

# Byron P. Gee

Partner | Los Angeles

bgee@nossaman.com

213.612.7843

777 South Figueroa Street, 34th Floor

Los Angeles, CA 90017



Byron Gee represents clients in trial courts and administrative hearings on all areas of water rights and environmental law. He specializes in the Comprehensive Environmental Response Compensation and Liability Act, the Hazardous Substance Account Act, the Resource Conservation and Recovery Act, the Clean Water Act and the California Porter Cologne Act. Byron also provides counsel in administrative proceedings and defended claims based on Federal, State, and local air quality regulations, as well as water rights disputes.

Before practicing law, Byron was a vice president and general manager at various oil companies. One of his main responsibilities was to ensure that these companies complied with all Federal, State and local environmental laws. He was named a "Super Lawyer" for Environmental Law in 2011-2017 by *Los Angeles* magazine.

## EXPERIENCE

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**Ultramar Inc.** Nossaman represents client in a dispute with private property owner and the Los Angeles Regional Water Quality Control Board regarding a former refinery in Santa Fe Springs, California. Nossaman developed a strategy with client to demonstrate that significant surface contamination was caused exclusively by current land owner and client was only responsible for a portion of the petroleum contamination.

**Duke Energy.** Represented Duke Energy in a contract dispute with Pacific Gas & Electric Company regarding ownership of CAA Title IV acid rain allowances. Nossaman previously represented Duke Energy in connection with the California power supply crisis of 2000-2001 and subsequent investigations by the CPUC, the California Attorney General and the State Legislature regarding operation of California power plants. Nossaman's representation of Duke Energy at that time involved interactions with the California Independent System Operator (CAISO), the California Power Exchange and other power marketing and generating companies.

**Valero Energy Corporation.** Represents client in a private party civil suit stemming from a petroleum release in Oakland, California. Nossaman asserted the Bay Area Regional Water Quality Control Board had primary jurisdiction over groundwater contamination and obtained a court ordered stay pending cleanup activities. Upon obtaining a No Further Action determination from the Regional Board, Nossaman convinced Plaintiff to dismiss its claims.

**ALONUSA.** Assisted client with a Central Valley Regional Water Quality Control Board order mandating client to remediate contamination caused by a prior owner of the site in Bakersfield, California.

**Gerdau Ameristeel v. TAMCO.** Represented buyer in indemnity claim to recover over \$10 million from seller who failed to properly obtain SCAQMD permits and significantly underreported air emission emissions. Resolved disputes with SCAQMD regarding the allocation of Sulfur Dioxide RECLAIM credits and negotiated settlement of penalties.

**Tesoro Corporation.** Nossaman represented client in the management of a marine terminal pipeline leak. Heavy petroleum from an adjacent oil production facility commingled with the pipeline release and Nossaman oversaw negotiations with the adjacent site owner and the Los Angeles Regional Water Quality Control Board to ensure that client's clean up responsibility was limited to the pipeline release.

**TAWA, Inc. (aka 99 Ranch Market).** Represented 99 Ranch Market in a high profile South Coast Air Quality Management District Order of Abatement that required the market to close its onsite restaurant. Settled the alleged violations for a nominal penalty.

**Valero Energy Corporation.** Nossaman represents Client negotiate clean up liability for various contaminated sites in the Hanford, California. Nossaman attorneys negotiated an equitable apportionment of clean up responsibility with other Potentially Responsible Parties. Nossaman also negotiated the use of Risk Based Closure with the Central Valley Regional Water Quality Control Board.

**Castaic Lake Water Agency.** Nossaman successfully prosecuted a lawsuit by the Castaic Lake Water Agency and three other water entities seeking funds for environmental clean-up costs and damages related to perchlorate groundwater contamination, which is an issue to be addressed by proposed remediation projects for some of Pasadena's groundwater supply. Nossaman secured a settlement providing the water agencies with \$100 million for contamination clean-up. In addition to representing the plaintiffs with respect to claims arising under CERCLA, HSAA and the common law, Nossaman handled insurance coverage issues related to the counter-claims filed by the defendants and recovered over \$6 million in attorneys' fees. We also handled administrative and political issues relating to the clean-up and obtained summary judgment against defendants establishing their liability for clean-up costs in a decision reported at 272 F. Supp. 2d 1053 (C.D. Cal. 2003). Nossaman also successfully represented this client in connection with storm water NPDES permitting issues before the RWQCB.

**Ultramar Inc. and ALONUSA.** Nossaman provided compliance counseling with respect to shipment of fuels that failed to meet CARB gasoline and diesel specifications. Advised clients on CARB penalty policy during non-compliance period and strategies for mitigating CARB penalties.

