



Steven H. Goldberg Partner

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Practice Areas

Environmental Enforcement Defense | Environmental Remediation & Due Diligence | Environmental/Toxics Litigation | Pipelines & Terminals | Proposition 65 | Regulatory Law & Business Permitting

Steven Goldberg has served as one of the leading environmental litigation and compliance attorneys in California for over twenty five years.

Known as a strategic, tenacious, and responsive advocate with exceptional communication skills, Steven negotiates and resolves complex disputes, often selected by other attorneys and their clients as common counsel or liaison counsel for multiple-party lawsuits. With a special focus on groundwater contamination and CERCLA matters, he has handled some of the largest contamination cases in California. He has won dismissals, handled appeals before the Ninth Circuit, and settled dozens of cases through mediation. In such cases, Steven has worked with technical experts throughout the United States on MTBE, solvents, perchlorate, PCBs, asbestos, and sediment contamination issues. Clients appreciate his ability to present complex environmental technical issues in a direct yet compelling manner.

Steven's clients include Fortune 500 corporations with business interests in California, and other regionally-based, publicly traded and private companies. He successfully represents and defends multi-million dollar actions, which include government enforcement, cost recovery claims, allocation litigation, toxic tort actions, and multi-party contamination matters involving chemical and petroleum facilities, forest products, and agribusiness companies, owners of large tracts of land, landfill and waste management companies, defense contractors, energy industry facilities, dry cleaners, and public entities. Steven also provides compliance advice and counsel to many companies on regulatory issues and uses his extensive network of contacts in the state capitol to advise clients on cutting edge environmental issues.

Highlights include:

- Garnered substantial savings for clients via the successful negotiation of cost recovery claims by the State of California and the Environmental Protection Agency.
- Defended the clients environmental contamination suit saving tens of millions of dollars in claimed damage.
- Multi-million dollar recovery of client clean-up costs by pursuing allocation of costs to other potentially responsible parties.
- Substantial transaction costs savings through streamlined discovery and accelerated settlement negotiations.

Experience

Environmental Litigation

San Diego Harbor Litigation and Sediment Remediation

- Regulatory and litigation counsel to a multinational defense contractor that operates at a shipyard in San Diego Harbor in a \$70 million dollar clean up. The matter involved parallel administrative and federal court proceedings, including cost recovery and allocation litigation, insurance disputes and extensive mediation. The administrative proceedings involve a Clean Up and Abatement Order (CAO) for the largest proposed sediment remediation project in the San Diego Bay, and the first site where the Regional Board required an Environmental Impact Report. Some settlements were negotiated in multiple settlement conferences with the U.S. Magistrate Judge and court appointed mediator. Motions to approve settlements are currently pending before the U.S. District Court for the Southern District of California.

Bulk Oil Storage Facility Litigation

- Recently obtained summary judgment and dismissal of a complaint for \$350 million in damages against a Fortune 200 client that operates a large petroleum storage facility. The action involved a \$60 million clean-up of MTBE and other petroleum product contamination by the client under the supervision of the California Regional Water Quality Control Board. The property owners claimed damages for the alleged loss of water resources and lost use of redevelopment profits. The court found no evidence of damages. The plaintiffs' appealed to the Ninth Circuit. Appellate briefs have been filed and the appeal is pending.

Perchlorate Contamination, San Bernardino County

- Steven is lead environmental counsel for a fireworks company at a U.S. EPA Superfund site involving perchlorate and solvent contamination. Multiple federal and state court actions were litigated in the U.S. District Court for the Central District of California and Los Angeles County Superior Court. The action involved 25 potentially responsible parties, including defense contractors, property owners, several water purveyors and municipalities and the U.S. Department of Defense. Alleged clean-up costs are in the \$100 million range. The federal litigation was resolved through court approval of multiple Consent Decrees. Court proceedings involved appeals to the Ninth Circuit and U.S. Supreme Court. Parallel state court actions claiming damages to water supply wells are still pending in Los Angeles County.

Dry Cleaning Facilities and Shopping Center Contamination

- Steven has been lead counsel on the clean-up of dry cleaning facilities in many cities throughout California's Central Valley. Frequently the matters have involved litigation in federal and state court. Steven has handled cases for plaintiffs and defendants including property and shopping center owners, real estate corporations and public entities throughout the Central Valley of California. All matters involve working with governmental agencies.

Bulk Oil Storage Terminals Site, Yolo County

- Steven represents a Fortune 200 petroleum corporation at numerous facilities in California. He is handling a multi-party investigation and remediation of Petroleum components MTBE (additive), and BTEX in soil

and groundwater at a large bulk oil storage terminal and service station site in Central California. Steven assembled a team of technical and public relations experts to advise the client on regulatory compliance, UST Fund issues, community relations and remediation strategies. He successfully negotiated a cash-out agreement for the client with another PRP that includes a remediation management agreement. Steven worked with the client to develop one of the first Public Participation Plans approved by the Regional Water Quality Control Board.

