

# Workshop on Global Warming, Clean Air, Clean Water Law

Environmental Law Series Presented for Environmental Activists by  
Sierra Club Angeles Chapter Conservation Legal Committee and  
Loyola Law School Environmental Law Society  
March 7, 2009, Robinson Courtroom, Loyola Law School of Los Angeles

8:30	Sign-in and Networking	
9:00	Welcome	Vic Otten (Sierra Club), Dean Wallraff (LLS ELS)
9:10	Gathering the Facts: FOIA, California Public Records Act & Aerial Photos	Vic Otten, Trutanich•Michel, LLP
9:40	Federal vs. State Law & Jurisdiction	Dean Wallraff, Loyola Law School Environmental Law Society
10:10	Recovery of Attorney's Fees by Prevailing Parties	Thomas D. Mauriello, Esq.
10:40	Break	
11:00	Federal Clean Water Act, California Porter-Cologne Water Quality Act	Frank Angel, Angel Law
11:45	The Law of Global Warming	Gabriel M.B. Ross, Shute, Mihaly & Weinberger LLP
12:30	Break to get food	
12:45	Lunch Q & A Roundtable	Ursula Vosylius, Esq., Facilitator
1:45	Water Supply Law	Babak Naficy, Esq.
2:30	Clean Air Act and California Clean Air Statutes	Prof. Dan Selmi, Loyola Law School
3:15	Break	
3:30	Federal & State Jurisdiction over California Waters	Tracy Egoscue, Executive Officer, Los Angeles Regional Water Quality Control Board
4:15	Networking and Snacks	

# Workshop Sponsors

Sierra Club Angeles Chapter  
[Angeles.SierraClub.org](http://Angeles.SierraClub.org)

Loyola Law School  
[www.lls.edu](http://www.lls.edu)

Law Offices of Thomas D. Mauriello, APC  
[www.maurlaw.com](http://www.maurlaw.com)

Trutanich•Michel, LLP  
[www.tmlp.com](http://www.tmlp.com)

Law Offices of Sabrina Venskus  
[www.lawsv.com](http://www.lawsv.com)

# Workshop Committee

## **Sierra Club Angeles Chapter Conservation Legal Committee:**

Thomas D. Mauriello  
Vic Otten  
Ursula Vosylius  
Dean Wallraff

## **Loyola Law School Environmental Law Society:**

Kerstin Leistner  
Ngoc Nguyen  
Dean Wallraff

# Online Resources

## Workshop on Global Warming, Clean Air, Clean Water Law

March 7, 2009, Robinson Courtroom, Loyola Law School of Los Angeles

### Workshop Presentations and Information

- Audio recordings, handouts and PowerPoints from the Mar. 7, 2009 workshop will be available from approximately Mar. 15, 2009 at <http://www.llsels.org/airwaterworkshop.html>
- Last year's workshop on Land Use and Global Warming law: <http://www.llsels.org/landuseworkshop.html>

### Freedom of Information Act and Public Records Act

- <http://www.thefirstamendment.org/resources.html>
- Also see appendices in C-Win handbook referenced below

### Environmental Statutes

- Federal Clean Water Act
  - <http://www.epa.gov/lawsregs/laws/cwa.html>
- California Porter-Cologne Water Quality Control Act:
  - [http://www.swrcb.ca.gov/water\\_laws/docs/portercologne.pdf](http://www.swrcb.ca.gov/water_laws/docs/portercologne.pdf)
  - <http://ceres.ca.gov/wetlands/permitting/porter.html>
- California Global Warming Solutions Act of 2006
  - <http://www.arb.ca.gov/cc/docs/ab32text.pdf>
  - <http://www.climatechange.ca.gov/ab32/index.html>
- California Water Code (and other California Codes)
  - <http://www.leginfo.ca.gov/calaw.html>
- California Environmental Quality Act (CEQA)
  - <http://ceres.ca.gov/ceqa/>
- California SB 610 & SB 221
  - [http://www.groundwater.water.ca.gov/water\\_laws/index.cfm](http://www.groundwater.water.ca.gov/water_laws/index.cfm)
- Federal Clean Air Act
  - <http://www.epa.gov/air/caa/>
- California Air Pollution Control Laws
  - <http://www.arb.ca.gov/bluebook/bluebook.htm>

### California Water Impact Network Handbook

(the printed handbook given out at this workshop)

