

# BICKLAW<sup>LLP</sup>

exclusively environmental

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## KIMBERLY BICK

**PARTNER**

### **Contact Information**

520 Newport Center Drive  
Suite 750  
Newport Beach, CA 92660

Email: [kbick@bicklawllp.com](mailto:kbick@bicklawllp.com)

Phone: 949-432-3502

Cell: 949-363-3057

Fax: 949-432-3494

# Biography

Kimberly Leue Bick is the founding and co-managing partner of Bick Law LLP. She has practiced environmental law since graduating law school in 1990 with a short hiatus to raise her two children. She has extensive experience representing major aerospace, manufacturing, land use, biotech, and real estate companies, in environmental litigation, regulatory compliance, enforcement, and corporate transactional work involving environmental issues. She also has defended companies in white-collar crime environmental matters. She regularly provides environmental counseling to corporations pertaining to regulations and business operations, and serves on the California Lawyers Association Racial Justice Committee and as Vice Chair of the Toxic Torts and Environmental Law Committee for DRI. Kimberly has unique subject matter training in contaminated sediment cleanup, from Texas A & M, which she has relied upon when representing clients in the Hudson River, N.Y., Portland Harbor, OR., and Harbor Island, WA. Prior to becoming a lawyer, Kimberly was formally educated as an environmental engineer, with bachelors and masters degrees from Stanford University and worked for several years for McDonnell Douglas Corporation (now Boeing Co.) as one of the company's primary environmental compliance and Superfund remediation engineers.

## Education/Admissions

### Education

- Stanford Law School, J.D., with distinction, 1990
  - Stanford Law Review
  - Stanford Environmental Law Journal
- Stanford University, B.S Applied Earth Sciences, 1985
- Stanford University, M.S. Civil Engineering, 1985
- Texas A&M Center for Dredging Studies, 1992 (certificate program)

### Bar and Court Admissions

- State of California - 1990
- Central District of California
- District of Arizona

## **Representative Matters**

### **Appellate Litigation**

- Represented settling PRP in the defense of a Ninth Circuit appeal of a challenge to CERCLA early settlement with state agency in Arizona.

### **CERCLA and Cost Recovery**

- Represented PRP at Portland Harbor, Harbor Island and San Fernando Valley Superfund Sites;
- Assisted shipbuilding company in the negotiation of Consent Decrees with EPA for response actions at Harbor Island and Portland Harbor Superfund Sites;
- Assisted aluminum smelter company with assessment and strategy for CERCLA and RCRA remediation;
- Successfully mediated private cost recovery action to recover response costs for client under CERCLA for San Fernando Valley Superfund Sites;
- Successfully negotiated settlement for client involving groundwater contamination in industrial area in Southern California with multiple sources;
- Represented agricultural pesticides manufacturer in a multiparty, proceeding involving contamination of groundwater;
- Represented numerous clients vis-à-vis the US EPA and California DTSC in CERCLA cleanup enforcement matters; and
- Represented aerospace company in connection with multiparty hexavalent chromium groundwater contamination assessment, remedial action plan, and PRP allocation investigations.

### **Clean Air Act**

- Represented major automobile manufacturer in California with CARB compliance issues; and

- Represented organization in challenge of SCAQMD rulemaking that was inconsistent with the Coastal Zone Management Act.

## **Clean Water Act**

- Defended a major utility company in an EPA enforcement action and remediation of contaminated sediments in the upper Hudson River;
- Assisted in the defense of a major waste management company in a CWA enforcement action and criminal investigation;
- Defended various manufacturing clients in California in enforcement matters initiated by RWQCB; and
- Defended a pulp and paper manufacturer in a CWA enforcement matter.

## **Common Law Litigation**

- Represented private Fortune 50 company in water purveyor common law damages lawsuit for alleged contamination of groundwater in Southern California;
- Assisted in the defense of an aerospace manufacturing client in a multimillion dollar state claim in California involving groundwater contamination;
- Managed the defense of a multiparty toxic tort case involving pesticide manufacturing in California; and
- Managed expert witness testimony for Fortune 50 company in a "contaminated community" toxic tort case in federal district court involving allegations of exposure to hexavalent chromium, PCE and TCE in air and groundwater.

## **Compliance**

- Assisted aluminum smelting company in Pacific Northwest with RCRA landfill issues;
- Assisted toy manufacturing client in California with OSHA, Rigid Plastic Packaging Container Act, Safer Consumer Products Act, RCRA, and other state statutes in a variety of states where the company's products are sold; and
- Assisted rocket testing company with compliance issues under RCRA, OSHA, CWA, and CAA.

## **Corporate and Real Estate Transactions**

- Assisted various companies with corporate transactions involving contaminated property;
- Represented seller of a manufacturing company in the drafting of environmental representations and warranties in deal documents for sale of company;
- Represented buyer of a manufacturing company in the review and negotiation of environmental language for deal documents including representations and warranties, indemnities, and disclosures; and
- Counseled various lenders, borrowers, sellers, purchasers, and other entities involved in financial agreements pertaining to companies and/or properties with environmental risks and liabilities.

## **Enforcement**

- Represented manufacturing interest in connection with penalty assessment for purported housekeeping violations; and
- Represented manufacturer against DTSC penalty assessments for purported waste disposal violations related to geothermal energy production.

## **Natural Resource Damages**

- Represented company with NRD assessment at former aluminum smelting sites and former shipbuilding sites in the Pacific Northwest; and
- Oversaw investigation of natural resource allegations and preparation of expert rebuttals.

