

## Jeffrey Dintzer

Partner

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Jeffrey Dintzer has over 30 years of experience representing companies in the energy, manufacturing, and defense industries in high-stakes administrative proceedings and civil litigation involving the environment, land use entitlements, and oil and gas. His experience representing oil and gas producers proves extremely valuable to clients in any industry dealing with agency oversight and civil disputes. He has played a prominent role in precedent-setting cases for the oil and gas industry, such as serving as lead trial counsel in a lawsuit against the California Division of Oil, Gas, and Geothermal Resources (DOGGR) that challenged the agency's regulation of hydraulic fracturing and sought an injunction to halt all hydraulic fracturing in California.

Jeffrey defends large toxic tort cases and class action litigation involving hundreds of plaintiffs, serves as trial counsel in cases involving environmental claims, and manages private cost recovery litigation in state and federal courts. He has represented clients in significant Proposition 65 matters throughout his career. He also has extensive land use litigation experience, frequently representing both the real party in interest and the plaintiff/petitioner in cases involving California Environmental Quality Act (CEQA) challenges to administrative approvals, including mitigated negative declarations and environmental impact reports (EIR).

He has received accolades from *Chambers USA*, the *Daily Journal's* "Top 100 Lawyers in California," *Thomson Reuters's* "Acritas Stars," and *Lawdragon's* "500 Leading U.S. Environmental & Energy Lawyers."

### **Representative Experience**

#### **Toxic Tort and Cost Recovery**

- Representing a major mineral producer in connection with PFAS contamination in water supply wells on its property. The client is exploring potential litigation against the responsible parties.
- Representing a manufacturer of firefighting foam in litigation brought by a municipality in New York State over contamination by per- and polyfluoroalkyl substances, alleging claims under the RCRA, product liability, and other causes of action.
- Represented a real estate developer in RCRA claims against a thin film manufacturer in federal district court in Los Angeles. Obtained a RCRA mandatory injunction against the defendant ordering the cleanup of metals and solvent contamination; awarded attorneys' fees and costs.
- Represented Combined Properties in CERCLA/RCRA litigation against a commercial operator that disposed of massive quantities of PCE into the subsurface. Obtained summary judgment in favor of the client on CERCLA and RCRA claims; awarded attorneys' fees and costs.
- Represented a solvent recycling operator in RCRA actions brought by the U.S. Environmental Protection Agency (EPA) and California Department of Toxic Substances Control. Worked with the regulators and obtained a consent decree to resolve the litigation on reasonably favorable terms to the client.

- Defending the Irvine Ranch Water District against allegations of contributing to contamination of public groundwater supplies in the South Basin of the Orange County watershed. For nearly a decade, litigation has been ongoing involving government agencies and potentially responsible parties (PRPs) concerning groundwater contamination in the South Basin. Two of those PRPs filed suit against the district for contribution and indemnity based on allegations that the district had negligently operated one of its water supply wells in the South Basin. The case was dismissed against the water district in exchange for a waiver of costs after the threat of summary judgment motions.
- Defended a major aerospace company in federal RCRA and CERCLA cost recovery actions involving TCE and perchlorate contamination in the Rialto-Colton Groundwater Basin. The case was ultimately settled on terms favorable to the client. *City of Rialto, et al. v. United States Department of Defense, et al.*
- Representing a real estate developer in a putative class action and individual lawsuits 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.
- Member of the trial team in an ecological toxic tort lawsuit against Lockheed Martin involving more than 800 plaintiffs who claimed personal injuries and property damage from alleged exposure to emerging chemicals in drinking water. The first group of 50 plaintiffs was litigated to a dismissal of all claims, following the exclusion of the plaintiffs' medical experts. The remaining cases were later settled on terms favorable to the client. *In re Redlands Tort Litigation.*
- Represented Lockheed Martin in federal and state litigation involving alleged community exposure to contaminants released into the air and groundwater during 50 years of aircraft manufacture at the Burbank Skunk Works and related facilities. The cases settled for nominal amounts (less than plaintiff counsel's hard costs). *In re Burbank Environmental Litigation.*
- Represented Chevron in litigation arising out of an environmental case brought in Ecuador in 2003, and in Chevron's RICO and fraud suit against the U.S. lawyer and associates who masterminded an extortion scheme against Chevron that included fraudulently procuring a \$9.2 billion Ecuadorian judgment. Obtained a trial verdict in favor of Chevron, in which the district court held that the scheme against the company constituted racketeering in violation of RICO and federal laws prohibiting attempted extortion, wire fraud, money laundering, witness tampering, obstruction of justice, and the Foreign Corrupt Practices Act. *Chevron v. Donziger, et al.*
- Represented a major aerospace company before the Ninth Circuit in a published decision finding that potentially responsible parties may seek cost recovery under Section 107(a) of CERCLA. *City of Rialto, et al. v. United States Department of Defense, et al.; consolidated with Kotrous v. Bayer CropScience Inc., et al.*
- Lead trial counsel for a major aerospace company in a cost recovery action brought by the City of Riverside for alleged contamination of its water supply system. Recently won a dismissal on summary judgment. *City of Riverside v. American Promotional Events Inc.*