- <http://www.c-win.org/uploads/Guidebook.pdf>

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# **Environmental Law Workshop II: Global Warming, Clean Air, Clean Water**

Loyola Law School, March 7, 2009

## **Speaker Biographies**

### **Frank P. Angel** fangel@angellaw.com

Frank Angel has practiced law in California since 1984. He has been specializing in environmental, natural resources and land use litigation since the late 80's. Frank regularly appears in trial courts, appellate courts and before administrative agencies such as the California Coastal Commission and California local government decision-making bodies. He has worked with elected officials, as well as staff of the National Park Service, the California Department of Parks and Recreation, the California Regional Water Quality Control Board, Los Angeles Region, and the Santa Monica Mountains Conservancy to preserve significant open-space lands in the Santa Monica Mountains National Recreation Area, and to protect water quality. He also assists clients in the land use entitlement process. The cases Frank has been prosecuting seek enforcement of important public laws, such as the California Coastal Act of 1976, the Coastal Zone Management Act of 1972, the California Environmental Quality Act (CEQA), the Planning and Zoning Law, the Subdivision Map Act, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and local coastal plans, general plans and zoning regulations.

Frank Angel's appellate victories in *Sierra Club v. County of Los Angeles* (July 24, 2001, B128157) and *Sierra Club v. California Coastal Com.* (Feb. 27, 2003, B138627), were instrumental in a major, long-awaited Southern California parkland acquisition—the purchase in 2005 by federal and state public parkland agencies of 588 acres of open space in the heart of the Santa Monica Mountains. These appellate decisions invalidated local and state environmental review documents, as well as coastal land use plan amendments and the permits for a major campus development by Soka University of America on King Gillette Ranch.

In 2003, Frank Angel served as the City of Calabasas' lead CEQA counsel in complex environmental litigation against the County of Ventura and Washington Mutual, Inc. Calabasas and other affected local governments brought this litigation in response to Ventura's approval of the first phase of Washington Mutual's Ahmanson Ranch project. The litigation settled in the Fall of 2003, leading to the acquisition of the 2,890-acre Ahmanson Ranch by the Santa Monica Mountains Conservancy.

In addition to Frank's work to protect open space, he also supports appropriate development. He has represented various landowners resolve contentious property issues as well as achieved entitlements for clients facing opposition to their well thought out development. Clients have included Mr. & Mrs. James Brolin amongst others.

## **Tracy J. Egoscue**

**tegoscue@waterboards.ca.gov**

Tracy Egoscue is the Executive Officer of the Los Angeles Regional Water Quality Control Board. Prior to her appointment with the Regional Board, Tracy was the Executive Director and Baykeeper of the Santa Monica Baykeeper. As the Baykeeper, Tracy settled Baykeeper's 6-year Clean Water Act lawsuit against the City of Los Angeles for illegal sewage spills. This landmark \$2-billion-dollar settlement led to an ambitious 10-year program of rehabilitation of the City's sewer-pipe infrastructure. As a result of this settlement and her work as a Clean Water Act advocate, Tracy Egoscue won an award in October of 2004 from the Los Angeles Regional Water Quality Control Board.

In addition to the landmark settlement with the City of Los Angeles, Tracy has worked to eliminate once-through cooling at coastal power plants, and to protect streams and rivers throughout Los Angeles from illegal dredge and fill activity. In 2007 Ms. Egoscue launched a scrap metal yard enforcement campaign. In 2006 after a massive sewage spill in Manhattan Beach, Tracy led Baykeeper in a settlement with the Regional Board and Los Angeles County Sanitation Districts wherein \$2.5 million dollars went to regional environmental restoration projects. Also in 2006, Baykeeper helped ensure enforceable bacteria limits at Santa Monica Bay beaches during the summer months.

Tracy Egoscue's experience as the Baykeeper encompassed service as a member of the Los Angeles/Long Beach Harbor Safety Committee, President of the California Coastkeeper Alliance, and the Governing Board of the Santa Monica Bay Restoration Commission. In November of 2003, Governor Gray Davis appointed Ms. Egoscue to the Board of the California Climate Action Registry, and in January of 2006, the Speaker of the California State Assembly, Fabian Nunez appointed Tracy to the Technical Advisory Committee of the office of Oil Spill Prevention and Response.

