



Pete Nyquist

Chair, Environmental Practice Group

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Pete Nyquist is a partner in and Chair of Greenberg Glusker's Environmental Practice Group. Pete has been annually listed in *Chambers USA* and *The Best Lawyers in America* as among the top environmental lawyers in California. As one client observed in a Chambers USA interview, "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."

His practice covers a broad range of environmental matters, including federal and state Superfund and contaminated sites, cost recovery and citizen suit litigation, administrative and enforcement matters before federal and state regulatory agencies, water quality, indoor air quality (e.g., vapor intrusion), and M&A/transactional support.

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

Pete has represented clients at many of California's most complex federal and state Superfund, RCRA and sediment cleanup sites. Additionally, he advises clients regarding compliance with water quality and NPDES requirements arising under the federal Clean Water Act and California's PorterCologne Water Quality Act. This includes extensive experience with storm water permit requirements, and achieving successful, and creative, resolutions to Clean Water Act citizen suit claims, including in several instances prior to the filing of a lawsuit.

Pete has litigated in federal and state courts for over twenty years, including the successful prosecution of numerous CERCLA cost recovery actions, and defense of dozens of CERCLA, property damage, toxic tort and citizen suits. *See, e.g., San Gabriel Valley Water Co. v. Aerojet General Corp.*, 606 F.3d 1142 (9th Cir. 2010); *Carson Harbor Village, Ltd. v. Unocal Corporation*, 433 F.3d 1260 (9th Cir. 2006); *Carson Harbor Village, Ltd. v. Unocal Corporation*, 287 F. Supp. 2d. 1118 (C.D.Cal. 2005).

Pete is an Executive Committee member of the California Lawyers Association Environmental Law Section, and 2018 Co-Chair of the Yosemite Conference, nationally recognized as the largest and most prestigious gathering of California's leaders in environmental, land use and natural resources law. He served as the 2014-15 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 serving on the Board of Trustees for his daughters' school.

Professional Affiliations

- Member, Executive Committee, California State Bar Association Environmental Law Section 2016-Present
- Chair, Los Angeles County Bar Association Environmental Law Section 2014-15
- Member, California Department of Toxic Substances Control's Brownfield Revitalization Advisory Group
- Member, California State Bar Environmental Law Section

Awards

- Listed in [Chambers USA](#), Leading Lawyer in Environmental Law, 2016- 2019
- Listed, Best Lawyers (Environmental and Environmental Litigation) 2010- 2020
- Listed, [Energy & Environmental Trailblazer](#), *The National Law Journal*, 2017
- Listed, Southern California Super Lawyers, 2004- 2006, 2009- 2019

Bar Admissions

- California

Education

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

Representative Matters

- Litigation counsel for Occidental Research Corporation and Glenn Springs Holdings, Inc. in a CERCLA and RCRA action, seeking cost recovery and injunctive relief. Case is set for trial in September 2018. Represent clients in connection with ongoing compliance with Cleanup and Abatement Order issued by Los Angeles Regional Water Quality Control Board.
- Represent San Diego Gas & Electric Company in connection with San Diego Regional Water Quality Control Board investigative order 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.*, resulting in "good faith" settlements and judicial determination.
- 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 interim remedial measures. Served as expert witness in related insurance recovery litigation stemming from the *Orange County Water District v. Sabic* South Basin litigation.

- 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 500+ apartments and 300 room hotel adjacent to the Burbank Town Center.
- 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.
- 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 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 to client in connection with ongoing prosecution by Ventura County District Attorney's office for alleged violations of hazardous waste laws stemming from accidental explosion.
- 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 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 Regional Board resulted in withdrawal of proposed cleanup order to client.
- Lead counsel for Valence Technologies in the defense and successful resolution of a Clean Water Act citizen suit filed by SF Baykeeper in the Northern District of CA, 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.
- Defended DIRECTV in connection with 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.
- Represented ownership of Pacific Palisades Village as environmental counsel in connection with sale to Caruso Affiliated. Included investigation, response and approved DTSC RAP pursuant to CLRRRA Agreement to address multi-million dollar PCE impacts from former dry cleaner operations.
- Lead counsel for Hess Corporation in 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 to RedCar Properties in connection with successive acquisitions of strategic parcels, both with significant regional environmental concerns.

- 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 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).
- Environmental counsel to 99 Cents Only Stores in connection with its lease of the Garfield Corporate Center in Commerce, the largest industrial infill lease ever signed in Los Angeles County.
- Represented LAUSD as plaintiff in CERCLA/HSAA 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.
- 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 certain 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 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 Corp. in 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 NCP. Ninth Circuit
- unanimously affirmed, holding 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 LARWQACB concurred post-construction controls were adequate, resulting in rescission of a NOV and avoiding need to implement costly additional controls.
- 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.

Media

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

Greenberg Glusker Press Release

May 1, 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

Greenberg Glusker Press Release

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

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San Gabriel Valley Water Co. v. Aerojet General Corp., 606 F.3d 1142 (9th Cir. 2010)

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Carson Harbor Village, Ltd. v. Unocal Corporation, 287 F. Supp 2d. 1118 (C.D.Cal 2005)

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Carson Harbor Village, Ltd. v. Unocal Corporation, 433 F. 3d 1260 (9th Cir. 2006)

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In the Matter of the Petition of Boeing Company, SWRCB Order WQ 2006-002

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In the Matter of the Petition of Boeing Company SWRCB Order WQ 2006-007