DOWNEYBRAND



Robert P. Soran

Partner / Executive Committee Member

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Practice Areas

Air Quality & Climate Change | Energy | Energy Project Development | Environmental Enforcement Defense | Environmental Remediation & Due Diligence | Environmental/Toxics Litigation | Food & Agriculture | Food & Agriculture Litigation | Pipelines & Terminals | Proposition 65 | Real Property & Land Use Litigation | Regulatory Law & Business Permitting

Known as a strong advocate and litigator with more than 30 years of experience, clients with interests throughout California rely on Bob Soran for his expertise in compliance with federal, state, and local environmental laws and regulations.

When issues go beyond compliance counseling, clients seek Bob's skills and representation in environmental enforcement defense, environmental litigation, and administrative proceedings.

Bob's clients include Fortune 100 corporations, governmental agencies, private corporations, landowners, and individuals. Regardless of the type of client, Bob's focus is on effectively achieving the client's ultimate goals and objectives in an efficient manner.

Bob is currently a member of the firm's Executive Committee (a position he also held from 2010-2013). Additionally, Bob previously served as Chair of Downey Brand's Environmental Law Practice Management Group from 2005 through 2010.

Experience

Regulatory Compliance and Environmental Enforcement Defense

Advising and representing clients in environmental compliance and enforcement matters (including cease and desist orders, notices of violation, cleanup & abatement orders, and statute-based agency informational requests) before various local, state, and federal agencies including the Department of Toxic Substances Control (DTSC), United States Environmental Protection Agency (EPA), California Air Resources Board, various Regional Water Quality Control Boards (RWQCB), and State Water Resources Control Board (SWRCB).

- Lead attorney in advising and defending power facility owners and operating partner in enforcement action filed by Circuit Prosecutor for alleged discharge and placement of material into wetlands.
- Represented and advised large public transit district in responding to an EPA Unilateral Administrative

Order for abandoned oil recycling facility.

- Defended multi-national petroleum corporation in cost recovery action initiated by the DTSC for abandoned waste oil/liquids recycling facility.
- Jointly represented two national food corporations in cost recovery actions initiated by EPA and the DTSC for cost recovery associated with a former drum and barrel processing/recycling facility.
- Advised and defended case filed by District Attorney against aggregate/ready mix corporation for alleged off-site discharges of hazardous waste.
- Defended trucking company in enforcement action brought by District Attorney for alleged illegal transport and disposal of recycled material.
- Represented large regional developer in action brought by the SWRCB and the California Attorney General's Office for alleged violations of General NPDES Permit for storm water discharges into wetlands.
- Defended property owners in multi-party contribution action for the investigation and cleanup of chlorinated solvent soil and ground water contamination involving multiple adjacent properties and varied source operations. Representation also included responding to orders of the RWQCB applicable to clients' property.
- Advised national industrial equipment rental corporation on fuel tank compliance issues and related resolution of notices of violation by County CUPA.
- Represented multinational rental car corporation in responding to notice of violation and complaint for administrative civil liability arising from an alleged petroleum release.
- Advised national equipment rental corporation on emergency response and notice requirements following explosion at client facility.
- Defended property owners/farmers in enforcement action alleging violations of California's Fish & Game Code and Water Code for streambed alteration and erosion control measures.
- Advised and represented farmers and agricultural operations in case brought by the United States alleging violations of the Clean Water Act.
- Advised and represented farming/agricultural operations in cases involving crop damage claims.

Environmental Litigation

Representing clients in civil litigation, with an emphasis in claims under CERCLA/Superfund, RCRA, Clean Air Act, Porter-Cologne, Hazardous Substances Account Act (HSAA), California's Proposition 65 and environmental/toxic torts, in both state and federal courts.

- As common counsel to a PRP Trust, conducted successful cost recovery efforts against hundreds of PRPs, recovering multiple millions of dollars from previously unidentified PRPs who contributed waste to an abandoned used oil recycling facility for which emergency response was required under Unilateral Administrative Order issued by the EPA.
- Lead attorney defending County in private party CERCLA contribution action for remediation, closure/post closure of former burn dump/landfill. In addition to obtaining favorable settlement for the client, Bob also negotiated the imposition of a recorded land use/deed restriction against plaintiff applicable to the former

landfill and surrounding property.

- Defended national auto parts retailer against claims for contribution to VOC contamination of shopping center. Conducted investigation and scientific analysis of soil, groundwater and vapor sampling and demonstrated client was not responsible for contamination resulting in prompt dismissal of client without having filed responsive pleading in federal court.
- Defended multi-national rental car corporation against CERCLA contribution claims relating to remediation of former landfill.
- Defended national equipment rental company in cost recovery litigation initiated by public redevelopment agency alleging chlorinated solvent and petroleum contamination.
- Advised and represented multi-national consumer products/electronics manufacturer in Proposition 65 action for alleged failure to warn on lead exposures in consumer products.
- Advised and represented regional grocery store chain in multiple Proposition 65 claims for alleged failure to warn in conjunction with sale of products.

Air Quality Enforcement, Compliance, and Permitting

Representing clients in enforcement and permitting matters before the EPA, CARB, state air quality management districts, and numerous counties throughout the state.

