



Pete Nyquist

Chair, Environmental Practice Group

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Pete Nyquist chairs Greenberg Glusker's Environmental Practice Group, comprised of nine full-time environmental attorneys. He was named by *Best Lawyers in America* as 2020 "Lawyer of the Year" for Environmental Law in Los Angeles and has been perennially listed in *Chambers USA* for Environment (since 2007) and in *Best Lawyers* for Environmental Law and Environmental Litigation (since 2012). The *National Law Journal* identified Pete as a "Trailblazer" in Energy and Environmental Law. As one client observed, "the more complex the issue, the more his guidance is invaluable to us. He keeps us on track and doesn't let any detail drop." (*Chambers USA*, 2017).

His practice focuses on directing complex environmental litigation in federal and state court under CERCLA, RCRA, the Clean Water Act, and related claims for cost recovery or damages. Currently, Pete is part of the trial and strategic advisory team for Occidental Chemical Corporation in connection with the Diamond Alkali Superfund Site in Newark, New Jersey, where USEPA Region 2 plans to implement a dredge and cap remedy for the lower 8.3 miles of the Passaic River. He represents San Diego Gas & Electric in connection with ongoing investigative and cleanup activities to address alleged sediment contamination in the San Diego Bay from decades of industrial activities.

Pete also represents clients in a variety of matters involving investigation, remedial or corrective action requirements at contaminated sites, including agency oversight and enforcement proceedings. He regularly interfaces with USEPA, Cal-EPA, the Department of Toxic Substances Control, and the regional water quality control boards, and has represented clients in numerous administrative proceedings, appeals and writ actions challenging improper agency actions.

Pete co-chaired the California Lawyers Association (CLA) Yosemite Conference, nationally recognized as the largest and most prestigious gathering of California's leaders in environmental law, and served on the Executive Committee of the California Lawyers Association Environmental Law Section. He is a former Chair of the Los Angeles County Bar's Environmental Law Section and remains a member of its Executive Committee. Pete has actively participated in and supported various community and charitable organizations, including coaching youth sports for over 10 years and serving on the Board of Trustees for his daughters' former school. He remains an avid skier and is somehow clinging to a single-digit golf handicap.

Professional Affiliations

- Executive Committee, California Lawyers Association, Environmental Law Section (2016- 2019); Advisor (2019 - present)
- Chair, Los Angeles County Bar Association Environmental Law Section (2014-15); Executive Committee (2006 - present)
- Member, California Department of Toxic Substances Control's Brownfield Revitalization Advisory Group (2007 - present)

Awards

- "Lawyer of the Year," Environmental Law, Los Angeles, *The Best Lawyers in America*, 2020
- *Chambers USA*, Leading Lawyer in Environmental Law, 2007 - 2020
- *The Best Lawyers in America*, Environmental and Environmental Litigation, 2012-2021
- Southern California *Super Lawyers*, 2009-2021
- Energy & Environmental Trailblazer, *The National Law Journal*, 2017

Bar Admissions

- California

Court Admissions

- United States District Court for the Central, Eastern and Southern Districts of California

Education

- University of California, Davis (J.D.)
- University of California, Los Angeles (B.A.)

Representative Matters

- Co-litigation counsel for plaintiff in *Occidental Chemical Corp. v. 21st Century Fox America, Inc., et al.* (D.N.J. Case No. 2:18-cv-11273), seeking cost recovery and contribution under CERCLA from 100+ defendants in connection with past and future response costs to implement a dredge and cap remedy of impaired sediment in the Passaic River in Newark, New Jersey.
- Lead lawyer for plaintiffs in *Occidental Research Corp., et al. v. Tamkin Trust* (C.D.Cal. Case No. 2:17-cv-04621), a CERCLA and RCRA action seeking cost recovery and injunctive relief. Following the start of trial before the (deceased) Hon. Manuel Real, achieved a favorable settlement, culminating with a court-approved CERCLA bar order and fairness determination.
- Represent San Diego Gas & Electric Company in connection with San Diego RWQCB Investigative Order R9-2017-0083, regarding sediment chemistry in the San Diego Bay. Previously, defended SDG&E in the

San Diego Shipyard Sediment Site, and related SDRWQCB Cleanup and Abatement Order proceedings and in *City of San Diego v. NASSCO, et al.* (S.D.Cal. Case No. 09-cv-02275), resulting in “good faith” settlements and CERCLA bar order.

