

TOP CALIFORNIA ENVIRONMENTAL LAWYERS

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Leading California Environmental Lawyers Working with Clients Nationwide

Effectively managing environmental compliance is a key aspect of doing business in California. From operating existing facilities to acquiring vacant parcels for development, companies doing business in California must prioritize environmental compliance and risk management at every phase of the business lifecycle. This makes it extremely important to work with a team of highly experienced California environmental lawyers who can assist with identifying, interpreting, and applying all pertinent federal, state, and local environmental rules and regulations.

Meet the California Environmental Lawyers at Bick Law LLP

Alan Bick

Alan Bick is one of the Co-Managing Partners of Bick Law LLP. Alan has practiced environmental law for over 35 years.- He was previously a partner at a leading global law firm, where he served as co-chair of the firm's Environmental Practice Group. He assists clients with all aspects of environmental compliance, risk management, litigation, and enforcement.

Kimberly Bick

Kimberly Bick is the other Co-Managing Partner of Bick Law LLP. She is also the firm's founder, and she has also been practicing environmental law for more than 35 years. Kim has extensive experience representing a wide range of clients in industries ranging from real estate and manufacturing to aerospace and biotech, and she handles compliance, transactional, and enforcement matters.

Corrie Plant

Corrie Plant is a Partner at Bick Law LLP. She has practiced environmental law for over 22 years, including over 10 years at a leading global law firm before joining us. Since joining us, she has expanded her practice to encompass all aspects of environmental compliance and litigation. She has extensive experience in the areas of administrative, civil, and criminal environmental enforcement, as well as complex multi-party civil litigation.

Sheila Mojtehed

Sheila Mojtehed is Counsel at Bick Law LLP. She focuses her practice in the area of commercial litigation, and she has extensive experience in both state and federal courts. Her experience includes securing a first-of-its-kind ruling in a federal dispute over service of process and securing favorable outcomes in a wide range of civil and criminal proceedings.

Tyler Alexander

Tyler Alexander is a Senior Associate at Bick Law LLP. He joined the firm after serving as a Trial Attorney in the U.S. Department of Justice's Environment and Natural Resources Division (ENRD) for seven years. Prior to that, he clerked on the Eleventh Circuit.- He has litigated a wide range of environmental matters under both state and federal law, including water rights and takings cases, among many others.

Heather Dadashi

Heather Dadashi is an Associate at Bick Law LLP. Before joining the firm, she served as an Emmett/Frankel Fellow in Environmental Law and Policy at UCLA School of Law. She has interned with Los Angeles Waterkeeper, the Natural Resources Law Section of the California Attorney General's Office, and the California Coastal Commission, and she served as a senior editor for the *UCLA Journal of Environmental Law and Policy*.

What Business Owners and Executives Need to Know About Environmental Compliance in California

Due to the complexity of environmental compliance—and the risks of noncompliance—it is imperative that companies operating in California take an informed, comprehensive, and cohesive approach to meeting their statutory and regulatory obligations. Here is an introduction to some key concepts of which business owners and executives should be aware:

Federal Environmental Laws Apply to Everything from Groundwater Contamination to Air Pollution

Many of the environmental requirements that companies need to meet in California exist at the federal level. The Environmental Protection Agency (EPA) enforces a host of federal environmental laws, and it has promulgated extensive regulations under each of these laws that add to the challenges and complexity of federal environmental compliance management. Some examples of the major federal environmental laws that apply to companies doing business in California include:

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Clean Air Act (CAA)
- Clean Water Act (CWA)
- Endangered Species Act (ESA)
- National Environmental Policy Act (NEPA)

There are *many* other federal environmental laws as well, and EPA strictly enforces these laws across the country. Along with assessing compliance at companies' facilities, EPA also plays a central role in determining liability for off-site contamination, and EPA has a hand in ensuring that *someone* takes responsibility for cleanup operations at contaminated sites when these sites change hands.

California Has Its Own Unique (and Complex) Web of Environmental Laws and Regulations

California has adopted numerous environmental laws as well. These include the California Environmental Quality Act (CEQA) and the California Safe Drinking Water and Toxic Enforcement Act (Proposition 65), as well as **California's Climate Corporate Data Accountability Act**, among *many* others. Environmental regulations also exist at the state level, and local municipalities across the state have adopted rules governing everything from air pollution to wetland contamination.

As California environmental lawyers, we are intimately familiar with companies' compliance obligations at the federal, state, and local levels. We also know what is at stake when companies fail to adequately prioritize compliance. Our lawyers rely on their extensive

experience throughout the state (and across the country) to help our clients make informed, strategic, and cost-conscious decisions about what they need to do in order to avoid EPA (and Cal EPA) scrutiny and insulate themselves from other environmental liability risks.

Environmental Noncompliance Can Expose Companies to Civil or Criminal Enforcement

How important is **environmental compliance** in California? Even setting aside the fundamental reasons why environmental laws and regulations exist, environmental compliance is extremely important for a variety of reasons. At the federal and state levels, noncompliance can expose companies (and potentially their owners and executives) to civil or criminal penalties.