## **Energy**

- Representing Aera Energy LLC in a lawsuit brought by environmental organizations, including the Sierra Club and Center for Biological Diversity, in a case challenging the failure of the California Division of Oil, Gas, and Geothermal Resources (DOGGR) to prepare environmental impact reports (EIRs) for new oil well permits in the South Belridge Oil Field. The court entered an order granting Aera's demurrer, without leave to amend, based on the defense of res judicata. *AIR v. California Department of Conservation.*

- Represented three petroleum industry groups as lead trial counsel in a lawsuit initiated by nongovernment environmental organizations against DOGGR challenging DOGGR's regulation of hydraulic fracturing. The Alameda County Superior Court dismissed the case without leave to amend based on recent legislation regulating hydraulic fracturing in California. This lawsuit sought an injunction to halt all hydraulic fracturing in California, which would have had serious financial consequences for the oil and gas industry. *Center for Biological Diversity v. California Department of Conservation*.
- Lead trial counsel for real party in interest Plains Exploration & Production Company (PXP) in a California Environmental Quality Act (CEQA) matter related to Los Angeles County's adoption of a community standards district, essentially a zoning overlay for the Inglewood Oil Field. The case was settled on terms very favorable to PXP. *Community Health Councils, et al. v. County of Los Angeles*.
- Representing six oil companies (which make up more than 90% of production within California) as interveners in opposition to a lawsuit initiated by environmental organizations against DOGGR. The petitioners challenged DOGGR's regulation of underground injection and sought the immediate prohibition of injection activities for thousands of wells, alleging violations of the Safe Drinking Water Act. After a trial on the merits, the court denied the petitioners' claims for a writ of mandate in their entirety. The case was affirmed in full by the court of appeal, and is currently the subject of a petition for review that has been filed by Center for Biological Diversity with the California Supreme Court. *Center for Biological Diversity, et al. v. California Department of Conservation, et al.*
- Represented Chevron U.S.A. Inc., along with certain impacted business partners and royalty owners, in a challenge to a countywide ballot initiative that would immediately prohibit well stimulation and the drilling of new wells, and would impose a sunset date for the injection or impoundment of produced water. If implemented, the ballot initiative would shut down all operations at the eighth-largest oil field in the state. Secured a victory in the Court of Appeal. [\*Chevron U.S.A. Inc., et al. v. County of Monterey, et al.\*](#)
- Represented California Resources Corporation in a lawsuit challenging the issuance of drilling approvals for five exploratory wells. The Sierra Club alleged that the drilling approvals were issued in violation of CEQA. After a hearing, the court dismissed the claim without leave to amend in response to California Resources Corporation's demurrer. *Sierra Club v. California Department of Conservation, et al.*
- Represented Carbon California Company LLC in a lawsuit challenging the issuance of a renewed conditional use permit allowing the continued operation or drilling of 36 wells in Ventura County. The petitioners are alleging that DOGGR and the State Water Resources Control Board were required to comply with CEQA before submitting the exemption application to the U.S. EPA. *Los Padres Forestwatch, et al. v. County of Ventura, et al.*
- Represented Sentinel Peak Resources in a lawsuit challenging the submission of an aquifer exemption application for the Arroyo Grande Oil Field. The petitioners are alleging that DOGGR and the State Water Resources Control Board were required to comply with CEQA before submitting the exemption application to the U.S. EPA. The case went to trial, and Sentinel Peak won a complete defense judgment. *Center for Biological Diversity, et al. v. California Department of Conservation, et al.*
- Represented the California Independent Petroleum Association (CIPA), an industry trade group, as intervenor in a lawsuit challenging Los Angeles's CEQA review of oil and gas drilling approvals. After the petitioners and city entered into a settlement agreement that resulted in the issuance of a guidance memo that drastically changed how the city viewed drilling approvals under CEQA, CIPA filed a cross-complaint arguing that these actions violated CIPA's rights to due process and an opportunity to be heard. In response, the city and petitioners filed demurrers and motions to dismiss under the anti-SLAPP statute, which were all denied by the court in full. *Youth for Environmental Justice, et al. v. City of Los Angeles, et al.*

