



Leila C. Bruderer Counsel

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Practice Areas

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

Clients look to Leila Bruderer to navigate complex environmental matters and obtain positive results.

With more than 12 years of experience as an environmental litigator and compliance attorney, Leila advises clients involved in environmental litigation matters, including complex multi-party lawsuits, CERCLA cost recovery actions, allocation litigation, government enforcement actions, toxic tort defense, and RCRA enforcement actions.

Leila uses her surplus of knowledge in California and federal hazardous waste laws and regulations to counsel clients on issues related to obtaining site closure and permits, developing hazardous waste management programs, compliance audits, and environmental diligence. She is well-versed in California Proposition 65 enforcement and compliance, and assists clients with negotiating resolutions of actions related to this legislation, and with developing systems to ensure compliance. She also has experience negotiating with federal and state environmental agencies on behalf of her clients in the context of hazardous waste management, air quality, soil, and groundwater cleanup.

Experience

- **San Diego Harbor Litigation and Sediment Remediation** – Regulatory and litigation counsel to a shipyard in multi-million dollar parallel administrative and federal court proceedings, including cost recovery and allocation litigation. The administrative proceedings involve a Cleanup and Abatement Order for the largest proposed sediment remediation project in the San Diego Bay, and the first site where the Regional Board required an EIR.
- **TCE Plume Liability Allocation** – Counsel to PRP group in mediation to establish liability for TCE plume, and minimize potential allocation to PRP group members. Representation includes the management of relationship of PRP group members with Regional Board, and other interested entities.
- **Prop 65 Litigation** – Assists clients in negotiating fair and reasonable settlements of Prop 65 actions, and advises clients on achieving compliance with Prop 65's requirements.
- **MTBE Litigation** – Successfully settled multiple MTBE lawsuits against an owner/operator of gas stations

and distributor of gasoline filed by state enforcement agency and water purveyors in multiple jurisdictions.

- **Toxic Tort Lawsuit** – Successfully defended a rocket manufacturer against toxic tort claims for groundwater contamination resulting from historical operations. Managed experts, assisted in drafting of motion to dismiss certain of plaintiffs' experts, and prepared oral argument on various expert motions
- **California Department of Fish & Wildlife Litigation** – Successfully obtained dismissal of action brought by district attorney against rancher for violations of the California Fish and Game Code.
- **Hazardous Waste Enforcement** – Litigator representing major retailer in federal and state enforcement action under RCRA and California hazardous waste laws. Assisted in development of hazardous waste program at retailer's locations, and conducted compliance audits of the program.
- **Hazardous Waste Compliance** – Assisted grocery chain in achieving compliance with the federal and California hazardous waste regulations at its facilities, and implementing standard operating procedures for employee management and handling of hazardous materials and hazardous wastes.
- **Hazardous Waste Cleanup** – Assisting public agency in finding means to deal with municipal waste landfill containing hazardous levels of lead that allows larger State project to proceed, including working with and coordinating multiple state agencies with an interest in the site at issue.
- **EPA RMP Enforcement Action** – Assist large crude oil transportation company in negotiation of notice of violation issued by EPA under the Clean Air Act Process Safety Management Standards, and related assistance with public relations issues surrounding site of company's facility.
- **Mercury Thermostat Enforcement** – As part of larger PRP group, successfully negotiated consent order with the Department of Toxic Substances Control resolving client's alleged violation of the mercury thermostat collection requirements. Worked cooperatively with PRP group to select a consultant to implement obligation in consent order.
- **EPA FIFRA Enforcement Action** – Assist mid-size fertilizer and pesticide retailer/distributor in negotiation of notice of violation issued by EPA under FIFRA for the alleged sale of an unregistered pesticide.

State and Local Enforcement

- Assisted client in submitting comments on draft cleanup and abatement order to Regional Water Quality Control Board, and in successfully arguing for removal of client from the order.
- Represented cement company in negotiations with local CUPA over alleged violations at cement facility in Southern California.
- Successfully negotiated agreement to share expenses for cleanup of contaminated site for newspaper corporation where client was named as a responsible party by the Wisconsin Department of Natural Resources for historical contamination.
- Assisted electronic waste recycler to obtain greatest reimbursement from CalRecycle for claims submitted, and in seeking repayment of monies paid to electronic waste collectors, where those collectors documentation was denied by CalRecycle.
- Successfully negotiated settlement with the California Department of Pesticide Regulation on behalf of grocer for sale of an improperly labeled product, and subsequent pursuit of manufacturer for reimbursement.

- Assisted beverage manufacturer in negotiations with local CUPA over alleged hazardous waste violations at manufacturing facility.

Compliance

- Advised a technology company regarding Department of Toxic Substances Control Site Closure Decision, and asserting a challenge to that decision.
- Advised a major port operator regarding environmental conditions in potential transaction.
- Advised biomass facilities regarding management of waste streams generated in operations, and use of certain waste streams for agricultural purposes.
- Advised aerospace company regarding whether use of certain equipment in its operations was in compliance with RCRA and California hazardous waste regulations
- Advised cement company regarding potential strategies to achieve compliance with Mercury NESHAP in a manner that is also in compliance with RCRA and California hazardous waste regulations.
- Conducted environmental audit for electronic waste handler and advised on best practices for electronic waste management.
- Advised a manufacturer regarding alleged violation of hazardous waste laws, finding appropriate exceptions to enable manufacturer to avoid being categorized as a hazardous waste generator.
- Advised eye glass manufacturer as part of transaction to sell former manufacturing facility.
- Advised agricultural trade association regarding compliance with the Food Safety Modernization Act ("FSMA")
- Advised agricultural cooperative regarding compliance with FSMA for itself and member entities.
- Created hazardous waste toolkit for grocery trade association and trained members on how to use the toolkit to create a hazardous waste program at their facilities.

