



Toxics & Hazardous Waste



We have experience in both advising clients on compliance with toxic materials and hazardous waste laws and litigating disputes on their behalf. We have handled a diverse range of matters in these highly technical and complex subjects, including brownfields development, hazardous substance investigation, clean up and cost recovery (CERCLA); recycling (AB939); wastewater management (Clean Water Act); emergency response to toxic spills; storm water discharge regulation (NPDES); and insurance coverage.

We have worked with several major consulting firms who prepare environmental reports and review all environmental documents to ensure legal compliance. One of our attorneys is a chemical engineer formerly with the Department of Toxic Substances Control.

ATTORNEYS

JEFF M. MALAWY
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Expertise

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Hazardous Waste Management
- Brownfields Development
- Polanco Act (Health and Safety Code § 33459 et seq.) for former redevelopment agencies
- Environmental Insurance
- National Pollutant Discharge Elimination System (NPDES)
- Clean Water Act
- Recycling
- Emergency Response
- Air Quality

Expertise in Action

We have a record of successfully defending our clients in environmental litigation, often stopping lawsuits before they happen. In 2004 we defended the City of Palm Springs in four environmental lawsuits and obtained favorable determinations in every case.



Over the past 20 years we have assisted Signal Hill in developing its Auto Center, which is in the middle of a former oil field. Virtually every parcel had contamination issues involving abandoned or active oil production. We utilized innovative clean-up and financing strategies, developed relationships with the applicable regulatory agencies, created risk-sharing agreements, and helped develop new legal powers through State law. We dealt with Super Fund sites. We have worked with state agencies including DOGGR and DTSC to obtain approval of remediation and oil cleanup program. The result is a vibrant Auto Center producing \$3M per year in revenue to the City.

We represented the Carson Redevelopment Agency in an enforcement action by the Department of Toxic Substances Control where we obtained a \$100,000 PRP settlement in a \$5M liability action. We negotiated a Development Agreement for a large mixed entertainment and big box center with 1,000 high density housing units on 157 acres on the 405 Freeway. The center is on a former landfill site and involves a \$100M cleanup program to contain and remediate the contamination, involving a creative program to establish a CFD to operate the containment program. This program also involved obtaining approval of DTSC.

We have prosecuted civil suits for recovery of costs spent in emergency response actions, successfully defended a client charged with criminal violations of the Clean Water Act, negotiated valuation settlements of environmentally impaired properties in eminent domain actions, and obtained a plaintiff's verdict for the Anaheim Redevelopment Agency in one of the State's first trials pursuant to the Polanco Act. Most recently, we obtained a judgment to recover over \$500,000 in emergency response costs from a property owner under CERCLA and obtained an injunction prohibiting a chili sauce maker from emitting pungent odors into the environment.

Our attorneys have served as faculty members at colleges offering environmental compliance courses and have developed the course "Environmental Concerns In Real Estate Transactions" which was one of the first environmental courses approved for continuing education credits for real estate professionals in California.