



Lawrence Bazel

Law Practice

Larry Bazel practices in the areas of environmental litigation and administrative proceedings, including matters related to water quality and waste discharges, CEQA and NEPA, water rights, the public trust, contaminated soil and groundwater, toxic torts, and Proposition 65. He has represented a diverse group of clients, including the State of California, cities, private individuals, large and small companies, 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.

Contact

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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 Circuit

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

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 & Clean Water Act

Turlock Irrigation District and Modesto Irrigation District v. State Water Resources Control Board. Represents the irrigation districts in litigation related to Clean Water Act section 401 certification, which allows state agencies to impose requirements in federal permits.

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

John Sweeney and Point Buckler Club v. BCDC and Regional Water Quality Control Board. Represented private individual and small duck club in administrative-mandamus action against two agencies that imposed \$3.6 million fine for repair of duck-club levee on small island. Prevailed in superior court, which set aside penalties and administrative orders. Reversed on appeal.

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People v. James Tong. Represented individual against claims of violation of stormwater permit and harm to endangered species. Settled claims and cross-claims with California Department of Fish and Wildlife, Regional Water Quality Control Board, and several defendants.

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 & NEPA

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

Drakes Bay Oyster Company v. California Coastal Commission. Represented oyster farm in suit challenging enforcement orders issued by Coastal Commission. Prevailed in superior court.

City of Las Vegas v. Bureau of Land Management. Represented City of Las Vegas in suit alleging that Bureau action violated NEPA and other federal statutes. Dismissed when political solution mooted suit.

Land Use

Jolson v. Pasternak. Represented landowner in dispute over easement. Prevailed at trial and on appeal.

Drakes Bay Oyster Company v. Department of the Interior. Represented oyster farm in suit alleging that National Park Service had illegally evicted farm from Point Reyes National Seashore. Settled after Ninth Circuit ruled 2-1 against oyster farm and Supreme Court denied certiorari.

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.

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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 & Groundwater Contamination

Pellegrini v. Technichem. Represented 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, LLC. Represented company sued for allegedly storing and treating cyanide waste in violation of hazardous-waste requirements. Settled to client's satisfaction.

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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

DeAnnethe 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.

Selected Presentations, Publications, Briefs & Decisions

Frequent lecturer on stormwater, TMDLs, enforcement, and other Clean Water Act issues.

Amicus brief submitted to the U.S. Supreme Court (August 2017) *Desert Water Agency v. Agua Caliente Band of Cahuilla Indians* (Ninth Circuit's decision on Winters doctrine and reserved water rights threatens the Western States' sovereign control over their waters).

Petition for certiorari (2014) *Drakes Bay Oyster Company v. Department of the Interior* (nine circuits have split five ways on how to interpret a provision of the Administrative Procedure Act).

Amicus brief submitted to the U.S. Supreme Court (September 2012) *Los Angeles County Flood Control District v. NRDC* (when two entities discharge through the same storm sewer, each entity is responsible only for its own discharge).

Amicus brief submitted to the U.S. Supreme Court (December 2005) *Rapanos v. United States* (dry land is not a "water of the United States" regulated by the Clean Water Act).

Amicus brief submitted to the California Supreme Court (April 2004) *City of Burbank v. State Water Resources Control Board* (why the consideration of economics required by the California porter-cologne act is consistent with the federal Clean Water Act).

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

Comments submitted to EPA in response to a proposed regulation on minimum detection limits ("MDLs") (July 2002).

Comments submitted to EPA on recommended nutrient criteria for the Arid West (May 2001).

Comments submitted to EPA on proposed revisions to the TMDL program (January 2000).

Comments submitted to EPA about water-quality standards (January 1999).

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Comments submitted to EPA in response to draft guidance on modifying water-quality standards when natural conditions prevent attainment (August 1991).

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

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).