**Main San Gabriel Basin Watermaster.** Represents the Watermaster in water quality proceedings involving Porter-Cologne, NPDES regulations, CWA issues, and CERCLA. Representation includes administrative proceedings before the EPA, the Regional Water Quality Control Board (RWQCB), testimony at legislative hearings, and federal litigation under CERCLA. Negotiated a landmark \$350 million multi-party settlement. Under the settlement agreement, eight private companies responsible for contaminating the Basin's groundwater will pay for a series of water treatment facilities that will deliver clean water to 1.5 million residential and commercial water users in southern California.

**Cypress Street Investment.** Represented client before the EPA judicial hearing board to defend Oakland, California property owner from an EPA demand for \$31 million of clean up expenditures associated with chlorinated chemicals found on client's property. Based on a unique set of facts, Nossaman successfully asserted an innocent landowner defense in an Region 9 EPA administrative appeal hearing, clearing client of all CERCLA property owner liability.

**Port of Oakland.** Provided legal counseling for adoption of the Port's Master Air Quality Improvement Plan and Clean Truck Program to require drayage truck owners to comply with new ordinances and tariffs to reduce particulate emissions. The programs were successfully implemented without legal challenge from the regulated entities.

**CR&R Waste and Recycle Services.** Represented CR&R in alleged violation of SCAQMD's alternative fuel fleet rule for trash collection trucks. Nossaman obtained an exemption from SCAQMD Rule 1193 requirement to purchase alternative energy refuse collection vehicles. The exemption allowed CR&R to utilize clean diesel technology within the South Coast Air Basin. The exemption was the first granted by the SCAQMD under Rule 1193 and eliminated the need to purchase \$4 million in alternative fuel vehicle technology. Nossaman also negotiated a very favorable settlement of allegations that CR&R violated Rule 1193.

**Kirkland's Inc.** Nossaman represented Kirkland's Inc to settle California Air Resources Board allegations that client sold consumer products that failed to meet CARB volatile organic compound standards. Client settled for a fraction of CARB's penalty demand and applied significant funds to a Supplemental Environmental Project.

**Fletcher Oil and Edgington Oil.** Represented client in administrative hearings in front of the California Resources Board relating to gasoline and diesel fuel specifications and their impact on automobile and truck emissions.

**City of Ventura.** Represents the City of Ventura in obtaining a hotly contested NPDES permit before the Los Angeles Regional Board and defense of Clean Water Act claims by Ventura Coastkeeper.

**Santa Clara Valley Water District.** Represented the District in a comprehensive effort to clean up perchlorate contamination and recover costs from potentially responsible parties and their insurance carriers. We also represented the District in RWQCB proceedings against perchlorate dischargers, including developing and defending replacement water and contamination abatement plans. In addition, Nossaman defended the District in state and federal courts against 140 citizen suits related to the perchlorate contamination; the cases were dismissed with prejudice.

**City of Los Angeles.** Represents the City of Los Angeles, Harbor Division in two CERCLA cost recovery cases at the Port of Los Angeles to recover its response costs from site operators.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "Update on Water Quality Regulations & Litigation," Nossaman's 2018 Water Webinar Series, 09.13.2018

Speaker, "Groundwater Contamination: Proving and Defending Against Liability," Stratford Webinar, Los Angeles, CA, 11.2016

Speaker, "The Role of Insurance Policies and Insurance Coverage in a Successful Brownfields Development," Groundwater Resources Association of California Site Closure Strategies Conference, Concord, CA, 02.20.2008

### PUBLICATIONS

Co-Author, "Will Court Ruling Increase Government Superfund Liability?," *WLF Legal Opinion Letter*, 07.08.2011

## HONORS & RECOGNITIONS

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Named one of the Most Influential Minority Attorneys in Los Angeles for 2018 by the *Los Angeles Business Journal*

Selected to the Super Lawyers List for 2011-2017

Selected to the Rising Stars List for 2007

## PRACTICES

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Water Law

Environment & Land Use

Water Quality

Contamination & Natural Resource Damages

Clean Up of Groundwater & Contaminated Media

Climate Change & Resiliency

## INDUSTRIES

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Energy & Utilities

Water

## EDUCATION

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Loyola Law School, J.D., 1997

University of Southern California, M.B.A., 1988

University of California, Berkeley, B.S., 1979, Chemical Engineering

## ADMISSIONS

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California

U.S. District Court, Central District of California

U.S. District Court, Northern District of California  
U.S. District Court, Southern District of California