

KEVIN J. DAEHNKE, ESQ.

Summary of Experience

Active in the environmental legal arena since 1981, when he co-founded and served as Editor-in-Chief of USC's *Journal of Law and the Environment*, Mr. Daehnke's practice focuses on issues relating to chemical and petroleum contamination of soil and groundwater. Mr. Daehnke's main emphasis is on environmental regulatory matters and transactional environmental matters, including those relating to Brownfield redevelopment projects, real estate purchase/sales transactions, business and estate succession planning, and mergers and acquisitions. Mr. Daehnke's 30 years as an attorney also includes significant experience as litigation counsel in major Superfund matters, environmental cost recovery and insurance coverage litigation, and multi-party toxic tort lawsuits. Mr. Daehnke began his career at the downtown L.A. law firms of Musick, Peeler and Garrett and Hill, Farrer & Burrill, and has more recently served - for over 15 years - as the managing partner of the firm now known as Daehnke Cruz Law Group, LLP. Mr. Daehnke was appointed by the California EPA to serve as an ongoing member of its Brownfields Redevelopment Advisory Group. He was a Founding Member of the Brownfields Committee of the California Redevelopment Association, and past Chair of the Policy Committee of the California Chapter of the National Brownfields Association. Mr. Daehnke served as Chair of the Brownfield Roundtable for the Los Angeles Area Chamber of Commerce, has authored or contributed to numerous publications, including co-authorship of a hazardous waste manual published by the California Chamber of Commerce, and has served on various trade group and regulatory committees and panels which address Brownfield and other contamination-related environmental issues. Mr. Daehnke is active in developing legislative and regulatory incentives for revitalizing contaminated sites, including legislation affecting multi-parcel projects, Brownfield loan programs and Brownfield liability reform. Mr. Daehnke's most significant legislative success is the creation, drafting and passage of Senate Bill 989, an important new tool for the development of contaminated sites in California.

Education:

J.D. - University of Southern California, 1983.

B.A. - Economics (Honors), Arizona State University, 1980.

Professional Affiliations:

California Bar Association

Environmental Law Section

Real Property Law Section (Past)

Los Angeles County Bar Association

Environmental Law Section

Litigation Section (Past)

Orange County Bar Association

Environmental Section (Executive Committee - Past)

Industry/Lobbying Affiliations:

Brownfield Redevelopment Advisory Group (BRAG)

Cal EPA Appointee

Cal. Association for Local Economic Development (CALED)

Founding Member, Brownfields Committee

California Redevelopment Association (Past)

Founding Member, Brownfields Committee

National Brownfields Association, California Chapter (Past)

Past Chair, Policy Committee

Member, Executive Committee

Member, Statewide Brownfield Task Force, Cal. EPA (Past)

Los Angeles Area Chamber of Commerce

Chair, Brownfields Roundtable (Past)

Chair, USC Environmental Law Advisory Board (1984-1988)

Chair, Legislative Committee, OII Steering Committee (Past)

Representative Legal Experience:

Advises cities (and previously redevelopment agencies) and developers on environmental immunity and cost recovery aspects of the Polanco Act/AB 440.

Assisted in amending and obtaining legislative re-authorization of California's "Polanco Act."

Represented wide-range of clients in major toxics litigation, including CERCLA, insurance disputes and cost-recovery litigation.

Has worked with California legislature, personally, and through efforts on National Brownfields Association and the Brownfields Committee of California Redevelopment Association.

Organizes seminars and publishes articles on topics ranging from Brownfields redevelopment, SB 989, AB 389, and contamination issues in business and estate succession planning

Monitors legislative and regulatory developments in toxics arena.

Co-author of comprehensive toxics manual, published by the California Chamber of Commerce and distributed to thousands of businesses statewide.

Co-founded and served as Editor-in-Chief of USC's *Journal of Law and the Environment*.

