



## Krista Hernandez

Counsel

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### *Related Services*

Environment, Land Use & Natural Resources ■ Litigation ■ Environmental Litigation ■ Environmental Appellate Litigation ■ Land Use ■ Oil & Gas ■ Environmental Compliance, Permitting & Transactions ■ Appellate ■ Toxic Torts ■ Oil & Gas Litigation

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Krista Hernandez is a member of Alston & Bird's Environment, Land Use & Natural Resources Group and has been litigating environmental matters for over 20 years. She has experience with contaminated properties, including both civil and administrative procedures, toxic torts and cost recovery litigation, and appeals of actions taken by agencies, related to soil and groundwater contamination, air emissions, vapor intrusion, and solid and hazardous wastes.

Krista also works with scientific experts in fate and transport, groundwater modeling, vadose zone modeling, remediation, toxicology, epidemiology, and medical causation, and develops strategies to effectively communicate complex scientific concepts to factfinders. She has extensive experience in handling environmental aspects of complex real estate and corporate transactions, including the review and analysis of environmental diligence materials and coordination of appropriate follow up inquiries, coordination of environmental review of properties by environmental consultants, and drafting and negotiating environmental contract provisions including allocation of environmental liabilities.

### *Representative Experience*

- Representing oil companies challenging a de facto moratorium on the issuance of well stimulation permits by the State of California, including claims that the state officials lack statutory authority to adopt a de facto moratorium and that the agency has implemented an underground regulation.
- Defending a medical sterilization company in lawsuits alleging personal injuries from alleged exposure to ethylene oxide emissions.
- Represented a residential home developer in toxic tort litigation alleging that contamination resulting from former oil storage facilities caused personal injuries and property damage and related regulatory action by the Los Angeles Regional Water Quality Control Board (RWQCB).
- Member of the trial team in an ecological toxic tort lawsuit against a U.S. aerospace and defense company 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.
- Member of the team defending a major aerospace company in federal RCRA and CERCLA cost recovery actions involving ammonium perchlorate and TCE in the Rialto and Colton groundwater basins. The case was ultimately settled on terms favorable to the client.

- Represented an oil and gas production facility regarding requests for variance relief, negotiated orders for abatement, and negotiating a resolution to notices of violation/notices to comply, as well as general counseling on compliance with air quality regulations before the South Coast Air Quality Management District.
- Represented an oil and gas exploration and production company regarding NPDES permits (construction and storm water), permits related to land disposal programs, and counseling regarding negotiation of and compliance with permits before the RWQCB.
- Represented a solid waste transportation, sorting, and recovery facility operator in an enforcement action brought by the South Coast Air Quality Management District involving allegations of odor nuisance.
- Represented a California city government in an appeal of the RWQCB'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 RWQCB's \$2.3 million fine was overturned.

## *Professional & Community Engagement*

- Los Angeles County Bar Association, Environmental Section, Executive Committee
- California Lawyers Association, Environmental Law Section
- California Independent Petroleum Association (CIPA)
- Western States Petroleum Association (WSPA)

## *Education*

- The University of Chicago (J.D., 2001)
- Wellesley College (B.A., 1996)

## *Admitted to Practice*

- California