

Earl L. Hagström
Partner, San Francisco, California

Environmental Litigation
 Wetlands
 Eminent Domain
 Water Quality
 Admiralty & Energy
 Hydraulic Fracturing



EARL L. HAGSTRÖM

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Current Scope of Practice

A member of the firm's Environmental Practice Group, Earl Hagström represents clients in matters concerning water quality, groundwater and hazardous waste litigation, wetlands delineation and mitigation banking as well as eminent domain actions. He draws upon his extensive experience in geology and hydrology in assessing liability and compliance requirements. Mr. Hagström is also a member of the firm's Hydraulic Fracturing Task Force. Prior to joining Sedgwick, he served as an exploration geologist for the Phillips Petroleum Company as part of its California and Frontier Exploration Group, and he also served as an exploration supervisor for British Petroleum in its North Alaska Exploration Group.

Mr. Hagström was awarded an AV Peer Review Rating by LexisNexis Martindale-Hubbell and has been named one of the Bay Area's top lawyers by Bay Area Lawyer Magazine. Mr. Hagström was also selected by his peers as one of the top 5 percent of Northern California environmental attorneys. In addition, Mr. Hagström is an Adjunct Professor of Environmental Policy and Planning at the College of Marin and he has been appointed to the college's Planning and Resource Allocation Committee.

Mr. Hagström has been retained as an expert in the application of CERCLA and has represented clients before the U.S. EPA, and the California DTSC, as well as Regional Air and Water Quality Boards. Mr. Hagström also assists clients with the purchase and sale of environmentally distressed properties and has represented environmental engineers in remediation design litigation. Mr. Hagström successfully represented a defendant before the U.S. District Court of California in the first perchlorate groundwater contamination case tried in California. Mr. Hagström has also directed the valuation of environmental liabilities in bankruptcy proceedings and environmental indemnities in facility acquisitions. Mr. Hagström has represented insurance clients in OPA actions and NRDA claims under CERCLA and OPA.

Mr. Hagström's published decisions include *Catellus Development v. USA* (828 F. Supp. 764 N.D. Cal. 1993) and *Catellus Development v. USA* (34 F.3d 748 9th Cir.1994). Mr. Hagström has also successfully tried CERCLA and tort-based contamination cases before juries, courts and in administrative proceedings.

Affiliations, Activities and Accomplishments

Mr. Hagström is a member of the Environmental Section of the American Bar Association, the National Groundwater Association, the California Ground Water Association, the Executive Board for the

Environmental and Water Law Section of the Bar Association of San Francisco (1995-2009), and a former member of the San Francisco Bay Planning Coalition, and the California League of Food Processors. He has also been elected Vice-President of the Professional Environmental Marketing Association for the 2010-2011 term. From 1990 to 1993 he served as the firm's representative to the San Francisco Chamber of Commerce Environmental Educations Committee and to the California Manufacturers Association Environmental Quality Steering Committee. He is also a former member of the National Brownfields Association and the Air & Waste Management Association. Mr. Hagström received the firm's Mentor of the year award in 2009.

Mr. Hagström has spoken and published extensively on issues related to groundwater, hazardous waste, and hydraulic fracturing. Mr. Hagström is the editor and a contributing author for "Perchlorate: A Scientific, Legal and Economic Assessment," (Lawyers and Judges Publishing, March 2006). He also serves as a permanent member of the National Ground Water Association's Environmental and Water Law National Speakers Panel.

Publications

- "Hydraulic Fracturing Litigation Is on the Rise," Sedgwick *Hydraulic Fracturing Digest*, September 2011.
- "Hydraulic Fracturing in the Marcellus Shale – Strategies for Legal and Regulatory Compliance," Navigating Legal Issues around the Marcellus Shale, Aspatore Books, Thompson Reuters Publishing, June 2011.
- "Managing the Challenges of Climate Change Regulation for the Built Environment," Inside the Minds: The Legal Impact of Climate Change, Aspatore Books, Thompson Reuters Publishing March, 2010.
- "Climate Change, the Next 'Hot' Topic in Product Liability Litigation," Defense Research Institute, December 2008.
- "Muddy Waters," *Los Angeles Lawyer Magazine* article reviewed in *Natural Resources & Environment*, ABA Section of Environment, Energy and Resources, Spring 2008, Vol. 22, No. 4
- "Muddy Waters, The Maximum Contaminant Level, Non-Degradation Dichotomy," *Los Angeles Lawyer Magazine*, December 2007
- "The Maximum Contaminant Level, Non-Degradation Conflict," *American Bar Association Environment, Energy, and Resources Law, The Year in Review 2006*
- "Perchlorate: A Scientific, Legal and Economic Assessment," Lawyers and Judges Publishing, March 2006
- "E-Discovery Proposed Amendments, Emerging Case Law and Litigation Issues," Mealey's MTBE Teleconference: October 11, 2005
- "MCLs, PHGs and Damages," Mealey's Water Contamination Conference, September 26-27, 2005
- "Perchlorate Litigation: Shifting Standards and Strategies," National Ground Water Association, May 2005
- "Perchlorate Litigation, Regulation and Legislation: Where Will It Take Us?" Ground Water Association of California, August 2004

