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EXPERTISE

Environmental Litigation
Enforcement Defense
Contaminated Property Transactions
Hazardous Waste and Hazardous Materials
Regulatory Reporting
Food and Agriculture
Weights and Measures
Product Labeling and Registration
Water Quality



Jennifer Hartman King

President

Ms. Hartman King is the founder and President of Hartman King PC. She represents clients in a broad range of federal, state and local environmental and regulatory matters, including providing regulatory advice, developing and implementing compliance programs, litigating disputes in state and federal court, defending government enforcement actions, advising on site investigation and remediation, handling environmental due diligence in mergers and acquisitions, and representing clients in real estate matters involving contaminated property. Her substantive expertise includes such areas as the federal Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the federal Clean Air Act (CAA), the federal Clean Water Act (CWA), California's Porter-Cologne Water Quality Control Act (Porter-Cologne), California's Hazardous Waste Control Law, and the Global Warming Solutions Act of 2006 (AB 32). Ms. Hartman King handles matters before various federal and state administrative agencies, such as the United States Environmental Protection Agency and its regional offices, the California Air Resources Board (CARB), the State Water Resources Control Board, the regional water quality control boards, local air quality management and air pollution control districts, and the California Department of Toxic Substances Control, among others. Ms. Hartman King also has deep expertise in weights and measures laws. Representing clients with operations throughout the United States, she provides compliance advice, develops and presents employee training programs and defends administrative, civil and criminal enforcement actions.

Ms. Hartman King is well known for developing strong relationships with her clients. She prides herself in partnering with those she represents to understand them and their business. She provides sophisticated and strategic advice in "plain English" and helps clients navigate complex areas of law to achieve their goals in the most effective and cost-efficient manner. She is proud to represent a wide

range of clients, including individuals, municipalities, small companies and Fortune 100 entities with operations throughout the United States and in multiple other countries. She has particular expertise representing retailers, manufacturers, real estate developers, property owners, the auto industry, and industrial, chemical, energy and petroleum facilities. She has served as outside environmental and regulatory counsel to one of the largest grocers in the United States for many years and represents multiple online product and service providers with operations throughout the country.

Before launching Hartman King PC, Ms. Hartman King developed her expertise as a member of the environmental practice groups at certain of the largest and most well-respected law firms in California. She also was an office Managing Partner and the environmental practice group leader at a prestigious big firm spin-off located in the Sacramento area.

Ms. Hartman King also has served at the highest level of state government, as Deputy Legal Affairs Secretary to California Governor Gray Davis. She provided legal advice and assistance to the Governor and his staff on a host of issues facing the state. She oversaw litigation challenging various decisions made by the Governor, including several high-profile cases, served as the primary liaison in the Governor's Legal Affairs Office for several state agencies and departments, and was responsible for reviewing significant legal and litigation issues on behalf of the Governor's Office.

In 2010, Ms. Hartman King was appointed by the California State Water Resources Control Board to serve on the Underground Storage Tank (UST) Cleanup Program Task Force. In that role, she worked closely with selected leaders in the environmental field to advise the Water Board on strategies for improving the UST Cleanup Program. She collaboratively devised, negotiated and prepared proposed resolutions for the Water Board that clarified and streamlined the Cleanup Program. The Water Board adopted several of these resolutions, thereby affecting the way UST sites are investigated, remediated, and ultimately closed.

Ms. Hartman King has been a long-time member of the National Conference on Weights and Measures (NCWM) and, in 2019, she was asked to join NCWM's Packaging and Labeling Subcommittee. In this position, she reviews and provides input on proposed regulatory revisions that have the potential to affect a wide range of product manufacturers, distributors, packers and sellers nationwide.

Before becoming a lawyer, Ms. Hartman King earned the distinguished honor of being selected by the United States Department of State to serve the Organization for Security and Cooperation in Europe as a voter registration supervisor in Bosnia Herzegovina (1996) and as a polling station supervisor in Republika Serbska (1998) for the first national election following the Balkan war.

