

Environmental Enforcement Defense

Compliance with the myriad of environmental statutes and regulations is a necessary aspect for businesses operating in California.

Downey Brand's Environmental Law Practice Group has a depth of experience with these requirements and can swiftly implement a practical defense to minimize the penalties and impact on your business. For over 25 years, Downey Brand has advised and defended clients being investigated or sued by local, state or federal agencies, the United States Department of Justice, the California Attorney General, local district attorneys, or environmental groups. The firm's environmental experience is extensive and crosses virtually all state and federal environmental statutes including the Clean Air Act (CAA), the Clean Water Act (CWA), CERCLA, FIFRA, RCRA, TSCA, and California's Proposition 65.

Our clients have included some of the largest public and privately held corporations in the United States, as well as local businesses and individuals from industry sectors such as aerospace, forest products, energy, petroleum refining and distribution, maritime and transportation industries, mining, manufacturing, and agribusiness. With decades of experience in defending environmental enforcement matters for these clients, Downey Brand's Environmental Law Practice Group is uniquely qualified to handle the defense of virtually any civil or administrative enforcement action and/or citizen suit.

In conjunction with advising and defending clients in litigation or administrative enforcement proceedings, our environmental enforcement defense and air quality attorneys also assist clients in addressing any ancillary permitting and operational issues that will help avoid future complications. We understand what is at stake for our clients, and have a demonstrated record in obtaining favorable results to challenges of state and federal environmental statutes and regulations.

Selected Experience

- Represented major high-tech computer equipment manufacturer in multiple parallel enforcement actions brought by regional air quality management district alleging numerous violations of Title V of the CAA.
- Represented petroleum company in parallel state and federal enforcement actions involving the release of thousands of barrels of oil from an oil pipeline in the Los Angeles Region. The matter involved claims under the CWA and California Fish & Game Code, as well as claims of Unfair Competition under Business & Professions Code 17200.
- Represented energy company in CAA enforcement action by the United States Environmental Protection Agency, alleging five years of violations at central valley biomass power plant.
- Represented various clients in lawsuits filed under California's Proposition 65 for failures to warn and/or the alleged unlawful discharge to drinking water.
- Represented multi-national transportation company in enforcement action brought by municipal utility district for alleged discharge of gasoline impacting district's facility and POTW.
- Represented national energy company in action brought by circuit prosecutors for alleged violations of California's Hazardous Substances Account Act (HSAA) and Water Code.

- Advised and represented major regional land developer in action brought by the California Attorney General's Office for alleged violations of the California's Water Code and Fish & Game Code.
- Defended biomass energy company in enforcement action brought by air pollution control district alleging hundreds of violations of local and state air quality statutes and permit requirements.
- Represented product wholesaler in enforcement action by the California Air Resources Board (CARB) arising from the alleged sale of VOC-containing automotive products in violation of the state air statutes.
- Represented building product manufacturing company in separate EPCRA and CAA enforcement actions brought by the United States Environmental Protection Agency.
- Defended property owners in enforcement action alleging violations of California's Fish & Game Code and Water code involving riverbank fill and erosion measures.
- Represented trucking company in enforcement action by local district attorney for alleged violations of California's hazardous waste statutes, Fish & Game Code and Water Code.
- Represented regional ready-mix companies in separate enforcement actions by multiple district attorneys alleging illegal discharges to waters of the state.