



Sedina L. Banks

Partner

SBanks@ggfirm.com

Ph. 310-201-7436

Fax 310-553-0687

Sedina Banks is a partner in Greenberg Glusker's Environmental Group. Specializing in regulatory compliance and environmental litigation, Sedina uses her decades of experience to craft creative solutions to complex problems.

She counsels and represents a broad array of clients including property owners, municipalities, and companies in a wide range of environmental matters related to regulatory compliance, contaminated properties, CEQA, water quality, and air quality issues, and real estate transactional support. Sedina has represented clients in investigation, enforcement, and remedial matters involving the United States Environmental Protection Agency, the California Regional Water Quality Control Boards, California air districts, the California Department of Toxic Substances Control, and the California UST Fund.

She has successfully negotiated settlements on behalf of her clients for greatly reduced penalties in matters involving water quality and air quality violations, including the successful dismissal of an environmental criminal action. Sedina has also litigated in federal and state courts at all stages, including obtaining favorable verdicts for her clients in two federal jury trials.

She also represents clients with consumer product and labeling matters including requirements pursuant to California's Proposition 65, the Federal Trade Commission, and the Food and Drug Administration.

Professional Affiliations

- Advisory Board Member, Roberts Environmental Center
- Executive Committee, Nevada State Bar Environmental & Natural Resources Section
- Member, California Lawyers Association, Environmental Law Section
- Member, Urban Land Institute

Awards

- *Los Angeles Business Journal*, Thriving in Their 40's, 2023
- *Best Lawyers*, Ones to Watch, 2021–2022

- *Southern California Super Lawyers Rising Stars*, 2009–2018
- *Southern California Super Lawyers*, 2023–2024

Bar Admissions

- California
- Nevada

Court Admissions

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

Education

- University of California, Davis School of Law (J.D., 2003)
- Claremont McKenna College (B.A., *cum laude*, 2000)

Experience

REGULATORY AND ADMINISTRATIVE

- Negotiated a settlement on behalf of a client on a claim brought by the San Joaquin Valley Air Pollution Control District for alleged violations that carried millions of dollars in potential penalties for a nominal fine.
- Represents the largest dairy processing cooperative in California on air permitting issues (including Title V facilities), advocacy, and negotiation with the regional air district.
- Represented a large agricultural client in connection with significant enforcement action brought by the Santa Barbara Air Pollution Control District.
- Advised a large agricultural client on the Distributed Generation Certification Regulation and PERP requirements.
- Advised client on California's cap and trade program and allocation of carbon allowances.
- Has represented dairy trade groups in multiple air quality matters including successfully representing respondent-intervenor Dairy Cares in Association of Irrigated Residents v. EPA, Ninth Circuit Case No. 13-73398, in defending EPA's retroactive amendment of its 2004 approval of the San Joaquin Valley Air Pollution Control District Rules into the California State Implementation Plan. The Ninth Circuit denied the petition (*Ass'n of Irrigated Residents v. EPA*, 790 F.3d 934 (9th Cir. 2015)).
- Negotiated a settlement on behalf of a client of a claim brought by the South Coast Air Quality Management District for a nominal fine when over \$100,000 in penalties were at issue.
- Represented clients in California State Water Board petitions for review of Regional Water Board actions.

- Represented the owner and operator of a mobile home park in an administrative civil liability action brought by the Regional Water Quality Control Board, Los Angeles Region, for the alleged violation of certain Regional Board Orders. The client was potentially liable for almost \$6 million in penalties and the prosecution was recommending \$1.6 million in penalties in a heavily litigated case. After a lengthy administrative hearing, the Regional Board ruled that the client was only liable for a penalty of \$54,500.
- Ongoing representation of a mobile home park owner in dealings with regulatory agencies including the Regional Water Quality Control Board, Los Angeles Region and local municipality.
- Negotiated settlement with the California Air Resources Board for alleged air emissions violations for a de minimis penalty.
- Obtained dismissal on behalf of a client of a criminal action brought by the Los Angeles County District Attorney for water quality violations.
- Obtained full reimbursement on behalf of a client from the California UST Fund for a decades-old claim.
- Obtained expedited permitting relief from the South Coast Air Quality Management District to conduct critical repairs to part of client's over \$180 million biosolids facility.
- Represented client in over \$2 million claim brought by the Los Angeles County Sanitation District, resulting in determination that no payment was required.
- Responds to EPA 104(e) requests for information.
- Assist clients in all aspects of industrial storm water permitting including development of Storm Water Pollution Prevention Plans (SWPPP), best management practices (BMPs), and advanced BMPs.
- Negotiated settlement on behalf of a client in a CERCLA action brought by the Environmental Protection Agency.
- Represented an agricultural client in the defeat of an urgency ordinance imposing a temporary moratorium on the cultivation of industrial hemp within Plumas County, California.
- Obtained on behalf of various commercial/industrial clients "no further action" or "site closure" determinations for formerly contaminated properties including negotiation of voluntary cleanup agreements and land use covenants.
- Counsel clients in all aspects of environmental rulemakings including submission of comments to EPA.
- Ongoing representation of former owners and operators of contaminated properties in dealings with regulatory agencies including the Regional Water Quality Control Board, Los Angeles Region.
- Represented a client in a multi-year, millions of dollars project to replace its wastewater treatment system.
- Conduct site assessments for storm water compliance.