## **Other**

- Represented the Hacienda La Puente Unified School District in connection with an EIR prepared by the Los Angeles County Sanitation District (LACSD) for its La Puente Landfill. After a trial on the merits, we obtained a judgment against the LACSD finding the EIR flawed based on several important defects. Ultimately the case was settled on very favorable terms to the school district, including a revision of the project description that had limited the project's life from 20 years to 10 years in the future.
- Represented the new owners of the Warner Hollywood Studios in a challenge of an EIR for the La Brea Gateway redevelopment project. Related litigation involved enforcement of an existing development agreement with the City of West Hollywood and defense of an eminent domain proceeding. The litigation resulted in a favorable settlement for the client that enabled the redevelopment project to proceed while honoring the preexisting development agreement. *BA Studios v. City of West Hollywood*.
- Lead trial counsel for Parkmerced Investors Properties LLC in a case before the San Francisco County Superior Court rejecting environmental groups' bid to block major planned modifications to Parkmerced, a 3,221-unit residential rental complex on 152 acres, after a trial on the merits. The project's approval was alleged to violate CEQA and the general plan of San Francisco. On appeal, the appellate panel affirmed the superior court's dismissal of the petitioners' claims that their due process rights were violated because the petitioners did not receive sufficient notice and opportunity to be heard after significant changes were made to the development agreement and the project approvals. *San Francisco Tomorrow v. City and County of San Francisco*.
- Represented the City of Thousand Oaks in an appeal of the regional board's \$2.3 million fine for a sewage spill resulting from severe El Niño storm conditions. Following the State Water Resources Control Board's refusal to hear any appeal, a petition for writ of mandate was filed in Los Angeles County Superior Court. Ultimately, the regional board's \$2.3 million fine was overturned. *City of Thousand Oaks v. Regional Water Quality Control Board*.
- Represented the petitioner in a challenge to Riverside County's certification of an EIR and approval of a conditional use permit for the Eagle Mountain landfill proposed by Mine Reclamation Corp., a Kaiser entity. The litigation resulted in a judgment overturning the county's approvals and recovery of attorneys' fees. *National Parks and Conservation Association v. County of Riverside, et al.*
- Lead trial counsel representing the petitioners against the Los Angeles Unified School District over demolition of the Ambassador Hotel. The case resulted in a settlement after the school district was enjoined from demolishing the hotel. *Los Angeles Conservancy v. Los Angeles Unified School District*.
- Lead trial counsel representing the real party in interest in a CEQA matter relating to the development of Bay Meadows. After defeating a request for a temporary restraining order, the case settled on terms favorable for the developer. *Friends of Bay Meadows v. City of San Mateo*.
- Represented defendant Rancho Los Alamitos Foundation as lead trial counsel in a land use dispute that resulted in a bench trial verdict against the community association's claims and in favor of Rancho Los Alamitos Foundation's cross claims and an award for attorneys' fees. *Bixby Hill Community Association v. City of Long Beach, et al.*
- Lead trial counsel in a trial on the merits of disputed water rights that resulted in a complete defense judgment for our client, the City of Banning. *Beaumont Cherry Valley Water District v. City of Banning*.
- Represented the City of San Bernardino in a suit to recover costs associated with damage caused by the recharge of the Bunker Hill Groundwater Basin. Obtained a cash settlement of \$3.5 million before trial. *City of San Bernardino v. San Bernardino Valley Water Conservation District*.