In civil enforcement cases, companies can face extraordinary financial liability. From EPA enforcement actions under CERCLA to enforcement actions under Proposition 65, companies targeted for noncompliance can face substantial fines—including fines that are imposed on a daily basis in some cases.-

Environmental Noncompliance Can Also Expose Companies to High-Stakes Civil Litigation

Not only can environmental noncompliance lead to enforcement actions by EPA, Cal EPA, and other governmental authorities, but it can lead to high-stakes civil litigation in many cases as well. This includes **commercial litigation** with other companies, potential complex multi-party toxic tort actions brought for personal injury and property damage, and **citizen suits** seeking to compel compliance with the law.

Our California environmental lawyers represent clients in all types of environmental litigation, from disputes over cleanup liability under CERCLA to litigation involving endangered species and natural resources. In all cases, we take a proactive, strategic, and forward-thinking approach focused on protecting our clients' interests not only in the instant litigation but also in the years and decades to come.

Effectively Managing Environmental Compliance Requires an Informed, Comprehensive, and Cohesive Approach

As we said above, effectively managing environmental compliance requires an informed, comprehensive, and cohesive approach. To manage environmental compliance effectively, companies must have a clear understanding of all of the laws and regulations that apply. They must also have a clear understanding of *how* these laws and regulations apply to their specific operations and, in turn, what they need to do in order to establish and maintain compliance on an ongoing basis.-

Companies Must Document Their Environmental Compliance Programs and Ongoing Compliance Efforts

This brings up another critical point: Not only must companies effectively manage environmental compliance, but they must also effectively document their compliance efforts. When facing scrutiny from regulators, documentation of compliance is mandatory. - Failure to maintain accurate and complete records as required by the regulations can result in significant penalties separate and apart from the underlying alleged noncompliance or violation.- It should also be noted here that severe penalties, including potentially criminal liability, can be assigned to an entity or individual if records are inaccurate, especially if records are intentionally inaccurate.

In sum, companies need well-documented environmental compliance programs for their own purpose of ensuring employees clearly understand how to comply with regulations, but even more importantly, companies need to maintain accurate records of their compliance efforts. When it comes to responding to scrutiny at the federal or state level, being in compliance with the underlying regulations, as well as the record-keeping requirements, is required to demonstrate that your company is in compliance.

Answers to FAQs About Environmental Compliance and Enforcement in California

What Environmental Laws Apply to Companies Doing Business in California?

Companies doing business in California are subject to numerous environmental laws at the state and federal levels. To manage environmental compliance effectively, companies must begin by conducting a comprehensive assessment of the laws, rules, and regulations that apply to their operations.

What Happens if You Violate Agency- Rules?

The consequences of violating EPA's or other agencies' rules vary depending on the nature and severity of the violation, the violator's compliance history, and various other factors. With this in mind, when companies violate EPA rules (whether intentionally or inadvertently), it is imperative to promptly assess the legal issues involved. In the vast majority of cases, a proactive response will be best, as ignoring known violations can lead to additional penalty exposure.- If a company knows it has not fully complied with a regulation as a result of a self-audit, coming forward to the agency may result in reduced penalties, especially if the company takes immediate corrective action to prevent ongoing noncompliance and mitigate any potential harm. If a company is unaware of potential non-compliance and receives a letter from an agency, that letter may require a response by a certain deadline. Types of letters include

- Notice of Deficiency
- Request for Information
- Corrective Action Required

Failure to respond by the deadline can result in a Notice of Violation with penalties attaching immediately.- In California, DTSC has authority to adjust penalties based on the following factors: multi-day or multiple violations (increase), economic benefit of noncompliance (increase), history of non-compliance (increase), lack of cooperation with the agency (increase), deterrent effect (increase), intent or knowledge of noncompliance (increase), and ability to pay (decrease).- In addition to immediately correcting the noncompliance, immediately consulting counsel is important to ensure that written responses to agency letters convey the company's best case to mitigate penalties in subsequent penalty negotiations.–

What Are the Penalties for Violating Environmental Laws or Regulations?

The penalties for violating environmental laws or regulations depend on the nature of the violation, the violator's intent (if any), and whether the law or regulation at issue exists at the state or federal level. In California, DTSC has the authority to assess penalties of up to \$70,000 per day, per violation in certain circumstances. Penalties are assessed based on a matrix looking at the "extent of deviation" on the one hand and the "potential for harm" on the other hand, ranging from "minimal" to "major" in gradation.- Most agencies, including DTSC, are willing to negotiate penalties pursuant to the factors identified above and within the penalty matrix and may consider, in addition, the parity of penalties assessed in other cases that have similar fact patterns. The presentation of "benchmark cases" can reduce penalties based on equitable arguments.- If your company has violated an environmental law or regulation—or is facing allegations of violating an environmental law or regulation—our lawyers can help address immediate corrective action and appropriate communication with the agency to lay the foundation for negotiation of reduced penalties based on the factors noted above that are applied to the penalty matrix.–

When Should You Hire a California Environmental Lawyer?

You should hire a California environmental lawyer any time you have questions or concerns about environmental compliance or an environmental risk, including, for instance, when you start your operations, change your operations, or when there is a change of regulations governing your operations. At Bick Law LLP, we assist clients with proactively managing environmental compliance, and we represent clients that are facing serious consequences due to allegations of noncompliance as well. If you would like to speak with a California environmental lawyer, we encourage you to contact us today.

Contact the California Environmental Lawyers at Bick Law LLP

To schedule a call with a California environmental lawyer at Bick Law LLP, call us at 949-432-3500. We will arrange for you to speak with one of our lawyers in confidence as soon as possible.