- Represent Embee Processing (formerly Embee Inc. and Triumph Processing) in a RCRA corrective action under DTSC’s oversight to address hexavalent chromium, perchlorate and VOC contamination in soil and groundwater; advised client through public participation and hearing process, resulting in the approval of proposed remedial measures. Served as expert witness in related insurance recovery litigation stemming from *Orange County Water District v. Sabic Innovative Plastics US, LLC, et al.*, OCSC Case No. 30-2008-00078246.
- Environmental counsel to La Terra Development in connection with the 777 N. Front Street project in Burbank, which involves the proposed acquisition, remediation and redevelopment of the 8-acre former Zero Corporation facility into a mixed-use campus with 573 residences and hotel component adjacent to the Burbank Town Center. Successfully negotiated CLRRRA Agreement and conditional approval of Response Plan to implement multi-tiered remedial and mitigation measures designed to fully protect the health of future residents.
- Represent Autoliv ASP in connection with the 650+ acre UTC and Department of Defense site in the Potrero Hills, a former NIKE missile battery, and currently under the oversight of the San Francisco RWQCB. Previously negotiated strategic acquisition of adjacent property to facilitate monitoring and related activities.
- Represented NavCom Defense Electronics, Inc. as environmental counsel in connection with draft Cleanup and Abatement Order for former facility within El Monte Superfund Site. Factual and legal presentations to Los Angeles RWQCB resulted in the withdrawal of the proposed Cleanup and Abatement Order to client.
- Lead counsel for affiliate of Valence Technologies in the defense and successful resolution of a Clean Water Act citizen suite (*San Francisco Baykeeper v. CSL Operating, LLC*, N.D.Cal Case No. 5:15-cv-5633), and Aurora Casting in thwarting a demand for substantial attorneys’ fees in a separate Clean Water Act citizen suit matter by obtaining a “No Exposure Certification” at minimal expense to the client.
- Environmental counsel to Costco Wholesale Corporation in the acquisition or leasing and development of several Southern California brownfield/infill sites for new retail warehouse facilities, including warehouse facility in Monterey Park at the former Operating Industries, Inc. Superfund Site, with tailored successor-in-interest protections under existing Consent Decrees.
- Defended DIRECTV in connection with Ultra-Chem Site in San Jose; successfully developed and asserted successor liability defense, resulting in DTSC’s withdrawal of client from multiparty corrective action order.
- Represented ownership of Pacific Palisades Village as environmental counsel in connection with sale to Caruso Affiliated. Included investigation, response and approved DTSC Response Plan pursuant to CLRRRA Agreement to address multi-million dollar PCE impacts from former dry cleaner operations.
- Lead counsel for Hess Corporation in *RECLAMATION DISTRICT NO. 2116, et al. v. Arcady Oil Co., et al.*, (E.D.Cal. Case No. CIV-S-96-1473), a multi-party CERCLA/RCRA action in the California Central District.

Following focused discovery strategy, obtained a stipulated dismissal based on demonstrated lack of causal evidence.

