



Noah Perch-Ahern

Partner

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Noah Perch-Ahern is a preeminent environmental and energy attorney but also has broad-based experience representing and counseling clients in many practice areas. Noah maintains a national environmental and energy practice involving complex litigation, regulatory counsel, and transactional matters.

At the same time, Noah closely manages clients' matters involving everything from high-value probate and nonprofit foundation matters to significant corporate acquisitions. Noah has represented clients in numerous high-stakes matters and is often tapped to work on complex cases and disputes without an easy solution.

"My goal, at every juncture, is achieving client success. Whether preparing for a jury trial, assisting a client with a confidential or sensitive legal matter, or handling a critical development project or major deal, every strategic decision I make is not only based on a complete understanding of the relevant legal framework and the key points of persuasion but fundamentally, the relationship of the strategy to a final successful outcome for the client."

Having not only deep knowledge across the field of environmental law, but also wide-ranging experience advising clients in various practice areas, Noah employs his skills and knowledge in a variety of contexts. He has significant litigation experience and has tried jury and bench trials. At the same time, Noah regularly helps clients devise solutions to difficult regulatory problems, represents clients in connection with administrative proceedings and enforcement matters, assists clients with deals and development projects, and represents clients in connection with energy-related transactions.

Noah has played a key role in a variety of high stakes matters, including cost recovery and tort actions involving Superfund sites, constitutional litigation, public utility litigation, appellate litigation, environmental remediation projects, portfolio deals concerning electric generation facilities, landfills, and downstream petroleum assets, development projects related to renewable energy projects and industrial expansion, and compliance, permitting, and enforcement matters concerning air quality, water quality, hazardous waste, and energy and utility regulation.

Noah has counseled clients concerning all of the major federal environmental statutes, including CERCLA, RCRA, the Clean Water Act, the Clean Air Act, and NEPA, and has also advised clients concerning various state environmental statutes and regulations around the country, including regulatory programs related to climate change and cap-and-trade, coastal regulations, Brownfield laws, water rights, and land use regulations such as

CEQA. A significant portion of Noah's work involves complex air quality matters and sophisticated regulatory challenges.

Noah augments his practice through his leadership in a variety of organizations focusing on environmental and energy issues, through which he works with key decision-makers of environmental and energy regulatory initiatives.

Professional Affiliations

- TreePeople, Vice Chair and Member of Board of Directors
- TreePeople Land, Vice Chair and Member of Board of Directors
- Los Angeles Area Chamber of Commerce, Co-Chair of Water, Energy & Environmental Sustainability Council
- Young Professionals in Energy Los Angeles (YPE), President Emeritus
- Southern California Water Committee (SCWC), Board of Trustees

Awards

- Benchmark Litigation, 2018 - 2025
- *Los Angeles Business Journal*, Thriving in Their 40's, 2024
- Next Generation Lawyer of the Year, Century City Bar Association, 2018
- Southern California Super Lawyers, Rising Stars, 2018 - 2020

Bar Admissions

- California, 2009
- District of Columbia, 2007

Court Admissions

- United States District Court for the Southern, Eastern, Central, and Northern Districts of California
- United States Court of Appeals for the Ninth Circuit

Education

- Tulane University (J.D., *magna cum laude*)
- University of New Hampshire (B.A., *summa cum laude*)
 - Political Science
 - Phi Beta Kappa

Representative Matters

Litigation

- Represented ranching company in lawsuit involving open-pit mining and Superfund site, including claims relating to water rights, common law tort claims, and CERCLA claims, and involving issues related to acid mine drainage, statutes of limitations, continuing tort, and restoration damages
- Represented international based client in energy sector in connection with climate change tort litigation commenced by municipal governments
- Represented large chemical company in CERCLA contribution action against over 100 parties at one of largest Superfund sites in the country
- Represented railroad client in multiparty cost recovery action involving RCRA, CERCLA, and common law claims
- Represented television manufacturer in constitutional challenge against electronic waste program under dormant Commerce Clause and other constitutional provisions
- Represented metals fabricator in citizens suit arising under the Clean Water Act alleging violations of the statewide industrial general permit for stormwater discharge
- Represented land trust against municipal government in connection with case involving lease and land management obligations
- Represent client in connection with RCRA case against adjacent property owner responsible for PCE/TCE contamination
- Represented client in defense against charges brought by District Attorney for criminal violations of hazardous waste regulations and the water code in connection with the hazardous waste disposal practices and industrial wastewater management
- Represented a major oil company with respect to defense and prosecution of claims and cleanup activities at one of California's largest hazardous waste sites, including participation in a PRP working group
- Represented real estate development company against municipal defendant through trial in cost recovery action arising under CERCLA and the HSAA, including issues related to burden of proof under CERCLA as well as the third party defense
- Defended a water utility against a claim involving a regional groundwater contamination dispute based on CPUC preemption and non-liability under CERCLA
- Represented electric generating facility in writ against California Coastal Commission under the Warren-Alquist Act
- Defended a water utility with respect to a wrongful death drinking water contamination action based on CPUC preemption
- Defended a seller in an indemnity action concerning a cleanup at a former aerospace facility
- Defended a seller against a claim that inadequate measures were being taken in pursuit of regulatory closure relating to an ongoing remediation

