



## Robert L. Hines

Partner

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Buzz Hines has practiced environmental law for 30-plus years, providing regulatory representation, compliance counseling, and strategic advice to clients with respect to federal, California, and local environmental, natural resource, real estate, and energy matters. He is the chair of Farella's Air Quality and Climate Change Group. Buzz is a Fellow of the American College of Environmental Lawyers.

A former Department of Justice Trial Attorney with the Environment and Natural Resources Division in Washington, D.C., Buzz has trial and litigation expertise, and regularly defends government and citizen enforcement actions and leads internal investigations. His practice also encompasses facility and project permitting, regulation of greenhouse gas (GHGs) emissions, administrative variance proceedings (including trials before administrative tribunals), site investigations, closures and cleanup, and Proposition 65 counseling, product stewardship, supply chain advice, and brand protection.

In addition, Buzz advises on renewable energy project development issues and property disposition matters, including due diligence, brownfield remediation, and securing immunities and environmental covenants. He also assists clients in obtaining environmentally-related insurance products and securing coverage for losses.

Buzz also works with clients in the wine and cannabis industries, where he assists with facility expansions, acquisitions, and agricultural and related product issues, such as advising on water diversion and use, FIFRA and state equivalent label requirements, and providing product stewardship advice.

Along with an enormous amount of hands-on experience, Buzz brings an exceptional ability to listen to and work with his clients – understanding their objectives, and integrating those objectives into the overall strategy. In the enormously complex field of environmental law in California, Buzz is a genuine trusted advisor and consummate industry professional.

Buzz is a frequent speaker on environmental law and related topics.

### Distinctions

- Fellow, American College of Environmental Lawyers (2017 to present)
- *Chambers USA*, Environment - California (2011-2022)
- *Best Lawyers in America*, Environmental Law (2010-2023)
- *Lawdragon 500, Leaders in Environmental Law* (2021, 2023)
- Northern California *Super Lawyers* in Environmental Law since (2021-2022)
- *Who's Who Legal: Environment* (2017-2022)

### Memberships and Affiliations

- Co-Division Director, Division III, Section of Litigation, American Bar Association (2021-2023)
- Co-Division Director, Division V – Substantive, Section of Litigation, American Bar Association (2019-2021)
- Member, Membership & Marketing Committee, Section of Litigation, American Bar Association (2018-2019)
- Co-Chair, Membership & Marketing Committee, Section of Litigation, American Bar Association (2017-

### Services

- Air Quality and Climate Change
- Cannabis
- Consumer Products + Manufacturing
- Data Center
- Energy + Infrastructure
- Environmental Law
- Environmental Regulatory / Compliance
- Natural Resource Protection
- Product Liability and Stewardship
- Proposition 65 Counseling and Defense
- Real Estate
- Renewable Energy
- Wine

### Education

- Golden Gate University (J.D., 1985)
- University of California, Berkeley (B.A., 1980)
  - Economics

### Bar Admissions

- California, 1986
- Hawaii, 1986

### Court Admissions

- 9th U.S. Circuit Court of Appeals, 1997
- U.S. District Court (C.D. Cal.), 1994
- U.S. District Court (S.D. Cal.), 1989
- U.S. District Court (E.D. Cal.), 1989
- U.S. District Court (N.D. Cal.), 1988
- U.S. District Court (Hawaii), 1986

### Clerkships

- U.S. District Court (Hawaii), Martin Pence, 1985–1986

2018)

