



## Patrick F. Veasy Senior Associate

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### Practice Areas

Air Quality & Climate Change | CEQA / NEPA | Endangered Species | Environmental Enforcement Defense | Environmental Remediation & Due Diligence | Environmental/Toxics Litigation | Infrastructure | Pipelines & Terminals | Proposition 65 | Recycled Water | Water Law | Water Quality Law

Clients facing complex environmental issues rely on Patrick Veasy for his detail-oriented approach and strong analytical skills to achieve effective results.

Patrick has represented and assisted a variety of public and private sector clients in environmental compliance and enforcement matters before state agency hearing boards, as well as before state and federal courts. He routinely works on water quality matters under the California Porter-Cologne Water Quality Control Act and federal Clean Water Act in relation to administrative and judicial enforcement matters, as well as petitions challenging final agency actions. Patrick's experience includes working on environmental review and permitting projects involving the California Environmental Quality Act, the National Environmental Policy Act and the Fixing America's Surface Transportation Act or FAST-41. Patrick also has experience working on environmental compliance and enforcement matters under the Clean Air Act. Finally, Patrick frequently assists clients on other matters involving environmental site remediation issues and toxic tort litigation, including under California's Proposition 65.

While in law school, Patrick was a member of the Hastings Law Journal, and he also served as a judicial extern at the United States District Court for the Northern District of California and the Supreme Court of California. After law school and before joining Downey Brand, Patrick worked as an associate at a national law firm.

## Experience

### Enforcement Defense

- Defended multiple public and private sector clients in third party citizen suits and agency enforcement actions for alleged violations of the Clean Water Act, NPDES permits for municipal, industrial, and/or storm water discharges, as well as the State's SSO WDR for Sanitary Sewer Overflows (SSOs).
- Defended multiple property owners in different administrative and judicial enforcement actions alleging violations of the Clean Water Act, California's Fish & Game Code, and Water Code involving the dredge and fill of wetlands and ponds.

- Represented various clients in lawsuits filed under California's Proposition 65 for failure to warn and/or the alleged unlawful discharge of chemicals to drinking water.
- Assisted two separate electric power utilities in enforcement litigation under the Clean Air Act and related State Implementation Plans.

## **Environmental Review and Permitting**

- Assisted clients on major development projects involving CEQA, NEPA, FAST-41, related environmental review, permitting, and regulatory issues, as well as multiple federal, state, and local agencies.
- Drafted multiple petitions challenging NPDES and WDR permit requirements before the California State Water Resources Control Board.
- Advised clients on achieving compliance with California air district permit requirements.

## **Final Agency Actions and Rulemakings**

- Assisted with defense of municipal client in CEQA litigation involving recycled water irrigation program.
- Drafted multiple petitions challenging final agency actions before the California State Water Resources Control Board.
- Assisted natural gas pipeline company before state environmental hearing board in plan approval permit appeal.
- Represented municipal association in litigation challenging United States Environmental Protection Agency's use and promotion of guidance document in NPDES permits.
- Drafted multiple briefs challenging final agency action before the United States Court of Appeals for the Ninth Circuit.
- Represented client in petition for review of United States Environmental Protection Agency final action before the United States Court of Appeals for the District of Columbia Circuit.

## **Compliance Counseling**

- Advised multiple clients on achieving compliance with California's Proposition 65.
- Assisted clients on achieving compliance with California air district permit requirements.
- Assisted client with voluntary self-disclosure of regulatory violations under United States Environmental Protection Agency Audit Policy.

## **Other Litigation Experience**

- Briefed demurrer in state court resulting in voluntary dismissal of complaint.
- Briefed and assisted client at evidentiary hearing before federal district court to successfully defend against motion for preliminary injunction.

- Represented and assisted multiple clients in all phases of pre-trial litigation, including discovery and pre-trial motion practice.

## Professional & Community Service

- Sacramento County Bar Association, Environmental Law Section
- California Lawyers Association, Environmental Law Section
- Sacramento Metro EDGE
- California Association of Sanitation Agencies
- University of Michigan Alumni Association, Sacramento Chapter, Board of Directors

## Education

- J.D., *cum laude*, University of California, Hastings College of the Law, 2014
- B.A., University of Michigan, 2009

## Honors & Rankings

- JD Supra 2019 Readers' Choice Awards, Food & Beverage and Product Liability, Top Author
- Externship, Honorable Ming W. Chin, Supreme Court of California, 2014
- Externship, Honorable Phyllis J. Hamilton, United States District Court, Northern District of California, 2012
- *Hastings Law Journal*, Senior Development Editor
- CALI and Witkin Awards, Legal Writing & Research and Property

