTC "green claims" guidance. See the firm's [EPR Tracker](#) and [PFAS Tracker](#) for updates on laws across all 50 states.

Endangered Species

Our attorneys have extensive experience developing and implementing Habitat Conservation Plans under both the California Endangered Species Act (CA ESA) and California's Natural Community Conservation Planning Act (NCCPA) on both a regional and landscape-scale. We also advise on Section 7 interagency consultations under the federal ESA and work with related federal and local agencies, including the California Department of Fish and Wildlife.

Wetlands and Bodies of Water

We have broad experience in wetlands- and bodies of water-related matters in California, including complex jurisdictional determinations, permit authorizations from the Regional Water Quality Control Boards and the US Army Corps of Engineers, administrative appeals, and enforcement defense. We help clients understand the interplay of these matters with relevant statutes, such as the federal and CA ESA, the McAteer-Petris Act, and work with related agencies, including the California Coastal Commission, and local conservation commissions.

CEQA/NEPA Compliance

Our team is well versed in CEQA and NEPA requirements that apply to proposed discretionary projects, particularly industrial and energy projects. We assist clients in the preparation of Environmental Impact Reports and Environmental Impact Statements, and review and comment on drafts of those documents.

Pipeline Regulation

Supported by our national pipeline practice, we provide comprehensive counseling for companies that operate intrastate and interstate pipelines. We help navigate federal regulations implemented by the Pipeline and Hazardous Materials Safety Administration, apply requirements imposed by the California State Fire Marshal, and respond to enforcement actions by the US EPA and the US Coast Guard under the Oil Pollution Act.

Asia

Teaming with our domestic and international energy and infrastructure regulation and project practitioners, our California lawyers advise clients throughout the state and around the world on the full range of their strategic business objectives, including environmental, climate and energy regulation and policy as well as support for renewable energy and clean power technologies and transactions. We represent project lenders, investors, clean technology and project developers, sponsors and governments throughout the US, Asia, Latin America, and other international jurisdictions.



Key Contacts

The following team members focus on matters within and related to California. They are supported by the larger environmental practice of approximately 40 attorneys nationwide.



Leading California Lawyers in Environmental and Natural Resources Law

Hunton offers a full suite of environmental and natural resources legal services in California, with offices in Los Angeles and San Francisco. Our practice covers state, local, and federal environmental and natural resources laws applicable to California development and operations and to products sold in California. We work with chemical, food processing, oil and gas, energy, pipeline, cement, mining, and manufacturing industries; utilities; trade associations; retail and consumer products companies; and municipalities.

Our lawyers include former federal and state environmental agency and law enforcement officials and in-house counsel, making us ideally suited to handle any California environmental-related issue a company may face. With rich talent, resources, and knowledge of California-specific regulations, we are deftly and nimbly able to navigate the ever-changing demands on industry doing business in California.

Beyond the breadth and depth of our California experience, Hunton offers the ability to bring to bear the experience of its nationally recognized nationwide environmental and energy practices. We leverage the experience and deep bench of approximately 40 dedicated environmental lawyers nationwide to develop real-world solutions to custom fit the needs of our clients. Our California lawyers also work closely with firm lawyers across the nation and the globe to help manage California clients' issues outside the state, as well as to handle matters in California for national and global clients.

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