Throughout her career, Ms. Hartman King has served on the boards of various professional and non-profit organizations. She was privileged to serve on the board of Women Lawyers of Sacramento for many years, including leading the organization as President in 2016. She currently serves on the board of California Women Lawyers as a District 2 Governor.

Ms. Hartman King is extremely honored to have been recognized with numerous awards for excellence in her fields of expertise. She has received Sacramento Business Journal's prestigious "Best of the Bar" award every year since its inception. She has been selected as a "Top Lawyer" by Sacramento Magazine every year the award has been issued. She also has been named among the Top 100 Lawyers in Northern California by Northern California Super Lawyers every year since 2014 and was listed among the Top 50 Women Lawyers in Northern California and Top 25 Lawyers in Sacramento in 2017. In 2018, she was featured in an in-depth story included in the annual Northern California Super Lawyers publication. Ms. Hartman King has also been featured in Sacramento Magazine and the Sacramento Business Journal on multiple occasions in relation to her career and accomplishments.

Representative Experience

Environmental and Regulatory Compliance

Serve as national outside environmental and regulatory counsel to leading natural and organic food grocery chain.

Represent largest global online retailer in complex regulatory matters.

Develop and assist in implementing national and state-specific compliance programs, including in the areas of weights and measures, solid and hazardous waste management, waste water discharge and stormwater management.

Handle and defend reporting obligations in various regulatory programs, such as the California Air Resources Board's Mandatory Reporting of Greenhouse Gas Emissions (MRR), Refrigerant Management Program (MRP) and In-Use Off-Road Diesel-Fueled Fleets Regulation (DOORS), the California Department of Toxic Substances Control's Safer Consumer Products regulations and the California Energy Commission's Appliance Efficiency Regulations (MAEDbS).

Counsel clients on state and federal pesticide labeling and registration requirements.

Assist manufacturers and retailers in complying with packaging and labeling requirements and weights and measures regulations.

Develop and implement various Standard Operating Procedures and related internal policies for regulatory compliance.

Create and deliver training presentations across the country on numerous compliance topics and at all levels of clients' organizational structure.

Advise clients regarding emergency spill reporting obligations.

Represent clients in permitting processes, with particular emphasis on hazardous waste generators, well installation and destruction, waste discharge requirements and underground storage tanks.

Environmental Litigation

Represent public and private clients in all aspects of environmental litigation, with particular emphasis on CERCLA, RCRA, Porter-Cologne and Hazardous Substances Account Act (HSAA), in both state and federal court.

Lead counsel representing a Northern California city in a complex, multi-party, soil and groundwater contamination case brought pursuant to CERCLA.

Lead counsel representing a municipality in an action involving alleged PCE contamination of the soil and groundwater at an active printing press site, brought pursuant to HSAA.

Lead counsel for a Northern California water district in prosecuting claims against adjacent landowners for contamination of multiple drinking water reservoirs.

Lead counsel for numerous defendants in actions involving alleged contamination associated with dry cleaning operations.

Represented fireworks manufacturer in defense of complex, multi-party, perchlorate contamination litigation in multiple United States District Court actions.

Lead settlement negotiator for Southern California landowner pursuing CERCLA response cost contribution against multiple landowners and tenants.

Represented retailer in defense of Proposition 65 action for failure to warn of health risks arising from exposure to hazardous substances.

Represented Southern California water purveyor in defense of water rights dispute involving litigation of Native American water interests.

Represented major defendant in successful mediation of multimillion dollar CERCLA contribution action involving Colorado mining town.

Enforcement Defense

Defend clients against governmental enforcement actions, including handling government inspections, cease-and-desist orders, information demands, notices of violation, notices of proposed action, and cleanup and abatement orders.

Represent clients through the administrative proceedings process before the federal Environmental Protection Agency, California Environmental Protection Agency, California Department of Toxic Substances Control, State Water Resources Control Board, the regional water quality control boards, California Air Resources Board, local air quality management and air pollution control districts, Department of Fish and Game, California Department of Pesticide Regulation, California Department of Resources Recycling & Recovery and others.