Prior to her position as the Baykeeper, Tracy held a position with the California Department of Justice, Office of the Attorney General where she worked as a Deputy Attorney General in the Natural Resources Section. At the Attorney General's Office, Ms. Egoscue's work involved various state agencies including: the Department of Parks and Recreation, Department of Fish and Game, California Integrated Waste Management Board, Regional Water Quality Control Board, and the State Water Resources Control Board. Ms. Egoscue's legal experience encompasses endangered species, wetland impacts and mitigation issues, the California Environmental Quality Act, fisheries, and the Federal Clean Water Act.

Tracy Egoscue received her law degree from George Washington University in Washington, D.C., and a Bachelor's Degree from the University of California at Santa Barbara. Ms. Egoscue was raised in San Diego, California.

## **Thomas D. Mauriello**

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Mr. Mauriello has litigated environmental and land-use cases in state and federal courts throughout California under various California statutes, including the California Environmental Quality Act (CEQA), the California Endangered Species Act, the Planning and Zoning Law, the Integrated Waste Management Act, the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, and the Air Toxic Hotspots Act; under various California common law claims such as the public trust doctrine, nuisance, trespass, and boundary issues under various state and local statutes and ordinances; and under various federal statutes such as the National Environmental Policy Act (NEPA), the Clean Water Act, the Endangered Species Act, the Federal Highways Act, and the Administrative Procedure Act.

Mr. Mauriello's environmental and land use practice has focused largely though not exclusively on the representation of environmental and citizens' groups, using citizen suits and judicial review of agency actions as a tool to enforce our environmental laws and to strive for preservation and wise stewardship of the natural and human environment. Although the focus of these cases has been court litigation, these cases often involve legal advocacy over the life cycle of a project, including providing comments and testimony before administrative agencies, developing the administrative record, arguing administrative appeals, litigating cases in the trial courts, and appellate court review.

A wide range of clients have worked with Mr. Mauriello, including the Sierra Club, Center for Biological Diversity, Preserve South Bay, Spirit of the Sage Council, San Francisco Bay Institute, Environmental Health Coalition, and Save Our Forests and Ranchlands. He currently is a member of the Conservation Legal Committee of the Angeles Chapter of the Sierra Club, as well as a Legal Co-Chair for that Chapter. Mr. Mauriello also has published articles on environmental law issues and from 2001 through 2003, he lectured in environmental and land use litigation at California State University, East Bay (formerly Cal State University, Hayward).

## **Babak Naficy**

[babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net)

Babak Naficy has practiced public interest environmental lawyer since 1997. His practice is focused mostly on land use planning and CEQA, but he has litigated cases under the Endangered Species Act, Clean Water Act, NEPA, Proposition 65 and Subdivision Map Act. He lives with his wife and three children in Shell Beach in San Luis Obispo County. He can be reached at [babaknaficy@sbcglobal.net](mailto:babaknaficy@sbcglobal.net).

**Victor J. Otten**  
votten@tmlp.com

Prior to associating with Trutanich•Michel, LLP, Mr. Otten clerked with the Los Angeles Municipal Court hearing law and motion matters and conducted legal research for the Surfrider Foundation. He also worked for the Los Angeles civil litigation firm McGarry, Laufenberg & Raders where he developed his skills working on a variety of matters, including asbestos defense cases. He acquired trial experience prosecuting cases for the City of Torrance. Now, Mr. Otten's practice is primarily focused on the area of environmental law.

He has been involved in hazardous waste litigation appearing before all state and federal courts, including claims brought under CERCLA, RCRA, OPA, and other environmental laws. Mr. Otten also has represented clients in toxic mold, mildew, chemical exposure and indoor air contamination litigation in state court civil suits. He is active in environmental compliance counseling and planning concerning local, state and federal regulations, and negotiation with and representation before government agencies (USEPA, DTSC, RWQCB, AQMD et al.) regarding environmental compliance inquiries, notices of violation, directives, clean up and abatement orders and various other compliance orders.

Additionally, Mr. Otten handles counseling and analysis of Proposition 65 health risk exposure, notice duties, notice liability risks, product warnings and representation in related litigation. His practice also includes California Environmental Quality Act (CEQA) counseling and representation in state superior court proceedings.

**Gabriel M.B. Ross**  
ross@smwlaw.com

Gabriel M.B. Ross joined Shute, Mihaly & Weinberger LLP in 2004. His practice areas are include CEQA, the public trust, and endangered species.