Created, drafted and secured passage in Cal. State legislature of landmark SB 989 legislation, statewide environmental cleanup immunities for real estate developers and others that utilize this newest of California's Brownfields tools.

Advises cities and developers on strategy and use of SB 989 Ground Tenant Brownfield Tool.

Presented training on SB 989 to 37 cities (redevelopment agencies) and to California State regulators.

Past Chair of the USC Environmental Law Advisory Board.

Organized and served as Chair of Brownfields Roundtable of Los Angeles Area Chamber of Commerce.

Assists developers with environmental cleanup aspects of the redevelopment of contaminated "Brownfield" sites.

Insurance coverage counsel in major toxics lawsuits, including litigation pertaining to the Stringfellow Acid Pits, the BKK Landfill and the Casmalia Landfill.

Served as Liaison Counsel to the EPA on behalf of ninety-five (95) PRP's at the OII Superfund site.

Developed comprehensive toxics program for owners and managers of high-rise medical office buildings.

Publications:

1. Author, "Contaminated Real Property and Estate Succession Planning," *Planned Giving Today*, Vol. 24, Nos. 7 and 9, 2013.
2. Author, "SB 989: The Newest Tool in the Brownfield Toolbox". *Redevelopment Journal*, April 2007.
3. Creator, drafter and legislative liaison for passage of California's newest Brownfields' tool, Senate Bill 989, 2005-2006.
4. Author, "Federal Changes To Environmental Liability: Where do we go from here?" *Redevelopment Journal*, February 2004.
5. Author, "Insurance Strategies in Environmental Cost Recovery Litigation," *Litigation Section Newsletter for the Civil Trial Lawyer*, Vol. 17, No. 3, Winter 2001.
6. Author, "The Hard Road to California Redevelopment," *Brownfield News*, September/October 2001.
7. Co-author, "The Practical Implications of the *Aerojet* Decision," *California Environmental Law & Remediation Reporter*, April 1998.
8. Author, "The Silver Lining in Contaminated Properties," *Orange County Business Journal, Commercial Real Estate Supplement*, February 23, 1998.
9. Author, "Making Your Community Attractive to Brownfields Investment," *Redevelopment Journal*, California Redevelopment Association, January 1998.
10. Interviewed by William Johnston, "How to Make Money Remediating Brownfields Sites," *Daily Commerce*, March 11, 1997.
11. Author, "Expansive Due Diligence: Preparing for Contingent Environmental Claims," *California Environmental Law & Remediation Reporter*, December 1996.
12. Author, "Expansive Due Diligence: Preparing for Contingent Environmental Claims," *Environmental Liability, Enforcement and Penalties Reporter*, April 1996.
13. Author, "Environmental Risk Management for Banks: Avoiding Pitfalls of Contaminated Collateral," *California Banker*, March/April 1993.
14. Author, "Insurance Coverage for Toxics Cleanups," *Hazardous Waste Management Handbook: Guidelines for Compliance*, May 1987.
15. Author, "How to Structure Business Transactions to Avoid Toxics Liability." *Hazardous Waste Management Handbook: Guidelines for Compliance*, May 1987.
16. Co-author, *Hazardous Waste Management Handbook: Guidelines for Compliance*, California Chamber of Commerce, May 1987.
17. Editor-in-Chief, Proceedings from Symposium on "Energy and the Oceans," *USC Journal of Law and the Environment*, 1983.

