



Brian E. Moskal

Partner

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Brian Moskal represents clients in environmental litigation and counseling matters with a focus on contaminated sites and water and wastewater issues. He also has experience with insurance recovery in the environmental context.

Brian provides litigation and counseling support to industrial companies, property owners, and municipalities regarding matters arising under the Clean Water Act (CWA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), and California law.

Brian has worked on investigation and enforcement matters before the U.S. Environmental Protection Agency and California Regional Water Quality Control Boards. He is also experienced in state and federal litigation at all stages, including case assessment, filing of the complaint, discovery, motion practice, trial, and appeal.

Brian was a member of a team that won a full defense judgment for a municipal water and wastewater agency in a water rights contract lawsuit by the federal government in which the government alleged more than \$300 million in damages. Brian worked on all stages of the matter from discovery through trial and appeal.

Recently, Brian represented an agricultural chemical manufacturer and distributor in a multiparty coordinated proceeding in California state court involving groundwater contamination claims by more than a dozen municipal water agency plaintiffs.

Professional Affiliations

- [ProVisors](#) West Hollywood 1 Group
- [American Bar Association](#)
- [Los Angeles County Bar Association](#)

Awards

- Southern California Super Lawyers Rising Stars, 2012-2020

Bar Admissions

- California, 2005

Education

- University of California, Berkeley School of Law (J.D., 2005)
- University of Texas at Austin (BBA, *high honors*, 2002)
 - Business Honors and Management Information Systems

Environmental Experience

- Represented an industrial company and landowner in connection with sediment contamination at the Portland Harbor Superfund Site in Oregon
- Member of a team that defended through trial a municipal water and wastewater agency in a breach of contract action involving discharges of reclaimed water into a Clean Water Act-impaired water body; the case resulted in a complete defense judgment and was featured by the *Daily Journal* as a top 10 verdict for 2009
- Represented wastewater agency in connection with EPA enforcement action and consent decree, citizen lawsuits by environmental groups, and Clean Water Act secondary treatment waiver
- Defended an agricultural chemical manufacturer and distributor in California state court in a multiparty coordinated products liability proceeding involving more than a dozen municipal water agency plaintiffs asserting groundwater contamination-related claims against numerous pesticide manufacturers and distributors
- Defended a metals manufacturer and former landowner against groundwater contamination-related CERCLA and common law claims by water agencies and enforcement lawsuit by EPA resulting in consent decree
- Represented a Southern California city in connection with an enforcement action by the San Diego Regional Water Quality Control Board over issues with the city's wastewater treatment plant
- Successfully represented a municipal water agency seeking a consistency certification from the California Coastal Commission in connection with a Clean Water Act secondary treatment waiver
- Represent Northrop Grumman in insurance coverage lawsuit seeking costs incurred in responding to environmental enforcement litigation involving a site formerly operated by an entity acquired by Northrop.
- Assist several clients including real estate developers and buyers with procuring specialized pollution legal liability insurance policies to cover environmental claims.

Insights

June 9, 2020

12 Greenberg Glusker Attorneys Selected for Super Lawyers Rising Stars

June 6, 2019

12 Greenberg Glusker Attorneys Selected for Super Lawyers Rising Stars

June 7, 2018

14 Greenberg Glusker Attorneys Named Super Lawyers Rising Stars

Spring 2017

Lesson on Regulatory Reporting Requirements, Environmental Law News

Environmental Law Section, State Bar of California

April 22, 2014

Beware What Lies Beneath: Vapor Intrusion Increases Potential Liability for Past and Present Owners and Operators

Los Angeles Daily Journal

February 19, 2014

Avoiding Superfund Liability: EPA Adopts New Standard for Phase I Environmental Site Assessments

Primerus

GREENberg bLAWg

Where the Law and the Environment Connect.

May 7, 2020

California issues draft guidance for vapor intrusion to indoor air

California environmental agencies recently issued a draft vapor intrusion guidance document that will significantly impact the investigation and remediation of environmentally impacted properties by owners, operators and potential buyers. The guidance document will also impact real estate deals and...

August 6, 2019

SF Regional Board attempts to clarify vapor intrusion approach

The San Francisco Regional Water Quality Control Board recently issued a fact sheet summarizing changes to its approach to remediating environmental impacts and mitigating vapor intrusion (VI) at properties impacted with volatile organic compounds (VOCs). This follows a January...

May 22, 2017

Superior Court Invalidates Hexavalent Chromium Drinking Water Standard

Earlier this month, Judge Christopher E. Krueger of the Sacramento Superior Court issued an order invalidating the Maximum Contaminant Level (MCL) for hexavalent chromium . The California Department of Public Health (“DPH”) established an MCL of 10 µg/L, or parts per billion...

January 6, 2014

ASTM Issues New Standard For Phase I Environmental Site Assessments

On November 6, 2013, ASTM revised its standard for conducting Phase I environmental site assessments, known as Standard E1527-13 (entitled “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process”). ASTM E1527-13 is the first revision to the ASTM Phase I...