- Co-Division Director, Division I – Membership and Benefits, Section of Litigation, American Bar Association (2016-2017)
- Co-Division Director, Division VII - Public Service and Special Projects, Section of Litigation, American Bar Association (2015-2016)
- Co-Chair, Regional Meetings Committee, Section of Litigation, American Bar Association (2014-2015)
- Co-Chair, National Institutes and Regional Meetings Committee, Section of Litigation, American Bar Association (2012-2013, 2013-2014)
- Co-Division Director, Division III - CLE and Programs, Section of Litigation, American Bar Association (2010-2011, 2011-2012)
- Member and Board Chair, Board of Directors, Ecology Project International (2010-2016)
- Court-Appointed Mediator, ADR Multi-Option Program, United States District Court, Northern District of California (1993- present)
- Life Fellow, American Bar Foundation
- Member, Advisory Council, Berkeley Symphony Orchestra (2010-present)
- Member and Treasurer, Board of Directors, Berkeley Symphony Orchestra (1997-2010)
- Co-Chair, ABA Annual Meeting (San Francisco), Section of Litigation (2010)
- Co-Chair, Alternative Dispute Resolution Committee, Section of Litigation, American Bar Association (2005-2008)
- Co-Chair, Environmental Litigation Committee, Section of Litigation, American Bar Association (2001-2005)
- Co-Chair, Environmental Enforcement Subcommittee, American Bar Association (1993-2001)
- Member, Panel of Arbitrators, American Arbitrators Association (1991- 2005)
- Adjunct Professor, Golden Gate University School of Law (Environmental Law Program) (1993-2000)
- American Academy of Attorney-Mediators, Inc., completed “AAM Seed Group” Mediator Training Program (February 1996)
- Trial Attorney, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice (Honors Program) (1986-1988)
- Member, Environmental Law Institute Leadership Counsel (2016 to present)

## Experience

### **Methane Recovery / Energy Production Facilities**

Represented DTE Energy Resources with environmental/land use entitlement issues under the California Environmental Quality Act (CEQA) and air quality permitting of methane recovery/energy production facilities in California.

### **Air Regulatory Representation and Defense**

Represent clients in project and/or facility permitting matters, contested adjudications/administrative variance proceedings before State of California Air Pollution Control Districts/Air Quality Management Districts, and enforcement defense related to Notices of Violations and related proceedings. Work with clients to ensure compliance with permit requirements and/or Air District rules, in a variety of facility and operational settings. Advise clients with respect to greenhouse gas (GHG) emissions and related aspects of California’s Global Warming Solutions Act (AB 32), including providing advice on compliance with California’s Cap-and-Trade Program, as well as the Low Carbon Fuel Standard (LCFS), which are part of AB 32.

### **Enforcement Defense**

Lead internal investigations, including working directly with clients on Code of Business Conduct/Spirit of the Law investigations. Engage in voluntary disclosures to governmental agencies/law enforcement where warranted, and represent clients in ensuing or related proceedings to avoid potential criminal liability and resolve matters on a civil or administrative basis. In this context, work with clients in proceedings involving local District Attorneys’ offices, California Circuit Prosecutors, U.S. Attorneys’ offices, and their client agencies

and/or investigative teams. Sometimes this work involves representation of “target” entities; other times the work involves cooperation with governmental entities as a “witness” or otherwise cooperating entity.

#### **Natural Resource Damage (NRD) Claim Defense**

Represent clients in proceedings to recover claimed natural resource damages, and negotiate and obtain NRD waivers where available.

#### **Site Cleanup Related Representation**

Work with clients in the context of legacy sites, and contaminated properties acquired through or linked to other disposition activities. Within California, this work involves regular interaction with Department of Toxic Substances Control (DTSC) regional offices and DTSC headquarters in Sacramento, Regional Water Quality Control Boards and the State Water Resources Control Board, and local agencies. In a recent matter in San Diego County, obtained AB 2061 lead agency designation for the local Department of Environmental Health, followed by approval of the preferred remedy set forth in the Remedial Action Plan (RAP), and ensured compliance with the National Contingency Plan (NCP) and California Health and Safety Code related requirements. In that context, obtained a Certificate of Completion regarding the completed remedial work, and provided testimony in the underlying cost recovery action brought by our client to support award of attorneys’ fees as “remedial counsel.” Also draft and negotiate Land Use Covenants where required, and assist in the placement of insurance where necessary and appropriate.