- Advised and represented winery in technical review, permitting, and enforcement defense associated with substantial expansion of winery operations, permitting, and emission control requirements.
- Advised aerospace contractor on air permitting and compliance matters related to Notice of Violation issued in conjunction with operations at joint facility.
- Represented retailers and manufacturers in defending product claims alleged by CARB.
- Defended biomass power facility against enforcement action by county air pollution control district alleging hundreds of violations of county, state and federal air quality regulations and permit requirements.
- Advised and represented multinational computer disk drive manufacturer in multiple enforcement actions involving alleged violations of both state and federal air quality laws at multiple manufacturing facilities.
- Advised and represented cultured marble manufacturer in separate matters by a state air pollution control district and the EPA for alleged permit violations of VOC emission limitation and EPCRA violations.
- Represented biomass power generation facility in enforcement action by the EPA alleging Title V permit violations.
- Conducted comprehensive environmental compliance audits at numerous aggregate and ready-mix facilities throughout California.
- Advised food and agricultural companies on air quality, emission, permitting, and compliance matters.

Real Property Due Diligence and Implementation of Remediation

Advising clients in conducting due diligence on real property and remediation of contaminated sites.

- Assisted various clients ranging from publicly traded multinational corporations to institutional investors to local family-owned businesses in real property due diligence and environmental review for acquisitions, development, and operational considerations.
- Lead specialty counsel in multiple real property and business acquisition transactions for both publicly traded corporations and private equity firms – directing multi-disciplinary teams in conducting accelerated due diligence on facility operations, environmental, water rights, land use, real estate transfer and leasing, permitting, food and agricultural requirements, and negotiating indemnities for potential environmental liabilities and water rights issues.
- Advise and represent clients in addressing Phase II investigation, regulatory compliance, mitigation, and cost-recovery actions associated with various types of contaminants.
- Advised and represented national retailer on regulatory compliance and site remediation issues arising from legacy site acquisitions in California.
- Represented and advised large public transit district on real estate due diligence, site remediation and abatement, as well as ancillary purchase & sale and lease agreements.
- Advised multi-national wireless telecommunications company on environmental due diligence for retail and network site acquisition throughout California.

PRP Group Organization

Coordination of PRPs in responding to EPA orders, including representing individual PRP in Steering Committees.

- Multi-Party PRP Groups – Successfully organized key Potentially Responsible Parties (PRPs) in responding to EPA Unilateral Administrative Orders for emergency response actions at abandoned waste oil recycling facility, including representing PRP in Steering Committees (Chair and Vice-Chair positions).

Professional & Community Service

- University of California at Davis Children's Hospital Executive Advisory Council, Board of Directors, 2002-2015; Co-Chair, 2006-2007; Chair, 2008-2015
- Roseville Rotary Club, Former Member
- California State Senate Advisory Committee on Organized Crime and Gang Violence, Former Representative Member
- Sacramento County Bar Association, Environmental Law Section
- California Lawyers Association, Environmental Law Section

Education

- J.D., Santa Clara University School of Law, 1993
- B.A., *cum laude*, California State University, Stanislaus, 1990

Honors & Rankings

- Best Lawyers in America©, Litigation – Environmental, 2024
- *Super Lawyers*, Northern California Super Lawyers, Environmental Law, 2023
- *Sacramento Magazine*, Top Lawyer, Environmental, 2015-2018, 2020-2023
- Internship, California State Attorney General's Office – Environmental Enforcement Division, Oakland California

Speaking Engagements / Events

- *Moving Targets in Muddied Waters: Advising Farmers, Landowners, and Lenders Regarding Waters of the United States*, Presenter, Western Agricultural and Environmental Law Conference, May 5, 2023
- *83rd Annual Meeting of the State Bar of California*, Presenter, September 24, 2010

Publications

- *Ruling Creates Certainty and Uncertainty at Current and Future Superfund Sites*, Daily Journal, May 11, 2020

Legal Alerts

- *Sackett v. EPA: U.S. Supreme Court Redefines Waters of the United States, Eliminating Federal Jurisdiction Over Certain Wetlands and Other Waters*, May 26, 2023
- *Ninth Circuit Finds that Distribution of Drinking Water Containing MCL-Compliant Levels of Hexavalent Chromium Gives Rise to RCRA Liability in Decision that Upends Law of the Circuit*, October 15, 2021
- *U.S. Supreme Court Preserves Potential State Court Superfund Site Claims - But Remedial Actions Requires EPA Approval*, April 21, 2020
- *U.S. Supreme Court Watch (ARCO v. Christian): Can Private Parties Sue For More Clean Up Than EPA Requires?*, December 2, 2019
- *State Wetland Definition and Procedures for Discharges of Dredge or Fill Material to Waters of the State Becomes Effective on May 28, 2020*, September 10, 2019
- *California Adds Ten Years and Hundreds of Millions of Dollars to Cleanup Underground Storage Tank Sites*, October 7, 2014
- *U.S. Supreme Court Upholds State Law Claims Cut Offs for Contamination Damages*, June 1, 2014
- *Watch for New Impacts from the Latest Environmental Justice Screening Tool*, April 29, 2014
- *U.S. Court of Appeals for the Ninth Circuit Rules That Owner and Operator Status is Determined at the Time Cleanup Costs are Incurred*, August 2010