## Publications

- *Proposition 65 Notices of the Month – August 2021: Plastic Consumer Products and Components, Tortilla Chips, Banana Chips, Almond Butter, Canned Fruit, and Sanitizers*, Proposition 65: Trends and Highlights in August 2021, September 14, 2021
- *California's Prop 65: Acrylamide Update*, Guest Blogger, Specialty Food Association, August 25, 2021
- *Proposition 65 Notices of the Month – July 2021: Protein Powders, Tea, Molasses, Hand Sanitizer, Sunscreen, CBD Oil, Receipt Paper, and Plastic Face Shields*, Proposition 65: Trends and Highlights in July 2021, August 2021
- *Proposition 65 Notices of the Month – June 2021: Peppermint Extract, Salted Plums/Saladitos, Canned Fruits, Seaweed & Seafood, Pliable Plastics, and Withdrawal of Wood Dust Notices*, Proposition 65: Trends and Highlights in June 2021, July 2021
- *Proposition 65 Notices of the Month – May 2021: Notice Activity Rebounds; Plaintiff Groups Target Tools that Generate Wood Dust, Makeup, Plastic Products, Sunflower Seeds, and Fruits/Vegetables*, Proposition 65: Trends and Highlights in May 2021, June 2021

- *California Air and Climate: New Indirect Source Rule for Warehouses in Southern California; CARB Adopts Clean Miles Standard for Ride-Hailing Companies; BAAQMD Finds Tier 4 Diesel Engines are Best Available Control Technology for Standby Applications*, California Air and Climate, Vol. 19, May 2021
- *Proposition 65 Notices of the Month – April 2021: Overall Declines in the Number of Food Notices for Acrylamide and Heavy Metals, and in the Number of Consumer Product Notices for Phthalates*, Proposition 65: Trends and Highlights in April 2021, May 2021
- *Council on Environmental Quality Rescinds Trump Administration Draft Guidance that Limited the Consideration of Greenhouse Gas Emissions During Environmental Reviews*, Environmental, Energy & Climate Change Law and Regulation Reporter, Volume 1, Number 7, April 2021
- *Proposition 65: Legal and Technical Implications of Listing PFOA as a Carcinogen*, April 21, 2021
- *Proposition 65 Notices of the Month – March 2021: Plastic Consumer Products, Fruits & Vegetables, New Chemical Pulegone in Peppermint Extract, and Relief for Acrylamide Claims*, Proposition 65: Trends and Highlights in March 2021, April 2021
- *Proposition 65 Notices of the Month – February 2021: Fruits & Vegetables, Pretzels, Chips, Tostadas, Seafood, and More Plastic Products Targeted by Plaintiff Groups*, Proposition 65: Trends and Highlights in February 2021, March 2021
- *California Air and Climate: EPA Waiver to CARB Regarding “Non-Road” Diesel Engine Regulations Upheld; Phasing Out Agricultural Burning in San Joaquin Valley by 2025*, California Air and Climate, Vol. 18, February 2021
- *Proposition 65 Notices of the Month – January 2021: Duck Callers, Duck (To Eat), More Seafood, Fruits & Vegetables, and Plastic Products Targeted by Plaintiff Groups*, Proposition 65: Trends and Highlights in January 2021, February 2021
- *Proposition 65 Notices of the Month – 2020 Prop. 65 Roundup: Over 3,500 Notices Sent Alleging Warning Labels Required for Hundreds of Different Products Including Plastic Bags & Cases, Baby and Toddler Foods, Seafood, Roasted Snack Foods, Leafy Green Vegetables, and Cosmetics*, Proposition 65: Trends and Highlights in December 2020, January 2021
- *Proposition 65 Notices of the Month – Nov. 2020: Pretzels, Molasses, Sunflower Seeds, Shampoos, Leather Gloves & Fishing Weights - All Targeted by Citizen Plaintiff Groups*, Proposition 65: Trends and Highlights in November 2020, December 2020
- *California Air and Climate: CARB Expands Emissions Reporting Requirements and Considers Indoor Gas Appliances; SJVAPCD Pursues Additional Reductions from Glass Furnaces, Stationary Engines, and the Oil and Gas Industry*, California Air and Climate, Vol. 17, December 2020
- *Proposition 65 Notices of the Month – Oct. 2020: Lead in Food, Diethanolamine in Personal Care Products, Formaldehyde in Bed Sheet Sets, and, As Always, Acrylamide in Snack Foods, and Phthalates in Plastics*, Proposition 65: Trends and Highlights in October 2020, November 2020
- *Proposition 65 Notices of the Month – Sept. 2020: Hundreds of Notices Allege Acrylamide in Snack Foods and Phthalates in Plastic Bags, Other Notices Target Personal Care Products*, Proposition 65: Trends and Highlights in September 2020, October 2020
- *Proposition 65 Notices of the Month – August 2020: Leafy Greens, Crackers, Fishing Weights, Shaving & Bath Gel, Mascara, Plastic Cases & Purses, Dietary Supplements and Bamboo Pillowcases*, Proposition