Landfill Litigation

- Lead environmental counsel for publicly traded waste management company in defending a state court action regarding closure of a landfill in Northern California including writs before the Courts of Appeal.
- Handled a CERCLA cost recovery and RCRA action for a national alternative energy company involving the disposal of waste from geothermal energy plants to a landfill in Imperial County. The litigation was favorably settled with the landfill owners and operators after expert presentations and settlement conferences with the U.S. Magistrate Judge.

Enforcement/Clean Water Act/Natural Resource Damage Claims

- Steven has defended civil enforcement actions brought by NGOs, state and federal government agencies and district attorneys. Recently, he led the environmental defense team 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 federal Clean Water Act and California Fish & Game Code 5650, and Unfair Competition status Business & Professions Code sec. 17200. The actions settled with the U.S. Environmental Protection Agency and the California Department of Fish & Game. Steven has also worked closely with white collar criminal defense counsel on various environmental enforcement actions involving disposal of asbestos, pesticides, petroleum wastes, solvents, and other hazardous materials and wastes.

Proposition 65 Litigation

- Led the defense of clients in various lawsuits filed under California's Proposition 65 statute for failures to warn and the alleged unlawful discharge to drinking water. Successfully defended the discharge actions which resulted in dismissal of the Proposition 65 action.

Environmental Remediation & Compliance

Forest Products Company, Northern California Superfund Site

- Represented one of the largest privately held forest products companies on the West Coast, which owned 900 acres at and adjacent to the J.H. Baxter Superfund Site. Handled administrative proceedings and negotiations on allocation issues and negotiated with EPA Region IX concerning the RI/FS, and the Record of Decision. Resolved various over-filing issues with the State of California, including permit issues that arose during the implementation of the remedy with the Regional Water Quality Control Board. Obtained a technical impracticability waiver from EPA that substantially limited the scope of the remedy and reduced costs. Successfully resolved EPA's multi-million dollar claim for past costs in the first mediation with EPA Region IX's Superfund Program.

Oil Recycling Site, Central California

- Successfully completed a \$10 million clean up at an abandoned used oil recycling facility under a Unilateral Administrative Order issued by the EPA. Met all removal deadlines, and managed NCP compliance and community relations with the EPA. Identified hundreds of additional responsible parties (including federal agencies) and allocated millions of gallons of waste volume not previously identified by the EPA. Substantially expanded the parties named to the Order, collected millions of dollars from other PRPs, and negotiated a final settlement with EPA on behalf of all settling PRPs.

National Publisher

- Environmental counsel for publicly traded national publisher with facilities in multiple states handling legacy liabilities, permitting, compliance, toxic tort and UST matters.

Professional & Community Service

- California Bar Foundation; Vice President, Board Member, 2017
- Leonard M. Friedman Bar Association
- American Bar Association, Subcommittee on Environmental Litigation
- Sacramento County Bar Association, Environmental Law Section
- Groundwater Resources Association
- Appointee (2011-present) Contemporary Groundwater Issues Council of California; sponsored by the Groundwater Resources Association of California
- Sacramento Theatre Company Foundation, Board of Trustees
- California Independent Oil Marketers Association (CIOMA)
- Former State Water Board Appointee, representing owners/operators of underground storage tanks on a 15 member State Water Resources Control Board Task Force on the Underground Storage Tank Clean Up Fund
- Former Professional Staff Member for California State Senate Majority Leader's Office; Staff Assistant for the U.S. House of Representatives Energy and Commerce Subcommittee handling RCRA, CERCLA and transportation issues
- Congregation B'nai Israel; Past President, Board of Trustees; Capital Campaign, Co-Chair
- Sacramento Theatre Company Board of Trustees, Past Vice-President
- California Environmental Law and Remediation Reporter, Former Editorial Board and Contributing Editor

Education

- J.D., Washington University in St. Louis School of Law, 1985
- B.A., University of Rochester, 1980

Honors & Rankings

- *Sacramento Business Journal*, Best of the Bar, 2015-2017, 2019
- *Super Lawyers*, Northern California Super Lawyer, Environmental Litigation, 2006-2020
- *Sacramento Magazine*, Top Lawyer, Environmental, Energy & Natural Resources, 2015-2020
- Best Lawyers in America[®], Litigation-Environmental, 2021
- Selected by clients and peers as a leading environmental lawyer by Expert Guides, Environment, 2018
- Selected by clients and peers as a leading environmental lawyer by Who's Who Legal, Environment, 2014

