

Pipelines & Terminals

A durable energy infrastructure is critical to fulfilling America's energy needs as well as preserving its emerging position as a major global energy producer. Downey Brand attorneys work with oil and gas companies on pipelines and storage terminals including permits and entitlements for facility construction and expansion, regulatory compliance, and all aspects of environmental, health, and safety governing this tightly-regulated yet dynamic sector.

Drawing upon decades of experience in environmental compliance and the energy sector, the attorneys at Downey Brand advise and defend oil and gas pipeline and terminal companies on a wide variety of legal matters, from land acquisition and permitting to emergency response and enforcement defense and related litigation.

Downey Brand attorneys assist companies as they seek approval and permits for new projects by navigating a complex web of federal, state, and local laws, rules, and regulations including the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), Endangered Species Act, Clean Air Act, and Clean Water Act. Our attorneys provide immediate support on emergency response and cleanup of releases from pipelines and terminals and all follow-up government actions and third party claims including natural resource damages, mitigation, and enforcement defense and litigation.

Downey Brand is headquartered in California's capital with easy access to numerous state agencies, which uniquely positions our attorneys to help resolve state-wide challenges facing the energy development and distribution sectors. We frequently represent our clients before California agencies including Cal-EPA, the Coastal Commission, the California State Fire Marshal, Regional Water Quality Control Boards, California Department of Fish and Wildlife's Office of Spill Prevention and Response (OSPR), the California Air Resources Board and local air districts, the California Public Utilities Commission, California Office of Emergency Services, and the State Lands Commission.

Our attorneys also have extensive experience working with western regional and Washington D.C. offices of federal agencies that regulate the pipeline industry and energy sector including the Environmental Protection Agency (EPA), Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Fish & Wildlife, the Bureau of Land Management, Army Corps of Engineers, U.S. Forest Service, and OSHA.

Selected Experience

- Lead environmental counsel on an oil pipeline project for CEQA/NEPA, permitting, and regulatory issues including AB 864 implementation by the California State Fire Marshall, and multiple federal, state, and local agencies including BLM, U.S. Forest Service, Army Corps of Engineers, U.S. Fish & Wildlife Service, California Department of Parks & Recreation, and California Coastal Commission.
- Defense of a \$350 million damages complaint against a Fortune 200 client for alleged property damage and lost use of natural resources from alleged releases at a large petroleum storage facility. The action involved a \$60 million clean up under the supervision of the California Regional Water Quality Control Board.

- Supported permitting and land acquisition for large oil and gas pipeline. Addressed concerns regarding safety, impacts to wetlands and wetland species, and impacts to migratory birds. Resolved CalTrans needs regarding right-of-way for needed highway crossing and modified pipeline sizing to accommodate future users without expanding environmental analysis.
- Represented major oil company in connection with terminals extensive remediation matters including related litigation regarding natural resource and development damages claims.
- Successfully defended attempt to shut down crude oil rail storage terminal based on alleged violations of the California Environmental Quality Act.
- Assisted client in responding to reporting requirements and information requests from multiple federal and state agencies in the aftermath of an accidental release.
- Assisted client in response to Corrective Action Orders issued by PHMSA regarding pipeline operations.
- Defended an oil & gas company against an enforcement action relating to crude loading at a marine terminal.