



Darrin D. Gambelin Counsel

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Practice Areas

Air Quality & Climate Change | Appellate & Writ Practice | Environmental Enforcement Defense | Environmental Remediation & Due Diligence | Environmental/Toxics Litigation | Pipelines & Terminals | Water Law | Water Quality Law

Darrin Gambelin draws on more than 20 years of experience with California and federal environmental laws to assist clients in resolving a range of permitting, compliance, and regulatory enforcement issues.

He routinely works with clients in the agriculture, food processing, manufacturing, pipeline and energy sectors to navigate complicated state and federal environmental regulatory schemes, including those created by the Clean Air Act, Clean Water Act, California Porter-Cologne Water Quality Control Act, Oil Pollution Act, and RCRA. Darrin advises clients on compliance with environmental and safety rules affecting all phases of energy pipelines, from permitting and operation to emergency response planning. He closely tracks and advises clients on the latest developments in California and Federal efforts to regulate greenhouse gas emissions including the cap-and-trade program and measures to reduce methane emissions from oil and gas, waste, and dairy industries. Darrin has successfully advocated for the interests of his clients during the development of new environmental regulations, has advised his clients during the permit application process, and, when necessary, has defended his clients in enforcement actions.

Prior to entering the field of law, Darrin had a productive career in the environmental compliance field, serving as an environmental, health, and safety professional in the manufacturing, waste management, and research industries. Using this hands-on experience, Darrin helps clients craft cost-effective and creative solutions to difficult environmental issues. He also prides himself on understanding the complex technical, scientific, and legal issues faced by clients.

Experience

Environmental Permitting

- Advised agricultural, food processing, manufacturing, and energy clients on successful applications for air permits for new equipment including boilers, generators, pumps and other combustion sources; process equipment; compost operations and digesters; and coating booths. These complex permit applications include review of Best Available Control Technology, NSR and PSD requirements, modeling, emission

reduction credits, and offsets.

- Successfully negotiated favorable air permit terms and pursued appeals of unfavorable permit terms with several of the largest air districts in California including the San Joaquin Valley Air Pollution Control District, South Coast Air Quality Management District, Bay Area Air Quality Management District, and Sacramento Metropolitan Air Quality Management District.
- Negotiated the issuance of Coastal Development Permits in front of local agencies and the California Coastal Commission.
- Guided clients through permitting and implementation of the complex California hazardous waste treatment program.

Pipeline Permitting, Operation, and Emergency Response

- Assisted client in responding to reporting requirements and information requests from multiple federal and state agencies in the aftermath of an accidental release.
- Managed technical experts retained to investigate potential damages in a Natural Resource Damage Assessment commenced under the Oil Pollution Act.
- Advised clients on compliance with PHMSA and California State Fire Marshall pipeline safety and spill response planning requirements.
- Assisted client in response to Corrective Action Orders issued by PHMSA regarding pipeline operations.

EPA Clean Air Act Rulemakings

- Represented a large aerospace trade organization during EPA's residual risk and technology review of the Aerospace Manufacturing and Rework NESHAP. Crafted detailed written comments in response to EPA's proposed rule.
- Represented an oil and gas trade association during the development of EPA's oil and gas NSPS and NESHAP rulemaking. Successfully petitioned for reconsideration of the rule address client's needs.
- Represented a large auto manufacturer in the residual risk and technology review of the secondary aluminum NESHAP. Successfully advocated for several key changes to the rule.

Compliance Counseling

- Advised energy and industrial clients on compliance with complex California Greenhouse Gas monitoring and reporting requirements.
- Counseled clients in several industries regarding compliance issues with the Boiler MACT and emergency back-up generator provisions of the RICE MACT.
- Represented large manufacturing companies in air permitting issues, including Title V compliance and deviation reporting.
- Advised a medical waste incineration company on permitting and compliance issues.

Enforcement Defense

- Defended an oil and gas company against an enforcement action relating to crude loading at a marine terminal.
- Assisted with the defense of a large energy company in the criminal enforcement of Clean Air Act violations.
- Responded to requests for information from EPA under the Clean Water Act and Clean Air Act.
- Successfully negotiated reduced violations and penalties for alleged hazardous waste violations at a transportation business.