Professional & Community Service

- California Manufacturers & Technology Association, 2017-present
- American Bar Association, Environmental Litigation Committee, Women Environmental Lawyers Subcommittee, Co-Chair, 2016-present
- Sacramento County Bar Association, Environmental Law Section, 2010-present
- State Bar of California, Environmental Law Section, 2006-present
- Lilliput Children's Services, Board of Directors, 2011-present; Board Chair, 2018; Immediate Past Board Chair, 2019
- Order of the Coif
- *Loyola of Los Angeles Law Review*, Articles Editor

Education

- J.D., Loyola Law School, 2005
- B.A., University of California at Los Angeles, 2000

Honors & Rankings

- *Sacramento Magazine*, Top Lawyer, Environmental, 2017

Speaking Engagements / Events

- *Key Prop 65 Developments Impacting Grocers*, CGA Legal Committee Meeting, March 21, 2018
- *Proposition 65: New Clear and Reasonable Warning Regulation*, Presenter, California Grocers Association Webinar, January 25, 2018
- *Grocery Compliance Toolkit*, Hazardous Waste Disposal, May 13, 2015
- *Managing Hazardous Waste at Grocer and Retailer Facilities*, Presenter, California Grocers Association Webinar, January 2013

Publications

- *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
- *Court Determines Breakfast Cereal Currently Does Not Require Prop 65 Warnings*, California Grocers Association, Government Relations Bulletin, July 19, 2018
- *Grocers' Guide to the Toxics In Packaging Prevention Act*, California Grocer, Issue 3, July 2018
- *Coffee Debate is Coming to a Close: A Prop. 65 Legal Battle that has been Brewing for Years May Finally be Resolved*, California Grocer, Issue 6, December 2017
- *Practical Advice on Avoiding Prop. 65 Enforcement*, California Grocer, Issue 5, October 2016
- *Proposed Prop. 65 Regs Equal Less Help and More Hurt (and Litigation)*, California Grocer, Issue 2, May 2015

Legal Alerts

- *USEPA Announces Major Actions to Address PFAS; California Water Utility Files Landmark PFAS Lawsuit in Federal District Court*, January 23, 2020
- *PFAS Are Here: First Round of Results Show PFAS in California Drinking Water Supply Wells*, October 24, 2019
- *California State Water Resources Control Board Significantly Lowers PFAS Notification Levels*, August 28, 2019

- *State Water Board Announces Sweeping Investigation and Phased Sampling of Potential Industrial and Municipal Sources of PFAS*, March 13, 2019
- *EPA Unveils Its Long-Awaited PFAS Action Plan – Does It Represent Any Progress?*, February 19, 2019
- *OEHHA Proposes Amendments to Prop. 65 Reproductive Toxicity Sampling Requirements for Food Products; New Prop. 65 Regulations for PFAS Take Effect November 10, 2018*, November 2, 2018
- *The Latest in the Prop. 65 World: Jury Trials; Inorganic Arsenic in Rice; and the FDA Weighs in on Coffee*, September 6, 2018
- *Court Determines Breakfast Cereal Currently Does Not Require Prop 65 Warnings*, July 31, 2018
- *U.S. District Court Denies California Attorney General's Request to Reconsider Holding that Proposition 65 Warnings for Glyphosate in Herbicide Products are Misleading*, June 19, 2018
- *California Proposes Regulation that Proposition 65 Cancer Warnings Are Not Required for Coffee*, June 18, 2018
- *Winemakers Prevail in Arguing That Providing Current Safe Harbor Warning for Alcoholic Beverages Is Compliant with Prop 65*, May 23, 2018
- *Checking-in? New Proposition 65 Exposure Warnings for Hotels and Lodging Establishments Take Effect August 30, 2018*, May 11, 2018
- *Tentative Ruling Could Mean You Have to Give A Prop 65 Warning for Every Cup of Coffee You Sell or Give to Consumers*, April 4, 2018
- *The Latest in the Prop. 65 World: Processed Meat; Lead and Cadmium in Chocolate; and Glyphosate in Herbicides*, March 14, 2018
- *New Proposition 65 Clear and Reasonable Warning Regulations Are Effective in 2018*, November 6, 2017
- *California Enacts Legislation in an Attempt to Level the Playing Field in Proposition 65 Enforcement Actions*, October 12, 2017
- *Proposition 65 Warning Required for Furfuryl Alcohol as of September 30, 2017*, October 5, 2017
- *OEHHA Adopts Unclear Amendments to the “Clear and Reasonable Warning” Regulations – Exacerbating Proposition 65 Problems*, September 9, 2016
- *FDA Issues Final Rule Under Food Safety Modernization Act*, June 16, 2016
- *Federal Court Decides Manure Can Be A Solid Waste*, January 29, 2015
- *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
- *EPA Reduces the Regulatory Burden on Businesses Using Solvent Wipes*, July 2013
- *California Department of Conservation Issues Draft Proposal to Increase Regulation of Hydraulic Fracturing*, December 19, 2012
- *Bona Fide Prospective Purchaser Defense – Buyers Be Careful*, April 2011
- *Court Holds That CERCLA “Facility” Owners and Operators Are Not Liable for Off-Site Cleanup Costs*, July 2010