Specialties include weights and measures, solid and hazardous waste management, hazardous substance and petroleum product releases, site investigation and remediation, underground storage tank issues, pesticide product registration/violations, government audits, emergency spill reporting, permitting citations, and environmental criminal defense.

Defend numerous clients throughout California against state, county and city prosecutors in consumer protection cases involving alleged weights and measures, unfair competition and false advertising claims and involving alleged hazardous materials business plan (HMBP) and hazardous waste management violations.

Effectively defended multiple clients against the California Air Resources Board and California Energy Commission in enforcement actions alleging reporting and other violations.

Successfully defended numerous parties against enforcement actions brought by the California Department of Pesticide Regulations, including settling a multi-company audit involving a multimillion dollar notice of violation in the low five figures.

Represent multiple lenders that acquired contaminated property in borrower's bankruptcy proceeding, including representation before the Central Valley Regional Water Quality Control Board.

Represent Redding area former property owner in defense of responsible party order proposed by the Central Valley Regional Water Quality Control Board.

Lead counsel for defendants in multiple environmental criminal enforcement actions brought by the California Environmental Circuit Prosecutors.

Served as lead counsel for large state contractor in a California Department of Health audit dispute, achieving zero reimbursement victory for client.

Site Investigation and Cleanup

Develop strategic approaches to contaminated site investigations, removal actions and remediation, including coordination with governmental oversight agencies and other interested or responsible parties to achieve practical, prompt and cost-effective results.

Represent prominent Southern California commercial real estate owners in site investigation and cleanup involving DTSC and former tenant responsible party.

Advise Bay Area developer on strategic approaches to investigation and remediation of former dry cleaner site involving County Certified Unified Program Agency (CUPA).

Lead counsel for numerous public and private parties conducting soil and groundwater contamination investigation and remediation under government order.

Represented major energy company in power plant siting and permitting process.
Negotiate cost sharing agreements between responsible parties to minimize client costs.

Secured numerous site closure determinations and obtained comfort and “no further action” letters for many clients.

Real Estate Transactions

Represent and advise clients in real estate transactions involving contaminated property, including purchase and sale agreements, leases, environmental due diligence, disclosures, and deed restrictions.

Strategically counsel clients regarding deal structuring to minimize environmental liabilities and maximize the benefits of available protections and remedies, with particular focus on urban in-fill development.

Negotiate environmental disclosure, indemnity and release agreements to protect clients from liability for legacy and future contamination.

Represent clients in procurement of environmental insurance.

Lead environmental counsel to major Sacramento area developer in the purchase of contaminated property, including strategic deal structuring and negotiation of a prospective purchaser agreement with DTSC and covenant not to sue from the Central Valley Regional Water Quality Control Board.

Represent owners and trustees in negotiating the potential sale of numerous commercial, industrial and agricultural properties.

Lead environmental counsel for multiple developers acquiring property located on a former Northern California military base.

Prior Experience

Cota Cole LLP, *Office Managing Partner, Environmental Law Partner and Practice Group Chair*

Downey Brand LLP, *Environmental Law Attorney*

McDonough, Holland & Allen PC, *Environmental Law Attorney*

Office of California Governor Gray Davis, *Deputy Legal Affairs Secretary*

Bingham McCutchen LLP (now Morgan Lewis LLP), *Environmental Law Attorney*

Organization for Security and Cooperation in Europe, *Elections Monitor*, Republika Serbska

Organization for Security and Cooperation in Europe, *Voter Registration Supervisor*, Bosnia Herzegovina

Memberships and Community Involvement

Women Lawyers of Sacramento, Board of Directors, President (2016), Vice President (2015), Secretary (2014), Treasurer (2013), Judicial & Other Appointments Committee Co-Chair (2010-2012)

California Women Lawyers, District 2 Governor (2020-2021), District Governor At Large (2019), District 2 Governor (2013-2015), Judicial & Other Appointments Committee Member (2013), In-House Counsel Committee Member (2013)