- Lead counsel for The Dow Chemical Company in response to citizen suit claims by Northern California River Watch alleging violations of RCRA and the federal Clean Water Act at a Bay Area facility. Achieved pre-litigation settlement based on approved San Francisco RWQCB compliance requirements.
- Environmental counsel for Federal Investment Realty Trust in connection with the acquisition, investigation, cleanup and successful redevelopment of “The Point” retail center in Manhattan Beach, CA -- formerly a General Chemical pesticide manufacturing facility -- under multi-year oversight of the Los Angeles RWQCB, pursuant to a series of “no further action” regulatory determinations.
- Represented LAUSD as plaintiff in *Los Angeles Unified School District v. Pozas Brothers Trucking Co., et al.* (LASC Case No. BC391342), a cost recovery action related to \$85 million in response costs at South Gate school complex, resulting in “good faith” settlements with former owner/operators at 35+ individual parcels.
- Environmental counsel to 99 Cents Only Stores in connection with its lease of the Garfield Corporate Center in Commerce, among the largest industrial infill lease ever signed in Los Angeles County.
- Represented The Boeing Company in connection with NPDES permitting issues at the Santa Susana Field Lab before the Los Angeles RWQCB, challenging the most stringent numeric effluent limits for stormwater ever proposed to date in California; included multiple administrative hearings, and a successful request for stay and appeal of infeasible permit conditions before the State Water Resources Control Board. See *In the Matter of the Petition of Boeing Company*, SWRCB Order WQ 2006-002; *In the Matter of the Petition of Boeing Company*, SWRCB Order WQ 2006-007.
- Represented EEMUS Corp. and Servex Corp. in the San Gabriel Valley Superfund Site SEMOU CERCLA groundwater litigation (*San Gabriel Basin Water Quality Authority v. Aerojet-General Corporation, et al.* (C.D. Cal. Case No. CV 02-4565), and related cases) and USEPA proceedings. Successfully negotiated two Consent Decrees with USEPA and “good faith” settlements with water entity plaintiffs, resulting in combined client contributions of less than 2% of projected remedy costs. See *San Gabriel Valley Water Co. v. Aerojet General Corp.*, 606 F.3d 1142 (9th Cir. 2010)
- On trial team for Unocal Corporation in defense of CERCLA cost recovery action; briefed successful motion for summary judgment and Ninth Circuit appeal on grounds that plaintiff had failed to satisfy RI/FS and public participation elements of the NCP. Ninth Circuit unanimously affirmed, holding in a precedential decision that NCP compliance is a prima facie element of a CERCLA section 107(a) cost-recovery claim. See *Carson Harbor Village, Ltd. v. Unocal Corporation*, 433 F. 3d 1260 (2006) *Carson Harbor Village, Ltd. v. Unocal Corp.*, 287 F. Supp. 2d 1118 (C.D. Cal. 2003).
- Represented Westfield in connection with storm water compliance issues at a \$400 million shopping center redesign; the Los Angeles RWQCB concurred post-construction controls were adequate, resulting in rescission of a NOV and avoiding need to implement costly additional controls.
- Represent various other clients in connection with ongoing matters involving the USEPA, DTSC, RWQCB's, and/or other potentially responsible parties. Assisted numerous clients in obtaining “no further

action” letters and “site closure” determinations, including negotiating of various forms of immunity agreements, land use covenants, comfort letters, CLRRRA Agreements, etc.

- Represented clients at following California federal and state Superfund sites or sediment sites: Aerojet-General (Sacramento); Ultra-Chem Site; Baldwin Park Operable Unit, El Monte Operable Unit, Puente Valley Operable Unit, and South El Monte Operable Unit (San Gabriel Valley Superfund Sites); Casmalia Resources; Operating Industries, Inc.; North Hollywood Operable Unit, and Pollock Operable Unit (San Fernando Valley Superfund Sites); Rialto-Colton/BF Goodrich; San Diego Shipyard Site; Sulphur Bank Mercury Mine.

