With one of the first and broadest environmental and natural resources practices in the U.S., Pillsbury is at the forefront of emerging issues, winning precedent-setting cases and providing innovative solutions to environmental challenges.

Pillsbury’s Environmental & Natural Resources group navigates clients through the complex array of environmental laws and compliance matters; advocates for clients on legislation, regulations and policy; appears for clients before regulatory agencies; and handles federal and state trial and appellate court litigation and administrative enforcement actions. We also advise on permitting, regulatory developments, climate change, worker safety, risk assessment, natural resources matters and crisis management. We help clients buy and sell companies, achieve and maintain compliance, control costs, manage environmental liabilities and obtain regulatory approvals and defend against enforcement actions.

Our group includes lawyers who have served at federal agencies, including the U.S. EPA, Department of Energy, Department of the Interior, Department of Justice, Federal Energy Regulatory Commission and NOAA, allowing for keen perspective and insights. We have litigated hundreds of CERCLA, Clean Water Act, Clean Air Act, RCRA, SDWA, NEPA, mandamus and other actions, representing billions of dollars in potential liabilities. Our lawyers have advised companies, associations and governments on 100+ climate change matters. Based in the most active U.S. environmental law centers, Washington, DC, California and Texas, we also leverage longstanding relationships with local law firms in other states and worldwide to resolve multijurisdictional issues around the globe. Working with environmental consultants and experts, we optimize efficiency and results.

Pillsbury’s Environmental & Natural Resources group represents U.S. and international clients from numerous industries including energy/renewable energy, chemicals, mining, forest products, industrial,
manufacturing, infrastructure, environmental services, construction, real estate, health care, education, natural resources and transportation. We are leading advisers on air, water quality, soil and sediment issues, natural resources, climate change, hazardous waste management, Superfund, endangered species, permitting and environmental impact analysis, as well as specialized areas such as Rigs to Reefs, public-private partnerships, beneficial recycling and crisis management. Our experience includes:

- Environmental Permitting and Compliance
  - Clean Air Act (CAA)
  - Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/ Superfund
  - Resource Conservation and Recovery Act (RCRA)
  - Clean Water Act (CWA)
  - Endangered Species Act (ESA)
  - Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
  - National Environmental Policy Act (NEPA), New York State Environmental Quality Review (SEQR) and California Environmental Quality Act (CEQA)
  - Health and Safety Laws - OSHA and Cal/OSHA Compliance, Audits & Investigations
  - Oil Pollution Act (OPA)
  - Safe Drinking Water Act (SDWA)
  - Toxic Substances Control Act (TSCA)
  - State and Local Statutes and Regulations
  - International Environmental Issues
  - Practice under the environmental laws of many states including California, Florida, Maryland, New York, Oregon, Texas and Washington and numerous eastern and southern states.

- Environmental Audits and Investigations
  - Net Environmental Benefits Analysis (NEBA)

- Environmental Cleanup

- Litigation and Enforcement

- Transactional Matters
  - Due Diligence and Environmental Liability Allocation
  - Public-Private Ventures and Public-Private Partnerships
• Crisis Management
  – Land Use, Natural Resources & Real Estate
    • Zoning
    • Plans, Issues and Approvals
    • Energy and Infrastructure Projects
    • Oil and Gas Development, including Hydraulic Fracturing
    • Public Lands
    • Federal Land Policy Management Act
    • Forestry Regulation
    • Mining and Mine Reclamation
    • Migratory Bird Treaty Act
    • Water Rights
  • Timber Harvest Plans
  • Habitat Conservation Plans and Natural Community Conservation Plans and Habitat/Resource Equivalency Analyses
  • Wetlands/Dredge and Fill Permitting and Compliance
  • Rivers and Harbors Act
  • Coastal Act
  • Pipelines/Transmission Lines
  • Oil Pollution Act (OPA)
  – Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (Superfund) Legislation and Regulation
    • Environmental Review Under NEPA, CEQA AND SEQR
    • Air Permitting and Enforcement Including Climate Change
    • Wastewater Permitting
    • Stormwater Management
    • Decommissioning
    • Endangered Species Permitting and Management
• Wetland and Streambed Permitting and State Consistency
• Hazardous Waste Management
• Coastal Commission and State Lands Commission – Leases, Permits, Approvals, Consistency Reviews and Public Trust Issues
• Chemical & Biotechnology Regulation
• CalARP Regulation