Speaking Engagements / Events

- *Climate Change, Rising Sea Levels, Warming Water Temperatures, and Prolonged Periods of Extreme Weather*, Speaker, Law Seminars International: 12th Annual Santa Fe Advanced Conference on Litigating, July 2019
- *Oh No, Attorneys Are Working on My Project. What Do I Do Now?*, Co-presenter, Sacramento Professional Environmental Marketing Association, June 2014
- *Nitrates and Groundwater: Emerging Contaminant and Liability*, Webinar, June 2013
- *Groundwater Nitrates Workshop*, Co-presenter, The State Bar of California, Agricultural Law Conference, April 24, 2013

Publications

- *DTSC Overhaul, Other Environmental Bills, Await Signature*, Daily Journal, September 15, 2020
- *Ruling Creates Certainty and uncertainty at current and future superfund sites*, Daily Journal, May 11, 2020
- *New PFAS rules may increase treatment costs, spur litigation*, Daily Journal, February 27, 2020
- *California Heads Into the Next Decade With Over 100 New Environmental Laws*, Daily Journal, December 20, 2019
- *Will the Wave of PFAS Litigation Sweep Through California?*, Daily Journal, July 11, 2019
- *Agencies Finally Begin to Address Dangers of PFAS*, Daily Journal, March 28, 2019
- *Proposed Prop. 65 Regs Equal Less Help and More Hurt (and Litigation)*, California Grocer, Issue 2, May 2015
- *Environmental Regulation Update*, California Grocers Magazine, December 2013

Legal Alerts

- *California PFAS Push Now Includes POTWs as State Water Board Rolls Out New Testing Order*, July 23, 2020

- *U.S. Supreme Court Preserves Potential State Court Superfund Site Claims - But Remedial Actions Requires EPA Approval*, April 21, 2020
- *USEPA Issues Interim Guidance on Site Field Work Decisions Due to Impacts of COVID-19*, April 13, 2020
- *UPDATE: EPA May Exempt Certain Manufacturers and Importers from TSCA Fees Rule*, March 30, 2020
- *Manufacturers and Importers May Be Surprised By The New TSCA Fees Rule*, March 23, 2020
- *Fifth Appellate District Invalidates Kern County Oil and Gas Ordinance*, March 12, 2020
- *USEPA Announces Major Actions to Address PFAS; California Water Utility Files Landmark PFAS Lawsuit in Federal District Court*, January 23, 2020
- *U.S. Supreme Court Watch (ARCO v. Christian): Can Private Parties Sue For More Clean Up Than EPA Requires?*, December 2, 2019
- *Revised Draft Pipeline Regulations Will Allow Longer Periods for Compliance and Will Undergo a New Round of Comments*, October 28, 2019
- *PFAS Are Here: First Round of Results Show PFAS in California Drinking Water Supply Wells*, October 24, 2019
- *California Fire Marshall Makes Additional Changes to its Proposed Oil Pipeline Safety Regulations*, October 3, 2019
- *California State Water Resources Control Board Significantly Lowers PFAS Notification Levels*, August 28, 2019
- *California Office of the State Fire Marshal Announces Expected Delay for New Pipeline Regulations and Provides Other Updates at Annual Safety Seminar*, May 6, 2019
- *State Water Board Announces Sweeping Investigation and Phased Sampling of Potential Industrial and Municipal Sources of PFAS*, March 13, 2019
- *California's Proposed Requirements to Reduce Pipeline Spills Will Present New Challenges and Burdens for Industry; Comment Deadline is April 2, 2019*, March 11, 2019
- *EPA Unveils Its Long-Awaited PFAS Action Plan – Does It Represent Any Progress?*, February 19, 2019
- *New Proposed Proposition 65 Regulations Equal Less Help and More Hurt (and Litigation) for Industry*, January 21, 2015
- *New Proposition 65 Warning Regulations Released Today!*, January 12, 2015
- *California Adds Ten Years and Hundreds of Millions of Dollars to Cleanup Underground Storage Tank Sites*, October 7, 2014
- *Uncertainty Remains Over DTSC's Draft Priority Products Work Plan*, September 26, 2014
- *U.S. Supreme Court Upholds State Law Claims Cut Offs for Contamination Damages*, June 1, 2014
- *DTSC's Initial Priority Product List – Lessons Learned*, May 13, 2014
- *Watch for New Impacts from the Latest Environmental Justice Screening Tool*, April 29, 2014
- *Warning! More Changes Ahead for California Proposition 65*, April 15, 2014

- *California Department of Conservation Issues Draft Proposal to Increase Regulation of Hydraulic Fracturing*, December 19, 2012

Blogs

- *Fifth Appellate District Invalidates Kern County Oil and Gas Ordinance*, March 12, 2020