Mr. Ross received his J.D. magna cum laude from NYU in 2002 and his B.A. from Swarthmore College in 1996. During law school he was managing editor of the NYU Law Review and editor-in-chief of the Commentator, the law school's biweekly newspaper. After graduation, he clerked on the United State Court of Appeals for the Fourth Circuit in Charleston, West Virginia, and for the Alaska Supreme Court in Anchorage. Prior to law school, he worked as a journalist for National Public Radio and the High Country News, and as a wildland firefighter for the BLM and the National Park Service.

Mr. Ross is a member of the Bar of the State of California, the U.S. Courts of Appeals for the Fourth, Ninth, and Tenth Circuits, and the U.S. District Court for the Northern District of California.

**Daniel P. Selmi**  
Daniel.Selmi@lls.edu

Daniel P. Selmi is a professor of law at Loyola Law School, Los Angeles, where he holds the Fritz B. Burns Chair in Real Property. He teaches Land Use Regulation, Environmental Law, Torts, and Appellate Advocacy. He has been a professor at Loyola since 1983, and served as Associate Dean for Academic Affairs from 1990 to 1993. From 1993 to 1994, Professor Selmi was a Visiting Scholar at the Environmental Law Institute, Washington D.C. Before joining the faculty at Loyola, from 1976 to 1983 he served as a deputy attorney general in the Natural Resources Law and Environmental Law Sections of the California Attorney General's Office. From 1975 to 1976, he served as judicial law clerk to the Honorable Manuel L. Real, United States District Judge, Central District of California.

Professor Selmi is co-author of *Land Use Regulation: Cases and Materials* (Aspen Publishers 1999, 3d edition forthcoming), and of the two-volume treatise *State Environmental Law* (West Group 1988 with yearly supplements). He also is co-editor of the multi-volume LexisNexis treatise *California Environmental Law and Land Use Practice*. He is a past chair of the California State Bar Committee (now Section) on Environmental Law. He has briefed and argued numerous environmental and land use cases, including over 25 appeals in the California and federal appellate courts.

**Ursula Vosylius**  
uvosylius@yahoo.com

Ursula Vosylius has been with Amgen Inc., the largest independent biotech company, collectively for seven years. She is a Senior Alliance Manager and is responsible for leading research and development transition teams as well as managing relationships with partner companies in support of Amgen's global licensing efforts. She previously served as a contract attorney for Jones Day in Los Angeles and practiced both U.S. and international intellectual property law in a variety of fields for the firms of Ashen & Lippman in Montrose, CA and Tope-McKay & Associates in Malibu, CA.

Prior to practicing law, Ms. Vosylius engaged in over 10 years of research and drug development, including protein chemistry research resulting in two patents and a publication in Protein Science.

Ms. Vosylius received her J.D. from Pepperdine University in 2001 and bachelors degree from Rutgers University with an emphasis in Molecular Genetics in 1994. She is also an alumna of the Graduate Science Careers scholarship program at the Robert Wood Johnson University of Medicine and Dentistry in New Jersey. Additionally, she received certificates in Directorship and Corporate Governance from the Anderson School at UCLA as well as in Alternative Dispute Resolution from Pepperdine's Straus Institute for Dispute Resolution.

Ms. Vosylius is an active member of the Conservation Legal Committee of the Sierra Club, Angeles Chapter as well as the Beverly Hills Bar Association and volunteers for Habitat for Humanity on occasion.

## **Dean Wallraff**

**dean@EnviroDefenders.org**

Dean Wallraff is Executive Director of EnviroDefenders, a non-profit organization dedicated to providing legal tools to environmental activists. As Conservation Chair of the Angeles Chapter of the Sierra Club, he was responsible for managing the Club's environmental work in Los Angeles and Orange counties, leading approximately 150 activists and 35 committees. He was one of the club's leading activists on the Canyon Hills and Tejon Ranch campaigns. As Conservation Chair, he founded the Chapter's Conservation Legal Committee, of which he is currently Vice Chair. He is also the Legal Co-Chair of the Sierra Club Angeles Chapter. As a member of the Sierra Club's national America's Wild Legacy Committee, he advocated at the national level for wilderness designations. Dean is employed as a law clerk at Trutanich•Michel, a Long Beach law firm, and is currently studying for his J.D. degree at Loyola Law School, where he is President of the Environmental Law Society.