- Prosecuted a constitutional challenge under the Dormant Commerce Clause with respect to interstate waste restrictions
- Defended multiparty claims against the seller of a portfolio of service stations under the Petroleum Marketing Practices Act, including emergency federal appellate practice
- Represented an excess insurance company in a subrogation claim involving defining principles of bad faith insurance law
- Defended a partnership against a partner's claim with respect to obligations and rights relating to an organic farm
- Defended a nutritional supplement manufacturer against a claim by an Olympic athlete relating to doping

Business Transactions, Development Projects, and Energy

- Represented clients in waste management sector in connection with acquisition of waste companies, including materials recovery facilities, transfer stations, and organic waste recycling facilities
- Performed the environmental work, including due diligence and preparation of purchase and sale agreement, for a large portfolio sale of gasoline service stations
- Performed the environmental work for acquisition of after-market auto products company, including due diligence, preparation of relevant provisions of stock purchase agreement, and permit transfers
- Advised a real estate development company with respect to the acquisition of a former aerospace facility
- Represented real estate investment company in complex Brownfield transaction involving procurement and manuscript of an environmental insurance policy and extensive purchase and sale agreement negotiations
- Advised several startup energy companies in connection with corporate-related work
- Counseled the developer of a major water storage and solar energy project with respect to CEQA compliance and other environmental land use matters, including endangered species regulations
- Provided CEQA counsel for industrial expansion project involving metals fabrication
- Negotiated and prepared lease documents for the conveyance of a deal involving hundreds of service stations
- Conducted due diligence and preparation of a stock purchase agreement for a portfolio of energy production facilities
- Conducted due diligence for a large-scale sale of landfill assets. Advised a range of clients concerning the purchase and sale of various Brownfield properties, including matters relating to allocation of liability, indemnity and cleanup standards
- Advised numerous financial institutions concerning potential environmental liability associated with lending and financing, including advice concerning lenders' environmental recourse options under loan and mortgage agreements and potential protections for foreclosing lenders under CERCLA's secured creditor exemption and similar state lender liability protections

- Advised clients with respect to NEPA requirements for a variety of proposed developments, including a light rail project and a nuclear energy facility
- Advised clients concerning regulatory requirements of industrial transactions, and assisted clients in connection with subsidies and financing for renewable energy and low-greenhouse gas emitting projects
- Represented land trust in connection with potential acquisition of historic oil field and land management agreement
- Represented community choice aggregator in negotiations for power purchase agreements
- Represented large academic institution in connection with agreements related to power purchase for battery/solar microgrid project
- Represented client in connection with green power purchase agreement in connection with large-scale solar project
- Negotiated power purchase agreement for client in connection with client's waste-to-energy facility
- Negotiated electric vehicle charging station agreement
- Advised client concerning emission reduction credit (ERC) compliance and acquisition options
- Negotiated agreement regarding client's purchase of renewable energy certificates (RECs) and carbon credits
- Negotiated agreement for client's purchase of carbon removal credits
- Represented client in connection with power purchase pursuant to green access agreement

Regulatory and Administrative

- Represented large agricultural operation in connection with most significant enforcement action ever brought by regional air district, including claims related to the Distributed Generation Certification Regulation, PERP, and local permitting requirements
- Represented client in connection with District Attorney enforcement action relating to violation of air district rules and Unfair Competition Law
- Represented client before air district hearing board in connection with abatement proceeding seeking to shutdown client's business
- Represented clients in energy and waste management sectors in connection with Title V permitting counseling and enforcement proceedings
- Represented power producer in connection with compliance plan and regulatory enforcement by California Air Resources Board (CARB) concerning climate-change related air quality regulations, including regulations related to sulfur hexafluoride (SF6)
- Represented clients at air district hearing boards in connection with variance proceedings
- Counseled client in connection with DTSC remediation requirements under RCRA program related to former power plant
- Counseled client concerning resolution of NOV issued by water board in connection with WDR permit