#### **U.S. EPA Superfund and Related Matters**

Represent clients in matters prosecuted by U.S. EPA under its Superfund authority, including Special Notice Proceedings under Section 122(e) and related private party allocation proceedings.

#### **Water Quality/Water Rights Representation**

Represent clients before each of the nine California Regional Water Quality Control Boards as well as the State Water Resources Control Board, in site investigation and cleanup and in enforcement defense for alleged permit or related violations. Represent clients in similar settings before local Publically Owned Treatment Works (POTWs) with enforcement authority. In addition, defend water rights investigations and complaints before the Water Rights Division of the State Water Resources Control Board, and work with clients regarding agreements and/or disputes concerning water access/rights.

## **Publications**

November 17, 2022

#### **Hazy Regulations: Cannabis and the Environment**

*ELI*

November 9, 2021

#### **Cannabis Farms in the Neighborhood: Water, Contaminants and Other Proximate Matters**

*Cannabis Industry Education Series*

May 26, 2021

#### **New Statewide Winery Order: What Wineries Need to Know**

*Wine Industry Education Series*

March 29, 2019

#### **Re-Imagining Environmental Governance: The Future of Environmental Law**

*ELI Vibrant Environment Blog*

March 2019

#### **The Uncertain Future of California’s Vehicle Emission Standards**

*ELR News & Analysis*

7/30/2018

**San Francisco Bay Regional Water Board Adopts General Permit for Vineyard Properties in the Napa River and Sonoma Creek Watersheds**

June 2017

**California Holds Fast to GHG Reduction in the Face of the Trump Administration**  
*ABA Section of Environment, Energy, and Resources*

5/10/2017

**Stability For Calif. Cap-And-Trade Program, For Now**

3/2/2017

**Be Prepared for California's Environmental Rules: Regulated Cannabis Brings Forth New Water Use Guidelines**

1/18/2017

**SB 32: Greenhouse Gas Goals Extended**

9/9/2016

**California Moves Forward With Aggressive Greenhouse Gas Emission Targets – Governor Brown Signs Into Law SB 32 and AB 197**

8/2/2016

**Update: Unraveling the Toxic Substances Control Act Reform Bill**

3/4/2016

**Implementation of California's New Groundwater Law Continues as DWR Releases Draft Emergency Regulations for Groundwater Sustainability Plans**

12/18/2015

**What the Toxic Substances Control Act Overhaul Means to Manufacturers**

3/24/2015

**Arsenic in Wine: What You Need to Know About the Class Action Claims**

3/17/2015

**California Groundwater Users Face Unpredictable Legal Frontier**

10/8/2012

**The Offset Market**

6/22/2011

**Supreme Court Blocks Climate Change Suit Against Utilities**

9/21/2010

**Calif.'s Bold New Green Chemistry Regulations**

9/10/2010

**California's Bold New Green Chemistry Regulations**

3/24/2010

**State Supreme Court Rejects Hypothetical Maximum Operating Capacity As Environmental Baseline Under CEQA**

11/16/2009

**Looking to the UN Climate Change Convention in Copenhagen: Upcoming Developments in the Climate Change Policy Arena**

*Looking to the UN Climate Change Convention in Copenhagen - PDF*

4/27/2009

**California Continues to Lead Efforts to Control Climate Change by Adopting the First “Low Carbon Fuel Standard” in the United States**

4/22/2009

**The Long and Winding Road: EPA Moves Closer to Regulating Greenhouse Gas Emissions Under the Clean Air Act**

3/12/2009

**EPA Releases Proposed Mandatory Reporting Requirement for Greenhouse Gas Emissions**

12/4/2008

**CARB Releases Instructional Guidance for Operators Required to Report Greenhouse Gas Emissions Under AB 32**

6/27/2008

**Draft Scoping Plan Released For Reducing California’s Greenhouse Gas Emissions**