

## Gregory S. Berlin

Senior Associate

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Greg Berlin is a senior associate with Alston & Bird's Environment, Land Use & Natural Resources Group. He focuses his practice on high-stakes environmental litigation and investigations, including defense against government enforcement actions, citizen suits, and natural resource damage claims.

Greg has extensive experience helping Fortune 500 companies in the energy, retail, food, and manufacturing industries strategically resolve contamination, environmental compliance, and enforcement matters, often achieving summary dismissal or early settlements. He has defended actions in federal and state courts, including those arising under the Endangered Species Act, Clean Water Act, Porter-Cologne Water Quality Control Act, NEPA, and CEQA.

Greg also advises, defends, and performs internal investigations on behalf of companies with issues concerning emerging contaminants, including PFAS contamination.

Greg also represents clients in hundreds of Proposition 65 matters – both pre-emptively to ensure compliance and responsively to aggressively defend private enforcement actions.

Greg received his J.D., cum laude, from the University of California, Hastings College of Law, with a certificate in environmental law. He served as the executive symposium editor of the *Hastings Law Journal* and a judicial extern to the Hon. Edward M. Chen of the U.S. District Court for the Northern District of California.

### ***Representative Experience***

#### ***Litigation***

- Representing a variety of companies in dozens of Proposition 65 matters, including cases involving food and beverage products, dietary and nutritional supplements, home furnishings, plastic and vinyl products, clothing, and alleged environmental exposures.
- Representing one of the largest owners and developers of mixed-use communities in coastal California and an NYSE-listed company, in a mass action filed by 150 plaintiffs claiming personal injury and property damage from alleged airborne contamination.
- Defending a real estate developer in a putative class action by over 9,500 community members seeking personal injury and property damage from the alleged failure to disclose the presence of radioactive substances at a former naval shipyard that is the subject of San Francisco's largest development project in a century.
- Representing a real estate developer in a Federal Tort Claims Act action against the United States stemming from the Navy's negligent oversight and supervision of a government contractor that performed fraudulent radiological investigation and remediation services at a former naval shipyard slated for redevelopment.
- Representing the Western States Petroleum Association in CEQA challenges to anti-oil and gas provisions in the Ventura County General Plan Update.

- Representing oil and gas operators and mineral rights owners in CEQA challenges to Ventura County's amended coastal and non-coastal zoning ordinances, which seek to severely curtail oil and gas production in the county.
- Won summary judgment on behalf of a real estate development company in land use litigation against the County of Orange challenging a controversial mixed-use development project.
- Defended one of the world's largest private sector energy companies against lawsuits brought by multiple California municipalities seeking to hold the company liable for the effects of climate change. The client was dismissed from the lawsuits with prejudice.
- Won summary judgment on behalf of the petitioner in CEQA, NEPA, and Endangered Species Act citizen suit challenges to a controversial long-term water transfer program.
- Defended a multinational industrial minerals company against alleged violations of the Clean Water Act for the client's facility in southern California.
- Represented State Water Contractors as intervenor-defendants in two Endangered Species Act citizen suit challenges to the biological opinions for winter-run and spring-run Chinook salmon and delta smelt in a multibillion-dollar water infrastructure project.
- Represented a mining company in the adjudication of the Antelope Valley Groundwater Basin, the largest groundwater pumping rights case in California history.

### ***Land Use and Entitlements***

- Conducted land use entitlement and CEQA compliance for a specific plan in Monterey County, CA for the construction and operation of 1,485 housing units, 250 hotel rooms, 150,000 square feet of retail, dining, and entertainment uses, and 50,000 square feet of office, flex, makerspace, as well as park/recreational areas and supporting infrastructure. The project area is a 122 net acre large infill project to replace a former military base.
- Performed land use and entitlement work for an international shopping center developer for a large-scale commercial development project in Los Angeles County, consisting of an approximately 32,000 square foot luxury cinema, an approximately 34,185 square foot full service health and fitness club, and expansion of a shopping center to over one million square feet.
- Performed land use entitlement and CEQA compliance for a master plan to guide the development of residential uses, commercial uses, and public facilities in the City of San Ramon, CA. The buildout of the master plan includes 4,500 dwelling units, a 169-key hotel, 166,000 square feet of commercial uses, three new parking structures, and publicly accessible parks and public spaces.