- Advised client in connection with claims by environmental regulators in bankruptcy proceeding
- Advised client concerning Securities and Exchange Commission (SEC) and California climate disclosure rules
- Successfully secured interim and short variances for client related to operation of selective catalytic reduction (SCR) units.
- Successfully resolved NOV alleging emissions violations and public nuisance.
- Provided Title V permit counseling for client in energy sector related to variety of permit conditions, including greenhouse gas (GHG) limits
- Advised client in metals sector in connection with development of district rules related to various rules, including emissions control related hexavalent chromium (CR6)
- Counseled client concerning air permit modification to allow for higher throughput at waste management facility
- Advised client in connection with permit requirements related to emissions limits and emissions factors associated with composting operation
- Advised client in connection with compliance with volatile organic compound (VOC) limits, biofilter requirements, and source testing issues arising out of air permit at organic waste recycling facility
- Represented client in connection with enforcement proceeding related to failure to have a permit for flare used for methane emissions
- Represented client in connection with application of Reasonably Available Control Technology ("RACT") requirements associated with sulfur dioxide emissions (SO₂)
- Assisted client with permit transfer requirements related to air permit at materials recovery facility and transfer station
- Helped client secure Authority to Construct (ATC) and Permit to Operate (PTO) establishing Best Available Control Technology (BACT) for industrial sector.
- Successfully negotiated reduced penalty and resolved CARB enforcement matter in case evolving multiyear emissions limit violations.
- Represented client in connection with development of CARB rule related to GHG reduction program
- Advocated for client to CARB regarding application of rule to client in waste management sector
- Represented client in transaction involving a private party deal related to an auction for the California cap and trade program.
- Advised client concerning acquisition of carbon credits at auction on behalf of a third party in compliance with the cap and trade program
- Advised client concerning a dispute related to the allocation of carbon allowances under California's cap and trade program
- Managed dozens of environmental cleanups across the county by directing environmental consultants and working with agencies to devise investigations and remediations in accordance with regulatory standards

- Counseled client in water master proceeding in connection with water right claim involving surface water rights
- Defended administrative action by DTSC alleging unlawful waste transport
- Provided regulatory counsel to electric generation facility in connection with environmental enforcement action by City and California Coastal Commission
- Counseled the owners of a former oil refinery in an EPA enforcement action involving potential civil and criminal penalties
- Assisted client relating to issues involving emissions allowances and offsets generated pursuant to California's cap-and-trade program
- Provided environmental auditing advice to major oil and chemical company
- Provided regulatory counsel concerning numerous compliance issues relating to water rights and water quality matters, including issues relating to wetlands (under state and federal law) and stormwater permitting (including the Industrial General Permit), pollutant and waste discharge requirements (including WDRs and NPDES), and regulatory requirements relating to drinking water standards and protocols
- Provided advice concerning various air quality matters, including issues relating to air quality standards for mobile source fuelers, gasoline dispensing facilities, scrap metal facilities, and large generators
- Provided counsel concerning release reporting requirements and solid and hazardous waste disposal
- Counseled clients concerning endangered species regulations in connection with property maintenance and operation of renewable energy projects
- Advise client in connection with endangered species issues and Biological Resources Assessment for cannabis cultivation project
- Counseled client with respect to oil and gas regulatory issues, including rights relating to leases
- Drafted insurance products relating to green building standards, including LEED
- Drafted protocols for developers for handling potential lead and asbestos during construction, renovation, and demolition activities and best management practices to prevent stormwater pollution. Advised clients concerning the political landscape pertaining to greenhouse gas regulation for automobiles and assisted with lobbying efforts concerning the waste industry
- Provide advice concerning California Proposition 65 in connection with electronic consumer products

Other Significant Representations

- Represented nonprofit foundation directors and beneficiaries in \$100 million dollar dispute against directors, trustees, and attorneys relating to breach of fiduciary duties
- Represented beneficiary in connection with claims against trustee for wrongful sale of assets, failure to provide an accounting, and removal of trustee