Seminars/Speaking Engagements:

1. Organizer and Presenter, California State Bar Trusts and Estates Section Webinar, "Contaminated Real Property: Proactive Planning Strategies to Maximize Estate Value and Avoid Draconian Results," June 8, 2012.
2. Organizer, Moderator and Panel Presenter, *Jumpstarting Renewable Energy Projects Using the Bona Fide Ground Tenant Model*, national "Brownfields 2011" program (in Philadelphia), April 5, 2011.
3. Presenter, "SB989: California's Newest Brownfield Redevelopment Tool," Professional Environmental Marketing Association, December 10, 2007.
4. Sponsor, Organizer and Presenter, *SB 989: A New Solution to Redevelop Contaminated Infill Properties*, a program presented to 37 redevelopment agencies and state regulators, December 6, 2006 and April 5, 2007.
5. Moderator, *Alternatives to State Law Parity with Federal Superfund Liability Reforms*, national "Brownfields 2003" Conference, Portland, Oregon.
6. Moderator, *Legislative Developments Panel*, California State Bar Association "Environmental Roundtable," May 2002.
7. Testimony, *Multi-Parcel Brownfield Redevelopment*, Committee on Environmental Health, Safety and Toxic Materials, April 2001.
8. Panel presenter, *Creative Brownfields Approaches from the Los Angeles Region*, national "Brownfields '98" program, November 16-18, 1998.
9. Panel presenter, *The Private Site Manager Program*, "Environmental Cleanup and Land Reuse: Second Generation Land Use," Fourth Annual Government Conference On the Environment - Environmental Solutions and Trade Show, Sacramento, California, March 10, 1998.
10. Program Chair, Moderator and Panel presenter, "Brownfields: The Redevelopment Boom of the 21st Century," Los Angeles Area Chamber of Commerce, March 20, 1997.
11. Program Coordinator and Moderator, "Air Toxics and Environmental Cleanup Developments," Seminar for Southern California Rock Products/Ready-Mix Concrete Trade Associations, 1995.
12. Keynote Address, "Impacts of Proposition 65 on Industry," Meeting of Southern California Rock Products/Ready-Mix Concrete Trade Associations, 1993.
13. Panel presenter, "Insurance Recoveries for Environmental Claims," Annual Meeting of National RIMS Risk-Management Association, 1993.
14. Program Coordinator and Moderator, "Toxic Loans," Western Independent Bankers Association, Los Angeles, September 1992.
15. Program Coordinator and Moderator, "Toxic Loans," Western Independent Bankers Association, San Francisco, September 1992.
16. Panel presenter, Annual "Superfund Development" Conference, Information Network for Superfund Settlements, Chicago, Illinois, Spring 1992.
17. Presenter, "Proposition 65 and Recent Environmental Developments," Hazmacon Conference, Spring 1991.
18. Presenter, "Environmental Insurance and Proposition 65 Issues," Annual Hazmacon Conference, Spring 1990.
19. Presenter, "Proposition 65," Annual Hazmat Conference, Fall 1989.
20. Speaker, "Environmental Concerns for Businesses," Annual Meeting of Plumbing and Piping Industry Council, February 1989.
21. Presenter, "Environmental Risk Management," Winter Conference, Western Association of Insurance Brokers, Steamboat Springs, Colorado, Winter 1989.
22. Program Moderator and Panel Presenter, National Safety Council Seminar on Environmental Issues, August 16, 1988.
23. Guest, "Toxics and You," TV Station KVLV, Channel 6, May 4, 1988.
24. Guest, "Toxics and You," TV Station KVLV, Channel 6, April 20, 1988.
25. Keynote Address, "Survival Under Prop. 65," Los Angeles Chapter of International Association for Hospital Security, April 13, 1988.
26. Panel Moderator, "Proposition 65: Is it Safe to Go Back in the Water?," Sixth Annual Environmental Law Symposium, USC *Journal of Law and the Environment*, March 5, 1988.
27. Presentation, "Toxic and Infectious Substances: Planning to Avoid Disaster." Meeting of Committee on Architecture for Health, American Institute of Architects, February 11, 1988.
28. Keynote Address, "Toxics: Minimizing Underwriting Risks." Meeting of Insurance Underwriter's Association of Los Angeles, September 16, 1987.
29. Moderator, "Toxics Liability: Minimizing the Risks Facing California Insurers." One day seminar, sponsored by Western Security Surplus Insurance Brokers, May 28, 1987.