## **Proposition 65**

- Represented acoustic manufacturer in TDCPP warning and labeling case; and
- Assisted in representation of faucet manufacturer in unlawful exposure case.

## **RCRA**

- Assisted company with RCRA issues related to remediation of former aluminum smelter site;
- Represented a waste management company with RCRA compliance and enforcement issues in Hawaii;
- Assisted rocket manufacturing company with storage, transportation and disposal issues for radioactive waste; and

- Assisted transportation company with hazardous waste transport issues and damaged packages issues.

## Sustainability

- Conducted global supply chain mapping of all products and packages manufactured by Fortune 500 company;
- Prepared compliance protocols, policies and procedures for Fortune 500 company to ensure rainforest products were not incidentally included in product packaging for products;
- Prepared training materials for global manufacturing company to comply with California statute eradicating human trafficking;
- Assisted Director of Sustainability at Fortune 500 company with reporting issues pertaining to the Global Reporting Initiative; and
- Assisted in commenting and drafting language for various regulations proposed in California, Washington, Maine, Minnesota and Michigan pertaining to Green Chemistry.

## White Collar Environmental Crime Defense

- Assisted in the defense of a major waste management company in a Clean Water Act enforcement action and criminal investigation; and
- Defended a geothermal energy company in a California state criminal action alleging unlawful disposal of hazardous waste.

## Publications

- "Contaminated Groundwater as a Resource in California," Hastings Environmental Law Journal (Winter 2018)
- "Calif. Contamination Cases: Response Cost Recovery Guide," Law 360 (June 2017) --
- "The DAPL and The Corps' Latest Clean Water Act Conundrum," Law 360 (September 2016)
- "EPA Clean Water Rule Rests on High Court Army Corps Case," Law 360 (August 2016)
- "Uncertainty For Environment Law After Scalia's Death," Law 360 (February 2016)-
- "Untangling 'Waters Of The US' Web In 6th Circ," Law 360 (October 2015)-

- "9th Circ Gives Growers Relief In Preserving Exemption," Law 360 (July 2015)-
- "Viewpoint: Fighting The Law Firm Motherhood Penalty," The Recorder (September 26, 2014)
- "How To Deal With Shareholder Enviro Risk Scrutiny," Law 360 (June 2013)
- "A Breakdown Of Safer Consumer Products Act," Law 360 (February 2013)
- "More Green Chemistry Regulations For Cali," Law 360 (January 2013) -----
- "Calif.'s Cap-And-Trade Program And Its Impact," Law 360 (November, 2012)
- "Upholding CWA Negligence Standard in the Fifth Circuit," Law 360 (May 2012)
- "Will the EPA Change its Ways," Los Angeles Daily Journal (March 2012)
- "Moving Toward Supply Chain Transparency," Law 360 (September 2011)
- "Supply Chain Transparency," Presenter, Los Angeles Area Chamber of Commerce/Southern California Ladies in Corporate Social Responsibility
- "Private Party Settlements in the Superfund Amendment and Reauthorization Act of 1986 (SARA)," Stanford Environmental Law Journal, Vol. 8 (1989)
- "Superfund Law and Procedure," West Publishing Company (1992), assisted co-authors, Allan Topol and Becky Snow, with research, drafting and editing.

## Insights

- Nevertheless, She Dissented: A Personal Tribute to RBG
- - US Supreme Court Finds Forest Service Can Lease Land Under Appalachian Trail for Pipeline Development
- The Supreme Court, the EPA, and the Question of Federal Jurisdiction Of The Clean Water Act
- California and 16 States and Cities Sue EPA in Federal Court Over Clean Water Act 2020 Rule
- The Supreme Court Creates "Functional Equivalent" Test in Clean Water Act Case
- U.S. Supreme Court Rules in ARCO v. Christian That State Law Monetary Claims Can Proceed, But Parallel Restoration Claims Under State Statute at a Superfund Site Require EPA Approval
- Tips For Improving Air Quality While Sheltering In Place
- COVID-19 Silver Lining – Low Gasoline Prices – But at What Cost?
- An Update on Trump's "Take" on the Migratory Bird Act – Cross Motions for SJ Filed
- Vapor Intrusion Investigations and Emergency Actions May Continue, As EPA Issues Interim Guidance Regarding Possible Delays In Superfund and RCRA Response Actions and Site Work During COVID-19 Pandemic

- Bick Law LLP Explains FDA's Oversight of the Food and Agriculture Sector During the COVID-19 Pandemic
- COVID-19 Halts The Supreme Court – Pending Environmental Case to be Heard in the Fall
- COVID-19 Follow Up – Investigations, Citizens' Suits, and Criminal Enforcement
- Bick Law LLP's Environmental Compliance Lawyers Help Companies Navigate Compliance During COVID-19 Pandemic
- Stanford Earth Scientists Develop Emissions Tracking Tool to Reduce Climate Change Impacts from Electricity Usage
- Proposed PFAS Regulatory Determinations Published By EPA
- The California Air Resources Board Is Considering Further Reductions in Consumer Products' VOC Content to Reduce California's Emissions Under the California Clean Air Act
- Clean Water Act Jurisdiction Extended to Cover Groundwater in Ninth Circuit
- Supreme Court Rules Jurisdiction for WOTUS Challenges is District Court
- Three Superfund Sites in California Made EPA's Redevelopment List