



Pete Nyquist

Chair, Environmental Practice Group

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Pete Nyquist chairs Greenberg Glusker's Environmental Practice Group.

He has twice been named "Lawyer of the Year" by *Best Lawyers* for Environmental Law in Los Angeles (2024, 2020) and is listed in *Chambers USA* (Environment, 2007-present) and *Best Lawyers* (Environmental Law and Environmental Litigation, 2012-present) as among the leading environmental lawyers in California. Clients have noted, "Pete is an outstanding environmental lawyer and has provided us with exceptional legal representation, done with great care" and "[he] has the ability to sort through complex issues in a short period of time, and chart a course of action that is practicable, efficient and successful." (*Chambers USA* 2023).

Pete's practice encompasses complex environmental litigation in federal and state courts under CERCLA, RCRA, the Clean Water Act, the Hazardous Substances Account Act, and related statutory and common law claims. Most recently, after "parachuting" into the case as new counsel on the eve of trial, Pete's litigation team obtained summary judgment on behalf of Union Pacific in a high-value case against two municipal entities (*Sacramento Municipal Utility District v. Union Pacific Railroad Company et al.*, Sacramento Superior Case No. 34-2018-00231868). He has extensive experience in multiple high-stakes environmental litigation matters, including the Omega Chemical Superfund Site litigation, the Diamond Alkali Site (Passaic River), the San Diego Shipyard Sediment Site, and the San Gabriel Valley Superfund Sites.

In addition, Pete represents clients in a broad array of matters involving investigative, remedial or corrective action requirements at contaminated sites, including brownfield development projects, voluntary cleanups, and regulatory agency enforcement proceedings. For example, he currently represents San Diego Gas & Electric Company in a multi-party matter addressing sediment contamination in the San Diego Bay from decades of shipyard and other alleged industrial activities.

His diverse counseling practice includes advising clients such as Southern California Edison in connection with the renewal of NPDES Permit No. CA0109282 (Order R9-2023-0011) for the San Onofre Nuclear Generating Station (resulting in unanimous agency board approval), among various complex and emerging subject matter areas. Notably, this includes active involvement with evolving PFAS regulations and requirements, which extends to defending clients in response to governmental subpoenas and investigative orders.

Pete also serves as environmental counsel to various developer clients in Southern California, including for several of the most significant brownfield projects in the region: e.g., the 777 Front Street project in Burbank (\$375+ million mixed-use project at the former Zero Corporation site within the San Fernando Valley Superfund Sites), The Point in El Segundo, and the Palisades Village in Pacific Palisades. He regularly interfaces with USEPA, Cal-EPA, the Department of Toxic Substances Control, and the statewide regional water quality control boards, and has helped navigate numerous cleanup sites to “no further action” or site closure determinations. Pete has also represented clients in many administrative proceedings, appeals and writ actions challenging improper agency actions.

Pete is a former Chair of the Los Angeles County Bar’s Environmental Law Section, and remains a member of its Executive Committee. He remains an Advisor to the Executive Committee of the California Lawyers Association Environmental Law Section, and Co-Chaired the Yosemite Conference, nationally recognized as the largest and most prestigious gathering of California’s leaders in environmental law. Pete is a proud husband and father of two adult daughters, and enjoys ocean paddle boarding and mountain life as a lifelong skier. He somehow clings to a single-digit golf handicap.

Professional Affiliations

- Co-Chair, 2018 Environmental Law Conference at Yosemite, presented by the California Lawyers Association Environmental Law Section, Oct. 18-21 at the Tenaya Lodge; Member, Executive Committee (2016–present)
- Chair, Los Angeles County Bar Association, Environmental Law Section (2015–2016); Chair, 2010 Spring “Environmental Law Super Symposium;” Chair, 2008 Fall Environmental Law Symposium; Member, Executive Committee (2007–present)
- Member, California Department of Toxic Substances Control’s Brownfield Revitalization Advisory Group (2007–2015)

Awards

- 2024 and 2020 “Lawyer of the Year,” Environmental Law, Los Angeles, *Best Lawyers in America*®
- Listed in *Chambers USA*, Leading Lawyer in Environmental Law, 2007–present
- Listed, *Best Lawyers in America*® (Environmental and Environmental Litigation) 2012–present
- Listed, *Southern California Super Lawyers*, 2009–present
- Listed, 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.)
 - Executive Editor, Law Review; Trial Practice Honors Board
- University of California, Los Angeles (B.A., *magna cum laude*)
 - UCLA Alpine Ski Team

