



## CAPABILITIES OF AGRICULTURAL AND ENVIRONMENTAL LAW AND REGULATORY MATTERS HANDLED BY COLEMAN & HOROWITT, LLP

Coleman & Horowitz, LLP assists clients with agricultural and environmental matters in a wide variety of areas. This memo will outline the various capabilities of the firm's agricultural and environmental law department.

### Water Quality

- 1.1. Waste Water Discharges
  - 1.1.1. Obtaining Waste Discharge Orders (WDOs)
  - 1.1.2. Assist in compliance with Regional Water Quality Control Boards (RWQB) Agricultural Orders
  - 1.1.3. Discharges to a Public Treatment Works/Orange County/Santa Ana Watershed Project Authority (SAWPA)
  - 1.1.4. Identify and address Waste Hauler Issues
  - 1.1.5. Assist in, and manage communications with consultants regarding Nitrate Management under the Central Valley Salinity Alternatives for Long-term Sustainability (CV Salts)
  - 1.1.6. Representation before RWQCBs and other governmental agencies such Environmental Health Services (EHS) regarding Accidental releases
  - 1.1.7. Under Ground (UST) and Above Ground (AGT) Storage Tank
    - 1.1.7.1. Assist in/oversee obtaining necessary permits and creation of Hazardous Materials Business Plans (HMBP)
    - 1.1.7.2. Representation in enforcement

actions concerning alleges releases/leaks/discharges from USTs

- 1.1.7.3. Assist with and draft claims to the Underground Storage Tank Fund (USTF) to obtain reimbursement for acts taken to remediate the presence of petroleum allegedly due to releases from UST or AST.

### 2. Water Supply Issues

- 2.1. Sustainable Groundwater Management Act (SGMA)
  - 2.1.1. Draft Management Plans
  - 2.1.2. Representation when challenging fees/water allocations
- 2.2. Water Rights (Validating Riparian and Appropriative Rights when challenged and challenging the purported rights of others)
- 2.3. Assist with and oversee Streambed Alteration Agreements

### 3. Waste Disposal

- 3.1. Waste Treatment
  - 3.1.1. Permitting and contracting for facilities such as digesters
  - 3.1.2. Management of Hazardous and Solid Wastes
  - 3.1.3. Vectors/Flies etc.

### 4. Air Quality Issues

- 4.1. Fugitive Sources
- 4.2. Odors/Nuisance Claims to Air Districts

and other agencies/local gov't

- 4.3. Permitted Sources
  - 4.3.1. Stationary Sources
    - 4.3.1.1. Local Air District/South Coast APCD
    - 4.3.1.2. Federal Title V and Best Available Control Technology (BACT) issues
  - 4.3.2. Accidental Releases of hazardous materials such as ammonia

## 5. Enforcement

- 5.1. Representation when Notices of Violation (NOV) and other enforcement actions are received, including assistance at inspections, responding to document requests, coordinating testing by consultants for purposes of privilege.
  - 5.1.1. Examples We have negotiated with the CAL EPA, local Certified Unified Program Agencies (CUPAs), the Regional and State Water Boards, California Air Resources Control Board, Local Air Districts, Dept of Toxic Substances, Federal EPA, Army Corp of Engineers, Food & Drug Administration, State and Federal Fish and Wildlife, BLM, and local land use agencies

## 6. Food Safety Management Act ("FSMA")

- 6.1. Assistance with compliance with the various rules that include, Preventive Controls, Packaging, Registration, Record Keeping, Recalls, Good Management Practices, Transportation, import export rules, and on farm preventive controls.
- 6.2. Assistance in reviewing and revising contracts to comply with FSMA:
  - 6.2.1. Suppliers
  - 6.2.2. Customer Contracts
  - 6.2.3. Contracts with shipping entities for Sanitary Transport

## 7. Compliance with the Egg Products Inspection Act

- 7.1. Product Inspection
- 7.2. Sanitary Operating Practices
- 7.3. Pasteurization and labeling
- 7.4. Record keeping requirements
- 7.5. Identifying exempt activities
- 7.6. Seizure and condemnation proceedings

## 8. Land Use Issues

- 8.1. Zoning compliance and changing zoning
- 8.2. Obtaining Conditional Use Permits
- 8.3. Obtaining Variances
- 8.4. Representation before governmental agencies to ensure an adequate require has been prepared to support findings under the California Environmental Quality Act and defending (or challenging) CEQA determinations.

## 9. Chemical Facility Anti-Terrorism Standards (CFATS)

- 9.1. Assist in or handle discussion with Department of Homeland Security (DHS) regulatory agents
- 9.2. Assist with or handle the preparation of documents for review by
- 9.3. Determine whether the Ag Extension applies to any information requests regarding production facilities and explain determination to DHS agents

If you have any questions regarding the above or have a particular issue that should be addressed, please contact Lee N. Smith ([lsmith@ch-law.com](mailto:lsmith@ch-law.com)) the chair of the department or any of the members of the department in the chart set forth below.

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