### ***Regulatory Compliance and Due Diligence***

- Counseling companies in the food and beverage industry and consumer product manufacturers on compliance with Proposition 65.
- Conducted an internal investigation of a national specialty equipment manufacturer's prior usage of PFAS-containing products on privately and publicly owned properties in multiple states.
- Performed environmental due diligence on behalf of a pharmaceutical company in a cross-border acquisition.
- Provided strategic counseling to a federally recognized American Indian tribe on the sale of carbon offset credits.

- Conducted environmental due diligence on behalf of a renewable energy company in a biogas development project in San Diego.

## **Publications & Presentations**

### **Publications**

- “EPA’s New PFAS Listings Raise Enforcement, Litigation Risks,” *Law360*, June 28, 2022.
- “Enviro Assessment Rule May Help Lower Buyers’ PFAS Risks,” *Law360*, April 29, 2022.
- “EPA Gets Serious on PFAS, Plans to Remove De Minimis Exemption,” *Bloomberg Law*, April 14, 2022.
- “DOI Report Is Bad for Both Climate and Oil, Gas Interests,” *Law360*, December 16, 2021.
- “Infrastructure Law Gears \$10 Billion to Fight PFAS in Water,” *Bloomberg Law*, December 3, 2021.
- “How PFAS Action Act Could Complicate Superfund Cleanups,” *Law360*, September 7, 2021.
- “SoCal Air District Adopts First-of-Its-Kind ‘Indirect Source Rule,’” *The Daily Journal*, June 7, 2021.
- “Water Board Issues PFAS Investigative Orders to Refineries and Bulk Fuel Storage Terminals,” *The Recorder*, April 26, 2021.
- “Governor Newsom Issues Order Seeking to End New Fracking Permits,” *Daily Journal*, October 6, 2020.
- “California Gets Even More Aggressive on PFAS,” *The Recorder*, September 23, 2020.
- “From Pandemic to Martial Law? A Look at California and the US,” *The Recorder*, August 7, 2020.
- “New Study Finds PFOA Is Carcinogenic: What Are the California Proposition 65 Implications?” *The Recorder*, July 24, 2020.
- “INSIGHT: States Urge EPA to Be More Aggressive on PFAS Under TSCA,” *Bloomberg Law*, May 27, 2020.
- “INSIGHT: Congress Confronts PFAS in National Defense Authorization Act—What You Need to Know,” *Bloomberg Law*, March 20, 2020.

### **Presentations**

- “Food and Food Contact Safety: Evolving Environmental Challenges,” FDLI’s Virtual Law Over Lunch: July, July 21, 2022.
- “Implications, Risks and Liabilities That Could Result From the EPA Broadening and Accelerating the Cleanup of PFAS Contamination of Drinking Water Sources,” 23rd Annual AGWT–AGWA California Groundwater Conference, Lakewood, CA, March 29-30, 2022.

## **Professional & Community Engagement**

- AIDS Legal Referral Panel, board of directors
- Los Angeles County Bar Association (LACBA) Environmental Law Section, executive committee
- Bar Association of San Francisco
- Environmental Law Institute, Emerging Leaders Initiative
- California Lawyers Association, Environmental Law Section
- California Building Industry Association, Government Affairs Committee and Legal Action Committee

## **Education**

- University of California, Hastings College of the Law (J.D., 2016)

- The New School (B.A., 2013)

***Admitted to Practice***

- California

***Related Services***

Environment, Land Use & Natural Resources | Environmental Litigation | Environmental Appellate Litigation | Oil & Gas | Proposition 65 | Land Use | Environmental Enforcement Defense | Climate Change / Carbon Management