Professional & Community Service

- NatureBridge Yosemite, Board Member, 2016-present
- Western States Petroleum Association, 2018
- Air and Waste Management Association
- California Stormwater Quality Association
- American Bar Association
- Bar Association of San Francisco

Education

- J.D., *cum laude*, Santa Clara University School of Law, 2010
- B.S., Environmental and Resource Sciences, University of California at Davis, 1994

Honors & Rankings

- Order of the Coif

Speaking Engagements / Events

- *California GHG Emission Standards for Crude Oil and Natural Gas Facilities: Impacts on Midstream and Upstream Oil & Gas Industry*, Joint Webinar with ERM, June 28, 2016

Publications

- *California Air and Climate: CARB Continues Roll-Out to Reduce Emissions from Vessels in California Ports and Targets Ride-Hailing Vehicle Greenhouse Gas Emissions; Update on AB 617*, Vol. 11, November 2019
- *California Air and Climate: CARB Reports Continued Declines in Greenhouse Gas Emissions; Tulare County Settles Lawsuit Involving Livestock Emissions*, Vol. 10, September 2019
- *California Air and Climate: BAAQMD Releases Draft Rule Regulating Methane Emissions; US Bureau of*

Land Management Releases Draft Fracking Plan for California, Vol. 9, July 2019

- *California Air and Climate: CARB Audits SJVAPCD Emission Credit Program; Court orders EPA to Implement Landfill Methane Rule*, Vol. 8, May 2019
- *California Air and Climate: Greenhouse Gas Emissions Targets for Ride-Hailing Companies; USEPA's Alleged Failure to Recognize Battery Storage as Best Available Control Technology; CARB Adopts Particulate Matter Standards*, Vol. 7, March 2019
- *The 2018 Environmental Legislative Recap: The End of an Era*, Contributor, California Environmental Law Reporter, Vol. 2019, Issue 2, February 2019
- *California Air and Climate: CARB Adopts Amendments to Cap-and-Trade Program and State-Wide Emissions Reporting Requirements*, Vol. 6, January 2019
- *California Air and Climate: CARB and San Joaquin Valley APCD Advance AB 617; Bay Area AQMD Targets Methane*, Vol. 5, November 2018
- *California Air and Climate: CARB Cap-and-Trade Amendments and Methods to Reduce Transportation GHG; BAAQMD Seeking Comments to Implement BARCT; Air Permitting Restraints Facing Composting Industry*, Vol. 4, September 2018
- *California Air and Climate: CA Solar Building Requirements; Updates from California Air Resources Board (CARB) on AB 617 Implementation*, Vol. 3, August 2018
- *California Air and Climate: Air Districts Begin Implementing AB 617 Retrofit Control Technology; SCAQMD to Regulate Indirect Sources*, Vol. 2, June 2018
- *California Air and Climate: Bay Area Methane; CARB Bans Refrigerants, Implements Community Air Protection and Approves Cap-and-Trade Amendments*, Vol. 1, April 2018
- *The 2015 Legislative Recap: Settling In and Taking a Breath*, Contributor, California Environmental Law Reporter, Vol. 2016, Issue 4, April 2016

Legal Alerts

- *Revised Draft Pipeline Regulations Will Allow Longer Periods for Compliance and Will Undergo a New Round of Comments*, October 28, 2019
- *California Fire Marshall Makes Additional Changes to its Proposed Oil Pipeline Safety Regulations*, October 3, 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
- *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
- *Bay Area Air Quality Management District Sets Stringent New Standards for Toxic Air Emissions at Bay Area Facilities*, November 16, 2017
- *Local California Governments Sue Fossil Fuel Companies for Rising Sea Levels*, July 26, 2017
- *State Legislature Reaches Agreement on Extension of the Greenhouse Gas Cap-and-Trade Program*;

Stops the Bay Area Air Quality Management District's Proposed Cap (and-No-Trade), July 19, 2017

- *DOJ Issues Policy Memo Limiting the Use of Supplemental Environmental Projects in Federal Settlements, June 12, 2017*
- *Short-Lived Climate Pollutant Strategy Outlines a Role for POTWs in Organic Waste Diversion, March 31, 2017*
- *The California Supreme Court's CEQA Docket Comes To A Dramatic Close For The Year, Resolving That EIRs Need Not Address The Environment's Impacts On A Project, January 8, 2016*
- *EPA's Water Rule Blocked Nationwide, October 9, 2015*
- *ESWR Update: WOTUS Rule Blocked by Federal Judge in North Dakota, September 2015*

Blogs

- *First Appellate District Upholds Several Aspects of the EIR Prepared for Phillips 66 Efforts to Enhance Recovery of Petroleum Refinery Products, June 7, 2018*
- *State Legislature Reaches Agreement on Extension of the Greenhouse Gas Cap-and-Trade Program; Stops the Bay Area Air Quality Management District's Proposed Cap (and-No-Trade), July 18, 2017*
- *California Supreme Court Again Considers Climate Change in the Context of CEQA, But Fails to Resolve Important Uncertainties for Future Environmental Review, July 13, 2017*
- *Up One Day, Down the Next—California Air Resources Board Receives Mixed Reviews in its Implementation of its Cap-and-Trade Program and Low Carbon Fuel Standard, May 9, 2017*
- *White House Council on Environmental Quality Issues Final Guidance on Consideration of Climate Change in NEPA Review, August 17, 2016*