## *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.
- “Water Board Issues PFAS Investigative Orders to Refineries and Bulk Fuel Storage Terminals,” *The Recorder*, April 26, 2021.
- “Fracking Ban Bill Fails, for Now,” *The Daily Journal*, April 16, 2021.
- “EPA Offers Few Answers in PFAS Disposal Guidance,” *Law360*, February 8, 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.
- “New Study Finds PFOA Is Carcinogenic: What Are the California Proposition 65 Implications?” *The Recorder*, July 24, 2020.
- “EPA’s Pass on Perchlorate Regulation Reduces Lawsuit Risk,” *Law360*, July 20, 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.
- “California Takes the Lead in Regulating PFAS Chemicals in Drinking Water,” *The Recorder*, February 24, 2020.
- “Decision on Standing in PFAS Cases Raises Serious Concerns,” *The Daily Journal*, October 23, 2019.
- “New Calif. Law Represents Strategic Shift in PFAS Regulation,” *Law360*, September, 18, 2019.
- “INSIGHT: Defense Authorization Bill Pushes Forward on PFAS Regulations,” *Bloomberg Environment*, August 30, 2019.
- “High Court May Take On Preemption in Superfund Case,” *Law360*, June 26, 2019.
- “Federal Agencies Dig In for Prolonged PFAS Fight,” *Law360*, May 22, 2019.
- “Calif. Regulators Should Account for PFAS Uncertainty,” *Law360*, April 3, 2019.
- “Letter to the Editor: Responding to OEHHA on PFAs,” *The Recorder*, February 28, 2019.
- “State Legislatures May Be Next Stop for Oil and Gas Regs,” *Law360*, December 18, 2018.
- “The New Reality of PFAS Liability in California,” *The Recorder*, November 20, 2018.
- “Insight: PFAS Liability Is Coming to California,” *Bloomberg Environment*, October 31, 2018.
- “PFAS: Not Your Typical Emerging Contaminants – Part 2,” *Law360*, May 31, 2018.
- “PFAS: Not Your Typical Emerging Contaminants – Part 1,” *Law360*, May 30, 2018.