– Rulemaking and Public Policy
  • Rulemaking Proceedings
  • Legislative Proceedings
  • Lobbying/Client Advocacy

• Water Resources & Water Rights
• Climate Change & Sustainability
• Compliance Programs & Management Systems
• Environmental Reviews and Disclosure
• Risk Management Planning

We provide pragmatic advice and best strategies on quantifying and managing risk; assist clients in rebuilding and restoring operations in response to natural disasters, such as floods and fires; protect client companies and their assets in emergencies; and help clients develop and implement sound strategies to achieve their objectives. Whether our clients faces a project shutdown, the threat of missing a critical deadline due to regulatory red tape, a threatened enforcement action or a lawsuit, Pillsbury’s seasoned team guides clients through critical decision-making and complex legal and administrative proceedings to achieve the best possible outcome.

Our Environmental & Natural Resources practice is an active participant in a wider Real Estate and Construction Industry Team - a comprehensive cross-disciplinary team with broad and in-depth experience in a broad array of industry sectors.

REPRESENTATIVE EXPERIENCE
Represented Teck Metals Inc. in developing and successfully negotiating what has been called an “historic,” transnational agreement with the U.S. EPA and the U.S. Department of Justice.

Won unanimous decision from the U.S. Court of Appeals for the DC Circuit in challenge to EPA’s
stringent new standards regarding permissible air emission levels when incinerating sewage sludge.

Advising San Francisco Bay Area Rapid Transit District (BART) on major infrastructure projects including extensions to San Francisco and Oakland airports, Warm Springs, Antioch and Livermore.

- **Advisory Services**
  - *Compliance Matters*
    - Serving as primary outside counsel to Fortune 100 companies for 30 years, advising on all aspects of environmental law and designing compliance programs.
  - *Environmental Impact Review*
    - Representing Western States Petroleum Association and other producer trade associations in developing a new streamlined permit process and comprehensive environmental impact report for oil and gas production in Kern County (source of 80% of California’s production).
    - Serving as counsel to the San Francisco BART District since its formation, advising on the environmental review of each of its major infrastructure expansion projects.
  - *Public Policy and Climate Change*
    - Representing trade associations with respect to litigation and implementing issues for the federal Clean Power Plan.
  - *Regulatory*
    - Advised WSPA regarding (i) California Air Resources Board’s ongoing implementation of AB 32 (greenhouse gas reduction) (ii) Division of Oil, Gas & Geothermal Resources’ implementation of SB 4 (relating to well stimulation treatment) and California’s implementation of the landmark Sustainable Groundwater Management Act.

- **Environmental Audits and Investigations**
  - Evaluating the strength of our clients environmental, health and safety culture and implement recommendations regarding corporate oversight of their performance.
  - Assisting clients in performing Remedial Investigation/Feasibility Studies (RI/FS) under CERCLA, establishing first-of-its-kind fund to help bridge economic gaps during transaction from operations through remediation and closure.

- **Internal Investigations and Compliance Support**
• Conducted internal investigations of and provided compliance support regarding environmental and safety management systems following hazardous substance releases, fires, transportation failures, and other accidents or events.

- **Whistleblower Allegations**
  • Investigated whistleblower complaints and represented clients in government investigations of such complaints.

- **Environmental Cleanup**
  • Defended Moex regarding Deepwater Horizon oil spill and developed and implemented a global strategy for managing all liabilities stemming from this incident.

- **Environmental Permitting**
  • Handling half of all current applications to the Nuclear Regulatory Commission, covering all aspects of nuclear power generation licensing and nuclear power plant siting.
  • Serving as lead counsel to major Southwestern U.S. major water district for 20+ years and secured landmark water rights permit.
  • Secured one of the first RCRA Part B permits for a hazardous waste incinerator in the United States and successfully defended an appeal of the permit.
  • Advising major transportation company on significant permitting, compliance, environmental review and enforcement issues associated with construction and maintenance of multi-state transportation system, including emergency response to infrastructure damaged by natural disasters.