- “California’s Water Wars,” *San Francisco Recorder*, May 2004
- “Perchlorate: the Chemical Du Jour in Environmental Law,” *ABA Superfund and Hazardous Waste Quarterly Report*, June 2003
- “Beware the Polanco Act,” *San Francisco Recorder*, March 2003
- “Environmental Liability for Medical Waste” and “Underground Storage Tank Liability,” *Healthcare Liability Deskbook*, West Publishing, 2000
- “Underground Storage Tanks: Managing the Hidden Liability,” *Journal of Health Care Risk Management*, June 1994
- “Coping with Underground Storage Tank Regulations,” *Risk Reporter* Vol. 5 No. 2, Spring 1993
- “Municipal Liability Under CERCLA: Are Municipalities Paying Their Fair Share?” Air & Waste Management Association’s 86th Annual Meeting, June 1992

Presentations

- “Hydraulic Fracturing and the Legal Onslaught: Preparing for EPA Actions, New Statutory Requirements, and the Growing Litigation Threat,” Speaker, Stafford Webinars, September 27, 2011
- “Hydraulic Fracking: Understanding and Managing the Risk,” co-presented to clients, NJ and NY (April 11-12 and May 5, 2011).
- “How Bankruptcies Will Affect Environmental Lawyers in 2011,” Speaker, ExecSense Webinar, January 2011
- “What Environmental Lawyers Need to Know About Hydraulic Fracturing,” Speaker, ExecSense Webinar, September 2010,
- The Environmental Law Section, Moderator, San Francisco Bar Association’s Ethics & Environmental Law 2009 Continuing Legal Education Seminar, San Francisco, CA, January 30, 2009
- National Groundwater and Environmental Law Session, Co-chair, 2008 Groundwater Summit, Memphis, TN, April 2008
- “The Maximum Contaminant Level Non-Degradation Dichotomy,” Speaker, National Groundwater and Environmental Law Annual Conference, Dublin, OH, July 2007
- “Recovering Damages in Groundwater Litigation,” Speaker, Western Regional Water Law Conference, San Francisco, CA, July 2006
- “Lost Use Damages – Who Gets to Recover Them,” Speaker, National Groundwater Association Water Law Symposium, Irvine, CA, May 2006

- “Assessing and Defending Against Toxic Tort Risks,” Panelist, Northern California Chapter: Society for Risk Analysis Toxic Tort Symposium, San Francisco, CA, May 2006
- “Recovering Lost Use Damages Under Common Law Theories: Are You Paying Twice,” Speaker, NW Contaminated Sediment Series, Seattle, WA, April 2006
- “MCLs, PHGs and Damages” and “E-Discovery Proposed Amendments, Emerging Case Law and Litigation Issues,” Co-chair, Mealey’s MTBE Teleconference, October 2005
- “MTBE Liability Theories,” Panelist, Mealey’s Water Contamination Conference, Marina Del Rey, CA, September 2005
- “Perchlorate Litigation: Shifting Standards and Strategies,” Speaker, and “Perchlorate Regulatory Roundtable,” Panelist, National Ground Water Assoc. MTBE and Perchlorate Conference, San Francisco, CA, May 2005
- “Perchlorate in California’s Groundwater: Recent Legislation, Regulations and Legal Issues,” Panelist, Groundwater Resources Assoc. of California 11th Annual Symposium, Los Angeles, CA, August 2004
- “California’s Hazardous Waste Laws: What’s New and What’s on the Horizon,” Speaker, Annual California Environmental Law Update, San Francisco, CA, July 2004
- “What To Do Right When Things Go Wrong,” Speaker, Ecology & Environment Annual Environmental Compliance and Counseling Symposium, New York, NY, October 2003
- “A Defense Perspective, Perchlorate Groundwater Litigation,” Speaker, Northern California Chapter of Risk Assessors, San Francisco, CA, November 2003
- “UST Liability,” Speaker, Southern California Assoc. of Healthcare Risk Managers and the California Society of Healthcare Risk Managers, Los Angeles and San Francisco, CA, Fall 1994
- “Trading Emission Reduction Credits,” Session Chair, Air & Waste Management Association’s 86th Annual Meeting, Denver, CO, June 1993
- “Municipal Liability Under CERCLA: Are Municipalities Paying Their Fair Share?” Speaker, Air & Waste Management Association’s 85th Annual Meeting, Kansas City, MO, June 1992

Education

Mr. Hagström earned his J.D. (1990) from the University of San Francisco School of Law, where he served as President and Public Program Director of the Environmental Law Society and was a recipient of the American Bar Association’s Certificate of Excellence for its Urban Government Section. He also received an award for best oralist in the 1990 National Environmental Moot Court Competition held at Pace University, and was nominated for an American Jurisprudence Award in California Land Use Planning.

Mr. Hagström received his B.A. (1976) in geology from Boston University and his M.S. (1978) in geology with a concentration in sedimentation and stratigraphy, *magna cum laude*, from the University of Rhode Island.

Pro Bono

Mr. Hagström is an arbitrator for the City and County of San Francisco's Homeless Shelter and Assistance Program.