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EXPERTISE

Environmental Litigation

Enforcement Defense

Contaminated Property Transactions

Hazardous Waste and Hazardous Materials

Regulatory Reporting

Water Quality



D. Kevin Shipp

Counsel

Mr. Shipp is Counsel at Hartman King PC. He represents businesses and government entities in litigation, regulatory actions, and in the negotiation of agreements. Mr. Shipp has extensive experience handling matters that arise under a broad range of federal, state, and local environmental laws and regulations, including the federal Resource Conservation and Recovery Act (RCRA), California's Hazardous Waste Control Law (HWCL), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), California's Hazardous Substance Account Act (HSAA), the federal Clean Water Act (CWA), California's Porter-Cologne Water Quality Control Act (Porter-Cologne), California's Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), and the California Environmental Quality Act (CEQA).

Prior to joining our team, Mr. Shipp gained invaluable experience working in house at the California Department of Toxic Substances Control (DTSC). He worked on a variety of complex and high profile matters, including DTSC's largest clean up action in its history.

Representative Experience

Prosecuting and defending numerous cost recovery actions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and California's Hazardous Substance Account Act.

Prosecuting and defending numerous citizen suit actions brought under the federal Resource Conservation and Recovery Act (RCRA), the federal Clean Water Act (CWA), California's Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), and the California Environmental Quality Act (CEQA).

Lead an enforcement action against hazardous waste facility owner and operator for hazardous waste violations.

Defense of clients in litigation and regulatory actions related to alleged leaking underground storage tanks at gasoline service stations.

Successfully obtained insurance coverage for owners and operators dry cleaning operations and owners of real property where dry cleaner was located.

Representing creditor in complex bankruptcy action where debtor sought abandon its contaminated property and discharge liability for release on and from that property.

Working with a trustee and regulator agencies to implement closure and corrective action requirements at an industrial facility.

Obtained a judgement in favor of a major energy company on a motion to dismiss in an indemnity lawsuit brought by a national insurance company.

Successfully challenged projects approved by local agencies under the California Environmental Quality Act (CEQA).

Negotiated cost sharing agreements for development projects on contaminated properties.

Defense of government entity in hazardous waste enforcement action brought by county prosecutors, successfully reducing monetary penalty amounts and narrowing injunctive provisions.

Defense of clients in the energy and retail industries in civil and administrative enforcement actions.

Providing strategic advice to landowners regarding contaminated property site investigation and remediation.

Prior Experience

California Department of Toxic Substances Control, *Senior Counsel*

Rogers Joseph O'Donnell, *Associate Attorney*

Education

Lewis and Clark Law School; Portland, Oregon (J.D., 2006.)

Indiana University Purdue University Indianapolis; Indianapolis, Indiana (B.S., 2002)

Professional and Community Involvement

Environmental Law Section of the California Lawyers Association

Admitted to Practice in:

California