LITIGATION

- Has served as special counsel to the City of Culver City for decades in connection with the regulation of oil and gas activities within the Inglewood Oil Field – the largest urban oil field in the United States.
- Represented petitioner City of Culver City in City of Culver v County of Los Angeles, Los Angeles County Superior Court Case No. BS118023 in CEQA action challenging the County of Los Angeles' approval of

an EIR in connection with new regulations for oil and gas operations within the county. The litigation settled and our client recovered much of its attorneys' fees.

- Represents the City of Culver City in connection with a precedential ordinance to phase out production of oil wells and require the cleanup and proper abandonment of related facilities in the City portion of the Inglewood Oil Field.
- Co-chaired a federal jury trial in which the jury found in our client's favor based upon a violation of his federal civil right to equal protection of the laws under the United States Constitution in connection with a municipal open-bid process for the redevelopment of property.
- Co-chaired a federal jury trial in which we represented the owner of real property in the defense of a lawsuit brought by an adjoining landowner asserting claims under CERCLA, RCRA, negligence, nuisance and trespass to recover damages for alleged contamination resulting from migration of impacts from our client's property. Obtained a jury verdict in client's favor as to claims for negligence, public nuisance and trespass. Obtained judgment in favor of our client as to claims under CERCLA and RCRA following a bench trial.
- Represented intervenor dairy trade groups in defending Fresno County's adoption of a zoning ordinance for the operation of commercial dairy and feedlot facilities from a CEQA challenge brought by the Medical Advocates for Healthy Air entitled *Medical Advocates for Healthy Air, et al. v. County of Fresno*, et al., Fresno County Superior Court Case No. 07CECG03844. The litigation settled.
- Negotiate settlements with public enforcers/citizen groups for storm water violations.
- Represents a Fortune 500 company in CERCLA cost recovery matters across the United States.
- Represented a Fortune 500 company in a major CERCLA action in Southern California.
- Successfully represented the City of Culver City in defending an action brought by an oil company challenging the city's issuance of a moratorium on all new drilling.
- Represents petitioners in CEQA actions challenging agency actions.
- Intervened on behalf of dairy trade groups in litigation challenging regulation of dairies in the San Joaquin Valley resulting in a reported decision favorable to our clients. *Ass'n of Irrigated Residents v. San Joaquin Valley Unified Air Pollution Control Dist.*, 168 Cal.App.4th 535 (2008).
- Defend industrial companies in Clean Water Act suits for violation of the California industrial storm water permit.

CONSUMER PRODUCTS, LABELING, AND ADVERTISING LAW

- Compliance counseling, including under the "Clear and Reasonable Warnings" provision of California's Proposition 65, representing all sectors of business from food and beverage, health and beauty, apparel, consumer goods, home goods, automotive parts, and building supplies.
- Counseling regarding responding to a California's Proposition 65 Notice of Intent to Sue.
- Negotiated settlement with the California Air Resources Board for violation of the Consumer Products Regulations.

- Advises clients on product labeling requirements including compliance with U.S. Food and Drug Administrative requirements and law, U.S. Federal Trade Commission requirements and law, and children's products labeling law.
- Advises clients on environmental marketing claims including sustainability claims and "green marketing" claims under federal and California state law.
- Advises clients on California Air Resources Board's Consumer Products Regulatory Program.
- Advises clients on the Modernization of Cosmetics Regulation Act.
- Advises clients on the United States International Trade Commission requirements.

ENVIRONMENTAL TRANSACTIONAL

- Advises clients on all aspects of environmental due diligence including the "all appropriate inquiries" requirement for acquisition of properties across the United States.
- Advises clients on obtaining CERCLA innocent landowner protections.
- Negotiates on behalf of commercial/industrial clients environmental access agreements and easement agreements for site characterization and remediation.
- Negotiates on behalf of commercial/industrial clients environmental indemnity agreements.
- Negotiates with lenders on behalf of commercial/industrial clients regarding the acquisition of refinance of contaminated or potentially contaminated properties.
- Advises commercial/industrial clients in conducting environmental audits of operations and reporting requirements.
- Negotiates on behalf of commercial/industrial clients voluntary cleanup agreements and land use covenants.