Representative Matters

- Lead trial counsel for defendant Union Pacific in Sacramento Municipal Utility District v. Union Pacific, et al., Sacramento Superior Court Case No. 34-2018-00231868, involving multiple common law claims for damages in excess of \$20 million in connection with SMUD's construction of its new Substation E facility. Obtained summary judgment on all of plaintiff's claims; appeal pending.
- Environmental counsel for MPLA Wilshire, LLC, in connection with a major urban redevelopment project pursuant to DTSC's CLRRRA program. The Eastern Beverly Hills (<https://www.8300wilshire.com>) is a proposed 34-story mixed-use development that will include 249 residential units, including affordable units for residents with very low incomes.
- Lead trial counsel for defendant Union Pacific in Arconic, Inc., et al. v. APC Investment Co., et al., USDC California Central District Case No. 2:14-cv-06456-GW, a CERCLA contribution action involving over \$125 million in alleged past and future response costs to address the contaminant plume impacting Operable Unit No. 2 of the Omega Superfund Site. Favorably settled case with large coalition of plaintiffs, the U.S. Department of Justice, and USEPA, culminating with final Consent Decree approval.
- 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 with estimated costs in excess of \$1.5 billion.
- Environmental counsel for La Terra Development in connection with the 777 N. Front Street project in Burbank, which involved the acquisition, remediation and forthcoming 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.
- Lead trial counsel for defendant Broan-NuTone in Slauson Super Mall, Inc. v. Broan-NuTone, USDC California Central District Case No. 2:21-cv-7257-DSF-AFM, alleging liability under CERCLA and RCRA against the purported corporate successor to a former Scovill subsidiary for environmental response costs at a Los Angeles facility. Previously, after an initial determination by DTSC that Broan was a liable party, prepared intricate corporate history and legal arguments that resulted in DTSC reversing its designation based on "lack of sufficient evidence."

- Environmental counsel in connection with the renewal of NPDES Permit No. CA0109282, “Waste Discharge Requirements for Southern California Edison Company, Discharge to the Pacific Ocean Related to the Decommissioning of San Onofre Nuclear Generating Station, San Diego County.” Order R9-2023-0011 was unanimously approved by the San Diego Regional Water Quality Control Board on April 12, 2023.
- Lead trial counsel for defendant in *Rocksy, LLC v. Spacelabs Healthcare, Inc.*, USDC California Central District Case No. 2:22-cv-06171-AS, alleging liability under CERCLA and various state law claims against the purported corporate successor to a former OSI Systems, Inc. subsidiary for environmental response costs at a Los Angeles facility. Favorably settled case based on terms of FRCP 68 Offer of Judgment, resulting in good faith settlement determination and bar order.
- Environmental counsel for San Diego Gas & Electric Company in connection with San Diego Regional Water Quality Control Board 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-W-WVG) resulting in good faith settlement determination and bar order.
- Trial counsel for plaintiffs in *Occidental Research Corp., et al. v. Tamkin Trust* (C.D.Cal. Case No. 2:17-cv-04621-MRW), 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.
- Environmental counsel for 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.
- Lead litigation counsel for affiliate of Valence Technologies in the defense and successful early resolution of a Clean Water Act citizen suit (*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 for 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 oversight of the San Francisco Regional Water Quality Control Board. Previously negotiated strategic acquisition of adjacent property to facilitate monitoring and related activities.
- Environmental counsel for NavCom Defense Electronics, Inc. in connection with draft Cleanup and Abatement Order for former facility within El Monte Superfund Site. Factual and legal presentations to Regional Board resulted in withdrawal of proposed Cleanup and Abatement Order to client.
- Environmental counsel for Costco Wholesale Corporation in the acquisition or leasing and development of several Southern California brownfield/infill sites for new retail warehouse facilities, including its new warehouse facility in Monterey Park at the former Operating Industries, Inc. Superfund Site, which

involved extensive negotiations to achieve tailored successor-in-interest protections under existing Consent Decrees with the USEPA.

- Environmental counsel for DIRECTV in connection with the Ultra-Chem Site in San Jose; successfully developed and asserted successor liability defense, resulting in DTSC's removal of client from multiparty corrective action order.
- Environmental counsel for the ownership of Pacific Palisades Village in connection with its 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 litigation 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.
- Environmental 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 San Francisco Bay Area facility; achieved pre-litigation settlement based on 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 General Chemical pesticide manufacturing facility) with sequential "no further action" determinations by the Los Angeles Regional Water Quality Control Board.
- Litigation counsel for LAUSD 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 leases 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 Regional Water Quality Control Board, 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.
- Lead litigation counsel for 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).

- Environmental counsel for Westfield in connection with storm water compliance issues at a \$400 million shopping center redesign; the LARWQACB 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, regional water quality control boards, 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.

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