- **Natural Resources**
  • Advising oil and gas industry regarding California’s implementation of the Sustainable Groundwater Management Act and regulations in the context of existing regulation of oil and gas operations.
  • Assisted railroad in obtaining emergency and long-term CWA approvals to repair damaged Great Salt Lake causeway, satisfy complex mitigation requirements and ensure safe operation of major East-West rail line.
  • Advised California forest products company in obtaining and defending federal and state ESA, water quality and forest management approvals protecting Northern spotted owl, Pacific salmon, aquatic species, sensitive watersheds and forest productivity.
  • Represented dam and hydropower facility operators in Endangered Species Act and Clean Water Act challenges to existence and operation of dams on rivers and creeks occupied by ESA-listed species.
• Assisted renewable energy company in addressing impacts to protected species and other environmental issues during development and implementation of wind projects on private and public land.

• Helped mining company resolve California Regional Water Board enforcement action attempting to impose an infeasible amendment of ongoing gold mine closure plan and water quality permit.

• Advised nonprofit conservancy managing conservation lands on easement, endangered species, wetland and other environmental issues.

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**Litigation and Enforcement**

• *Air Emissions*

  • Won unanimous decision from the U.S. Court of Appeals for the DC Circuit in challenge to EPA’s stringent new standards regarding permissible air emission levels when incinerating sewage sludge.

• *Energy*

  • Won denial of plaintiffs’ preliminary injunction request seeking shutdown of thousands of California’s oil wells based on alleged contamination risk. This win helped preserve access to California’s energy supply and avoided billions in costs.

• *Real Estate*

  • Protected conservation easement and won a damages award of 3.5 times court-determined restoration costs plus $300,000 in attorneys’ fees.

• *Transportation and Industrial*

  • Defeated a novel attempt by environmental organizations to expand scope of federal environmental laws to claim locomotive diesel emissions at client-operated rail yard violated RCRA, a solid waste statute.

  • Advised a railroad on an EPA Clean Water Act enforcement action stemming from emergency repairs to flood damage in the Desert Southwest, and on developing an HCP to protect endangered species.

  • Defended California eucalyptus fiber plantation against EPA enforcement action alleging destruction of vernal pools and obtained ESA and CWA approvals of mitigation plan for vernal pool fairy shrimp.

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**Litigation and Counseling**

• Representing Association of American Railroads and principal members (Union Pacific Railroad and Burlington Northern Santa Fe Railway) on all air quality, climate change and similar matters affecting industry in California, Oregon and Washington State.
• Represent client in a CERCLA investigation regarding the Mammoth Mill site by the U.S. Forest Service.

− Law, Policy and Advocacy

• Led first successful challenge to EPA’s national ambient air quality standards for particulate matter before the U.S. Court of Appeals for the DC Circuit and played leading role in challenging ozone standards for consortium representing nearly entire U.S. industry.

• Working with scrap metal recycling industry and California Department of Toxic Substances Control to develop a comprehensive new regulatory framework to achieve regulatory certainty and promote economic stability for the industry.

PRACTICE AREA HIGHLIGHTS

Achieved *U.S. News – Best Lawyers’ 2017* – Tier 1 national Environmental practice; nationally ranked for Land Use and Zoning law; and received Houston, Los Angeles, San Francisco and Washington, DC, metropolitan rankings.

Recognized by *U.S. News – Best Lawyers’ 2017* – Tier 1 national and Houston metropolitan rankings for Litigation - Environmental and a national ranking in Natural Resources Law.

Pillsbury’s Environmental practice ranked by *Chambers USA* in the national, California and Washington, DC, categories (2016) and *The Legal 500 U.S.* recognized Pillsbury for excellence in environmental litigation (2016).

• Named *U.S. News – Best Lawyers’ 2014 Environmental Law Firm of the Year*; achieved Tier 1 national Environmental practice and Houston, Los Angeles, San Francisco and Washington, DC, metropolitan rankings.