65: Trends and Highlights in August 2020, September 2020

- *California Air and Climate: CARB Focuses on Vessel and Truck Emissions*, California Air and Climate, Vol. 16, September 2020
- *Proposition 65 Notices of the Month – July 2020: Notices Decline for Acrylamide in Snack Foods; Chocolate, Canned Goods, Dietary Supplements, Seaweed, and Seafood Noticed for Lead & BPA; Phthalate Notices for Plastic Bags and PVC Plastics Continue In Large Quantities*, Proposition 65: Trends and Highlights in July 2020, August 2020
- *Streamlining the Federal Environmental Review Process: The Pros and Cons of FAST-41*, Natural Resources & Environment, Volume 35, Number 1, Summer 2020, July 27, 2020
- *California Air and Climate: CARB to Hold Second Public Workshop on Reducing Greenhouse Gas Emissions from Ride-Sharing Services; Adopts Zero-Emission Truck Rule; Requests Comments on At-Berth Vessel Regulations*, California Air and Climate, Vol. 15, July 2020
- *Proposition 65 Notices of the Month – June 2020: Over 70 Seafood Products, Chips, Pretzels, Bread, Popcorn, Cookies, Dietary Supplements and Wheel Chair Components Attacked by Citizen Plaintiffs as COVID-19 Summer Begins*, Proposition 65: Trends and Highlights in June 2020, July 2020
- *Proposition 65 Notices of the Month – May 2020: Seafood, Waffles, Nut Products, Canned Goods, and Boxing Gloves Targeted by Plaintiffs in Third Month of COVID-19 Pandemic*, Proposition 65: Trends and Highlights in May 2020, June 2020
- *Proposition 65 Notices of the Month – April 2020: Plaintiffs Target Various Food Products Including Vinegars, Baby Food Pouches, Teething Wafers, Seaweed and Seafood Products Amidst the COVID-19 Pandemic and California Court Closures*, Proposition 65: Trends and Highlights in April 2020, May 2020
- *California Air and Climate: CARB to Hold Public Workshop on Reducing Greenhouse Gas Emissions from Transportation Vehicle Services; Updates to Air Toxics “Hot Spot” Regulations*, California Air and Climate, Vol. 14, May 2020
- *Fifth Appellate District Holds Kern County Oil and Gas Activity Ordinance Invalid*, California Water Law & Policy Reporter, Volume 30, Number 7, April 2020
- *Proposition 65 Notices of the Month – March 2020: Plaintiff Groups “March On” and Send Hundreds of Notices of Violation During the COVID-19 Shelter-in-Place Orders*, Proposition 65: Trends and Highlights in March 2020, April 2020
- *Proposition 65 Notices of the Month – February 2020: Lead, Arsenic and Cadmium in Seaweed, Shrimp & Dietary Supplements, New Plaintiff Group Targets Baked Goods and Roasted Nut Products*, Proposition 65: Trends and Highlights in February 2020, March 2020
- *New PFAS rules may increase treatment costs, spur litigation*, Daily Journal, February 27, 2020
- *Proposition 65 Notices of the Month – January 2020: Arsenic, Cadmium and Lead in Seaweed & Seafood Products, Acrylamide in Toasted Corn, and Cadmium in Spinach*, Proposition 65: Trends and Highlights in January 2020, February 2020
- *California Air and Climate: CARB Adopting Commercial Harbor and Zero-Emission Truck Rules; Workshops for New CARB Emission Reporting Rules*, California Air and Climate, Vol. 13, February 2020
- *California Air and Climate: CARB Targets Railyard and At Berth Vessel Emissions; San Joaquin Valley*

*APCD to Require Additional NOx Reductions from Engines, Boilers, Process Heaters and Steam Generators*, California Air and Climate, Vol. 12, January 2020

