

## Lawrence S. Bazel

### Law Practice

Larry Bazel practices in the areas of environmental litigation and administrative proceedings, including matters related to water quality and wastewater discharges, contaminated soil and groundwater, CEQA, water rights, the public trust, toxic torts, and Proposition 65. He has represented a diverse group of clients, including the State of California, cities, industries, and public-interest groups. He has lectured on stormwater, TMDLs, and other Clean Water Act issues. Before practicing law, he spent eight years as a hydrologist specializing in water pollution control, and as a consultant to the Environmental Protection Agency, the National Science Foundation, and municipal governments.

### Experience

Partner, Stoel Rives LLP (2001-2005); Partner, Beveridge & Diamond LLP (1991-2000); Associate, Brobeck, Phleger & Harrison (1984-1991); Consulting Hydrologist (1973-1981).

### Representative Cases

#### *Water Quality and Clean Water Act*

*City of Las Vegas.* Represents and assists City of Las Vegas and other Southern Nevada municipalities on environmental issues relating to water quality and wastewater discharges, including TMDLs, mathematical modeling, and NPDES permits.

*United States v. City of Eureka.* Represented ten property owners in defense of claims that the property owners placed fill on tidal flats without a permit from the Corps of Engineers. Creatively resolved without penalties.

*San Francisco Baykeeper v. Tosco.* Represented discharger in citizen suit brought to regulate stormwater discharges and air emissions alleged to be point-source discharges. Obtained dismissal on the ground of mootness. After reversal in the Ninth Circuit, settled to client's satisfaction.

#### *CEQA*

*Stockton Citizens For Sensible Planning v. City of Stockton.* Represents landowner in dispute about mixed-use development. Prevailed in California Supreme Court.



### Contact

(415) 402-2711 Direct  
(415) 398-5630 Fax  
lbazel@briscoelaw.net

### Education

J.D. cum laude, Hastings College of the Law, University of California, 1984; Editor, Hastings Law Journal

### Admissions

State Bars of California, Nevada, and District of Columbia

United States Supreme Court

United States Courts of Appeals, Ninth and D.C. Circuits

United States District Courts, Northern and Eastern Districts of California, and District of Nevada

## ***Water Rights***

*Putah Creek Council v. Solano County Water Agency.* Represented Putah Creek Council in suit brought to enforce the public trust doctrine and Fish & Game Code section 5937, which requires dam owners to release water to keep fish below the dam in good condition. Prevailed at trial; favorably settled on appeal.

## ***Public Trust***

*Santa Cruz Seaside Company v. City of Santa Cruz.* Represented property owner in dispute about whether private land was subject to public trust. Prevailed in trial court and settled to client's satisfaction.

*Macor v. City and County of San Francisco.* Represented property owner in dispute about whether private land was subject to public trust. Prevailed in trial court and settled to client's satisfaction.

## ***Proposition 65***

*People v. Ace Hardware.* Represented 40 of 95 defendants in defense of claims that the use of power tools on bricks and other masonry products exposes people to crystalline silica and other carcinogenic substances. Resolved to satisfaction of all clients.

## ***Soil and Groundwater Contamination***

*Pellegrini v. Technichem.* Represents the California Department of Corrections and Rehabilitation, the California Franchise Tax Board, and the California Highway Patrol in private cost-recovery action against persons who have arranged for the treatment of hazardous substances.

*Volvo GM Heavy Truck Corporation v. HM Holdings.* Represented property owner in private cost-recovery action against former owners for contaminating property with zinc, other metals, and acids. Creatively resolved to client's satisfaction.

*Wiegmann & Rose v. NL Industries.* Represented former property owner in private cost-recovery action against previous owners for contaminating property with lead, toluene, and other solvents. Prevailed on liability issues, and then settled to client's satisfaction.

*E/M Corporation.* Represented North Hollywood solvent-using facility in negotiations with Environmental Protection Agency about responsibility for groundwater contaminated with TCE and PCE. EPA decided not to sue.

*Moore v. Dole Food Company.* Represented former owner of real property in defense of claims that it fraudulently failed to disclose presence of underground tank. Negotiated satisfactory settlement with plaintiff and insurers.

*Hewlett Packard v. Aydin.* Represented former tenant in defense of claims that it breached its lease by contaminating the property with PCBs and solvents. Resolved to client's satisfaction.

*E/M Corporation.* Represented Mountain View solvent-using facility in negotiations with its neighbor about responsibility for soil contamination along the boundary, and for groundwater contamination downgradient. Negotiated satisfactory cleanup program with the California Regional Water Quality Control Board and settlement agreement with neighbor.

### ***Hazardous Waste***

*People v. SPS Technologies.* Represented industry sued for allegedly storing and treating cyanide waste in violation of hazardous-waste requirements. Settled to client's satisfaction.

### ***Safe Drinking Water Act***

*Western Coalition of Arid States (WESTCAS) v. U.S. Environmental Protection Agency.* Represented association of water and wastewater agencies in suit over arsenic MCL. Settled to client's satisfaction.

### ***Toxic Torts***

*DeAnnette v. National Refractories.* Successfully defended manufacturer against claims that airborne metals caused cancer in neighboring resident.

*Mullen v. Armstrong World Industries.* Successfully defended manufacturer of asbestos-containing products against class action by persons owning homes where asbestos-containing products were present. Action dismissed by trial court; affirmed on appeal.

## **Lectures and Presentations**

Frequent lecturer on stormwater, TMDLs, enforcement, and other Clean Water Act issues; invited to testify about water pollution control before the U.S. House of Representatives, Committee on Public Works and Transportation, Subcommittee on Investigations and Review (1978).

The Clean Water Act at Thirty: A Failure After All These Years? 18 *Natural Resources & Environment* 46 (2003).

Water-Quality Standards, Maximum Loads, and the Clean Water Act: The Need For Judicial Enforcement, 34 *Hastings Law Journal* 1245 (1983).