Sacramento Child Advocates, Board Chairperson (2012-2013), Board Vice-Chairperson (2010-2012), Resources Committee Chair (2010-2012), Resources Committee Member (2009), Board Development Committee Member (2009-2012)

American Bar Association, Member of Environment, Energy & Resources Section (2006-Present), Section of Women Environmental Litigators Member (2010-Present)

California State Bar, Environmental Law Section Member (2000-Present)

Sacramento County Bar Association, Environmental Law Section Member (2004-Present)

Asian/Pacific Bar Association of Sacramento (2020)

Wiley W. Manual Bar Association (2020)

Awards, Publications, and Presentations

Awards:

Top 100 Northern California Lawyers, *Northern California Super Lawyers*, 2014-2020

Top 50 Women Lawyers in Northern California, *Northern California Super Lawyers*, 2017

Top 25 Lawyers in Sacramento, *Northern California Super Lawyers*, 2017

Best of the Bar, *Sacramento Business Journal*, 2013-2020

Top Lawyer, *Sacramento Magazine*, 2015-2020

Publications:

Featured in Northern California Super Lawyers annual publication, "The Artful Dance," August 2018

Featured in Sacramento Magazine, "Faces of Environmental and Real Estate Law in Downtown Sacramento," March 2016

Featured in Sacramento Magazine, "Getting Started: Six Women Entrepreneurs Explain What It Took To Launch Their Businesses," October 2014

Environmental Law Update, "Eleventh Circuit Joins Swelling Tide of Rulings that § 113 Contribution is the Exclusive CERCLA Remedy Available to Parties Subject to Consent Decrees," Co-Author, 2012

Environmental Law Update, "U.S. Supreme Court Issues Landmark CERCLA Decision Allowing Cost Recovery of Voluntarily Incurred Cleanup Costs – But Some Issues Remain," Author, 2007

Shopping Center Management Insider & Professional Office Building Management, Vendome Publications, "New EPA Rule Requires Buyers, Tenants to Broaden Environmental Investigation" (2006), Contributor and Insider Source

Commercial Tenant's Lease Insider & Commercial Lease Law Insider, Vendome Publications, "Tenants Can Protect Against Environmental Liability By Complying With EPA Rule," (2006), Contributor and Insider Source

Journal of International Law and Foreign Affairs, Former Staff Member

Presentations:

Industrial Environmental Association (IEA), "Recent Regulation and Enforcement Developments Involving Emerging Contaminants: Per- and Polyfluoroalkyl Substances (PFAS)," (2020), Presenter

Air & Waste Management Association (A&WMA), "An Overview of California Air Resources Board's In-Use Off-Road Diesel-Fueled Fleet and heavy-Duty and Equipment Fleet Regulations," (2020), Presenter

CLA Business Law Section Agribusiness Committee, "Environmental Liability in Agribusiness: 3 Often unforeseen Threats that Pack a Big Punch," (2019), Presenter

California Women Lawyers Annual Conference, "Careers in environmental and Public Impact Litigation," (2019), Panelist

Industrial Environmental Association (IEA), "Trends in Hazardous Material Business Plan (HMBP) Inspections & Submitting Compliant HMBPs," (2018), Presenter

CalCIMA, "Trends in California Unified Program (CUPA) Hazardous Materials Business Plan (HMBP) Inspections," (2018), Presenter

California State Bar Annual Conference, "Latest Legal Trends in In-Fill Development," (2014), Presenter

Association of Commercial Real Estate, "Make More Money, Successfully Close More Transactions: New Federal Due Diligence Requirements," (2006), Presenter

Lorman Education Services, "Environmental Concerns in Commercial Real Estate Transactions," (2006), Presenter

Lorman Education Services, "Commercial Real Estate Financing: Environmental Aspects of Commercial Real Estate Transactions," (2005), Presenter

Education

University of California, Los Angeles, School of Law, Los Angeles, California (J.D., 2000)

University of California, Davis; Davis, California (B.A., 1996)

Admitted to Practice in:

California