Insights

January 21, 2021

26 Greenberg Glusker Attorneys Selected to 2021 Southern California Super Lawyers
Super Lawyers

August 20, 2020

36 Greenberg Glusker Attorneys Named to 2021 Best Lawyers® List

April 23, 2020

Chambers USA 2020 Recognizes Six Greenberg Glusker Lawyers and Three Practice Areas

January 15, 2020

23 Greenberg Glusker Attorneys Selected to 2020 Southern California Super Lawyers

August 15, 2019

29 Greenberg Glusker LLP Lawyers Named to 2020 Best Lawyers® List

April 29, 2019

Chambers USA 2019 Recognizes Greenberg Glusker’s Entertainment Litigation, Bankruptcy/Restructuring, Real Estate and Environment Practices
Chambers USA

January 31, 2019

24 Greenberg Glusker Attorneys Selected to 2019 Southern California Super Lawyers

October 10, 2018

Greenberg Glusker Welcomes Partner to Environmental Department

August 15, 2018

26 Greenberg Glusker attorneys named to 2019 Best Lawyers® list

May 1, 2018

Chambers USA 2018 Recognizes Greenberg Glusker's Entertainment Litigation, Bankruptcy/Restructuring and Real Estate Practices

Chambers USA

August 15, 2017

21 Greenberg Glusker Fields Claman & Machtinger LLP attorneys named to 2018 Best Lawyers® list
Best Lawyers

June 5, 2017

Pete Nyquist Named to The National Law Journal's Trail Blazers Energy & Environmental Issue

The National Journal

May 26, 2017

Chambers USA 2017 Ranks Greenberg Glusker's Entertainment Litigation and Environmental Practices

May 2017

Chambers USA 2017 Ranks Greenberg Glusker's Entertainment Litigation and Environmental Practices

June 10, 2016

Chambers USA 2016 Rankings Recognizes Greenberg Glusker and Six Partners

Chambers

January 22, 2016

23 Greenberg Glusker Attorneys Named to Super Lawyers 2016

Super Lawyers

June 15, 2015

Chambers USA 2015 Ranks Greenberg Glusker's Environmental Practice Group and Partners David Cranston and Pete Nyquist

April 20, 2015

Seeking early settlements in multi-party CERCLA actions

Los Angeles Daily Journal

January 1, 2015

Chambers USA 2015 Ranks Greenberg Glusker's Entertainment Litigation and Environmental Practices

Greenberg Glusker Press Release

July 9, 2014

Supreme Court Holds CERCLA Does Not Preempt State Limitations Periods

Westlaw Journal Environmental

July 8, 2014

Environmental Lawyer Pete Nyquist Joins Greenberg Glusker

June 10, 2014

Environmental Advisory: Supreme Court Limits Scope of CERCLA Preemption of State Limitations Periods for Property Damage and Personal Injury Claims

April 24, 2014

Environmental Advisory: Supreme Court to Address Whether CERCLA Preempts State Limitations Periods for Property Damage and Personal Injury Claims

March 21, 2014

Calif. Water Rules Should Help Petitioners

Law360

March 11, 2014

California State Water Resources Control Proposes Amendments to Rules Governing Petitions for Review of Actions by Regional Boards

Environmental Advisory

Published Decisions

- *San Gabriel Valley Water Co. v. Aerojet General Corp.*, 606 F.3d 1142 (9th Cir. 2010)
- *Carson Harbor Village, Ltd. v. Unocal Corporation*, 287 F. Supp 2d. 1118 (C.D.Cal 2005)
- *Carson Harbor Village, Ltd. v. Unocal Corporation*, 433 F. 3d 1260 (9th Cir. 2006)
- *In the Matter of the Petition of Boeing Company*, SWRCB Order WQ 2006-002
- *In the Matter of the Petition of Boeing Company* SWRCB Order WQ 2006-007

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Where the Law and the Environment Connect.

February 29, 2016

Proposed Rule Adding Vapor Intrusion Component to Hazard Ranking System Published in the Federal Register Today

Today the U.S. Environmental Protection Agency published a proposed rule in the Federal Register which would add a vapor intrusion component to the Hazard Ranking System, the system EPA uses to evaluate sites for placement on the National Priorities...

February 10, 2016

Proposed Rule Adding Vapor Intrusion Component to Hazard Ranking System Will Likely Appear in Federal Register This Month

A proposed rule that would add a vapor intrusion component to the Hazard Ranking System (“HRS”), the primary screening tool for the CERCLA National Priorities List (“NPL”), is scheduled for publication in the Federal Register this month. NPL listing...