- “Time to Protect Your Business from Risks Associated with PFAS,” *The Recorder*, May 16, 2018.
- “Cleanup Liability and Cost Recovery,” in *California Environmental Law and Land Use Practice*, LexisNexis, 2017.
- “Will Trump Unravel the EPA?” *Los Angeles Daily Journal*, December 27, 2016.
- “Confronting EPA’s Refusal to Consider Industry Costs,” *Law360*, October 31, 2016.
- “The Broken Science Behind Proposition 65,” *Law360*, August 8, 2016.
- “Judge Calls on Congress to Fix CERCLA,” *Los Angeles Daily Journal*, June 30, 2016.
- “A Smarter Approach to Renewable Energy Reliance in Calif.,” *Law360*, May 2, 2016.
- “The CPUC’s Realistic Approach Toward Energy Security,” *Law360*, January 29, 2016.
- “Proposed Methane Rules Show EPA Coming Around on Fracking,” *Environmental Litigation and Toxic Torts Committee Newsletter*, Vol. 17, No. 1, American Bar Association Section of Environment, Energy, and Resources, October 2015.
- “Gold King Mine Spill Points to EPA Institutional Failure,” *Law360*, September 9, 2015.
- “Little Fracking Risk, Despite EPA Disclaimers,” *Los Angeles Daily Journal*, June 12, 2015.
- “Looking at the Legal Deficiencies of Local Fracking Bans,” *Law360*, March 6, 2015.
- “SB 270: First State to Ban Plastic Grocery Bags,” *Los Angeles Daily Journal*, January 21, 2015.
- “2014 Fracking Year in Review: California Edition,” *Law360*, December 10, 2014.
- “Los Angeles Should Block Its Own Ban on Fracking,” *Law360*, December 5, 2014.
- “Counties Jumped Gun on Fracking Bans,” *Los Angeles Daily Journal*, November 10, 2014.
- “Science Refutes Fracking Opposition,” *Los Angeles Daily Journal*, September 30, 2014.
- “Calif. Anti-Fracking Ordinances on Shaky Legal Ground,” *Law360*, August 29, 2014.
- “Fracking Fights Are Increasingly Becoming Local,” *Law360*, July 2, 2014.
- “Legal Risks of Fracking Bans Are Real,” *Los Angeles Daily Journal*, June 24, 2014.
- “Fracking Ban Will Have Consequences,” *Los Angeles Daily Journal*, March 19, 2014.
- “In Santa Clara, Litigation Trumped Remediation,” *Law360*, December 3, 2013.
- “Responsible Energy Policies Are Not a Zero-Sum Game,” *Law360*, September 18, 2013.
- “Last Minute CEQA Bill Offers Quick Fixes to Procedural Rules,” *Los Angeles Daily Journal*, September 17, 2013.
- “Will Public Records Trailer Make the Budget?” *Los Angeles Daily Journal*, June 20, 2013.
- “Why Cost-Benefit Analysis in Enviro Law Is Superior,” *Law360*, June 12, 2013.
- “US Government Cannot Escape Liability Under CERCLA,” *Los Angeles Daily Journal*, January 23, 2013.
- “Calif. Fracking Litigation May Bring Economic Harm,” *Law360*, December 4, 2012.

## **Presentations**

- PFAS Contamination and Regulation in California, February 11-12, 2021.



- “PFAS Litigation and Regulation: What You Need to Know,” Impact 2019: Household & Commercial Product Association’s Mid-Year Meeting, Washington, D.C.
- “Use of Common Law Claims to Combat Climate Change,” 33rd Annual Spring Super Symposium: A Sustainable California: Practicing Environmental Law in the Age of Climate Change and Sustainability, Los Angeles, CA, April 12, 2019.
- “The Triple Threat Emerging Contaminant: An Examination of PFAS in Products Liability, Environmental Cleanup, and Toxic Torts,” 2019 Environmental & Energy, Mass Torts and Products Liability Committees’ Joint CLE Seminar , Laguna Beach, CA
- “PFAS: Not Your Typical Emerging Contaminant,” LACBA’s 32nd Annual Environmental Law Spring Super Symposium, Los Angeles, CA, April 13, 2018.

### ***Professional & Community Engagement***

- Los Angeles County Bar Association, Environmental Section, Executive Committee
- Los Angeles County Bar Association, Environmental Section, Executive Committee Fall Symposium Chair
- American Bar Association
- Association of Business Trial Lawyers

### ***Accolades***

- *Chambers USA*, Environment – California (2008 – 2022)
- *Daily Journal*, “Top 100 Lawyers in California” (2019-2020)
- *Thomson Reuters*, “Acritas Stars” (2021)
- *Lawdragon*, “500 Leading U.S. Environmental & Energy Lawyers” (2021)

### ***Education***

- Boston University (J.D., 1988)
- University of California, Los Angeles (B.A., 1985)

### ***Admitted to Practice***

- California

### ***Related Services***

Environment, Land Use & Natural Resources | Litigation | Environmental Litigation | Environmental Appellate Litigation | Land Use | Oil & Gas | Environmental Compliance, Permitting & Transactions | Appellate | Toxic Torts | Perfluoroalkyl & Polyfluoroalkyl Substances (PFAS) | Oil & Gas Litigation