- *2019 A Creative Year for Proposition 65 Plaintiffs – Acrylamide in Ice Cream Cones, Cadmium and Lead in Seaweed, Furfuryl Alcohol in Hamburger Buns, and Chromium in Leather Work Gloves and Baby Powder*, Proposition 65: Trends and Highlights in 2019, January 2020
- *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*, California Air and Climate, Vol. 11, November 2019
- *California Air and Climate: CARB Reports Continued Declines in Greenhouse Gas Emissions; Tulare County Settles Lawsuit Involving Livestock Emissions*, California Air and Climate, Vol. 10, September 2019
- *Will the Wave of PFAS Litigation Sweep Through California?*, Daily Journal, July 11, 2019
- *California Air and Climate: BAAQMD Releases Draft Rule Regulating Methane Emissions; US Bureau of Land Management Releases Draft Fracking Plan for California*, California Air and Climate: Vol. 9, July 2019
- *California Air and Climate: CARB Audits SJVAPCD Emission Credit Program; Court orders EPA to Implement Landfill Methane Rule*, California Air and Climate, Vol. 8, May 2019
- *Agencies Finally Begin to Address Dangers of PFAS*, Daily Journal, March 28, 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*, California Air and Climate, Vol. 7, March 2019
- *California Air and Climate: CARB Adopts Amendments to Cap-and-Trade Program and State-Wide Emissions Reporting Requirements*, California Air and Climate, Vol. 6, January 2019
- *California Air and Climate: CARB and San Joaquin Valley APCD Advance AB 617; Bay Area AQMD Targets Methane*, California Air and Climate: 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*, California Air and Climate: Vol. 4, September 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
- *Recent Developments in Toxic Torts and Environmental Law*, Co-author, Tort Trial & Insurance Practice Law Journal, Winter 2017
- *Recent Developments in Toxic Torts and Environmental Law*, Co-author, Tort Trial & Insurance Practice Law Journal, Winter 2016

## Legal Alerts

- *OEHHA Issues Highly Anticipated Draft Public Health Goals for PFOA and PFOS in Drinking Water*, July 30, 2021
- *Latest California State Water Board Investigative Order for PFAS Targets Bulk Fuel Storage Terminals and*

*Refineries, March 29, 2021*

- *State Water Board Issues Notification and Response Levels for PFBS in Drinking Water; DTSC to Finalize Carpets and Rugs with PFAS as “Priority Products” in 2021, March 12, 2021*
- *California Pipelines Face New Hurdles As the State Adopts Final Rules to Protect its Coastline, October 26, 2020*
- *FDA Announces Three-Year Phase-Out of PFAS Used in Food Packaging; FDA Studies Indicate Non-Detectable Levels of PFAS in General Food Supply, August 31, 2020*
- *California PFAS Push Now Includes POTWs as State Water Board Rolls Out New Testing Order, July 23, 2020*
- *OEHHA’s Proposed “Clarifications” to Proposition 65 Clear and Reasonable Warning Regulations Actually Represent a Significant Change, April 21, 2020*
- *CalEPA Issues Statement on Enforcement and Compliance Requirements During COVID-19 Pandemic, April 16, 2020*
- *USEPA Issues Interim Guidance on Site Field Work Decisions Due to Impacts of COVID-19, April 13, 2020*
- *Compliance with Water Board Requirements During the Coronavirus 2019 (COVID-19) Emergency, March 20, 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*
- *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*
- *State Water Resources Control Board Issues Draft Toxicity Policy – What You Need to Know, November 21, 2018*
- *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*
- *U.S. District Court Holds USEPA Must Regulate Previously Exempted Stormwater Runoff from Specified Commercial, Industrial, and Institutional Sources in Los Angeles, August 31, 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*
- *U.S. EPA Region 9 Enforcement Priorities Revealed, April 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*
- *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*
- *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*

## Blogs

- *First Appellate District Approves Responsible Agency's Imposition of Mitigation Not Considered in the EIR, January 13, 2021*
- *Second Appellate District Expands Baseline Analysis in Upholding Environmental Impact Report for Refinery Project Intended to Help Reduce Air Pollutants, May 29, 2020*
- *Fifth Appellate District Invalidates Kern County Oil and Gas Ordinance, March 12, 2020*
- *Appeals Court Finds that EIR for Planned Los Angeles Railyard for Storage and Transfer of Goods Failed to Sufficiently Consider Air Quality Impacts, April 26, 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*
- *First Appellate District Holds that Air Quality Management District's Issuance of "Authority to Construct" May Be Challenged Under CEQA, June 20, 2017*