



## R. Morgan Gilhuly

Principal

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333 Bush Street, Suite 1500, San Francisco, CA, 94104

### **Morgan specializes in environmental compliance counseling and environmental litigation.**

For more than 35 years, Morgan has represented defendants in complex environmental regulatory and litigation matters involving industrial and commercial facilities, oil refineries, mining sites, and agricultural chemicals. He also regularly advises clients on Clean Air Act permitting and enforcement, and California's cap-and-trade and low-carbon fuel standard regulations. Morgan has provided long-term counseling to clients regarding four Superfund sites in Silicon Valley, and he has extensive experience with brownfields redevelopment. Morgan has tried cases involving alleged PCE, hexavalent chromium, and petroleum contamination.

Morgan's experience at the firm includes:

- Advising clients regarding the law related to climate change, including California's Cap-and-Trade regulation and Low Carbon Fuel Standard, and state and federal Mandatory Reporting Regulations
- Representing clients in federal and state enforcement actions, litigation and administrative proceedings under the Clean Air Act, CERCLA, EPCRA, the Clean Water Act, and state law
- Providing advice regarding the environmental aspects of real estate transactions, including due diligence, purchase and sale of contaminated properties, and contracting
- Prosecuting and defending citizen suit claims under federal and state environmental law, including RCRA, Clean Water Act, and Proposition 65
- Representing clients in cases involving soil and groundwater contamination, and toxic tort and property damage cases
- Representing clients in federal and state courts and before government agencies, including the US EPA, Regional Water Quality Control Boards, Air Quality Management Districts, and city and county agencies

### **Education**

- Amherst College (B.A., 1980)
- Yale Law School (J.D., 1986)
  - Executive Editor, *Yale Journal on Regulation*

## Bar Admissions

- California

## Court Admissions

- U.S. District Court – Northern District of California
- U.S. District Court – Eastern District of California
- U.S. District Court - Central District of California
- U.S. District Court – Southern District of California
- U.S. Court of Appeals - Ninth Circuit
- U.S. Court of Appeals – Tenth Circuit

## Professional Affiliations

- Bar Association of San Francisco
- Served as a Judge *Pro Tem* in the Contra Costa Superior Court
- Taught environmental law as an adjunct professor at University of California, Hastings College of the Law
- Guest Speaker, U.C. Berkeley Extension CERCLA/RCRA course (1994–1997)

## Honors & Awards

- *California Lawyer*, California Lawyer of the Year in Environmental Law (2012)
- *Best Lawyers®*, Lawyer of the Year in environmental litigation for the San Francisco metropolitan area (2013)
- *The Best Lawyers in America®*, a Best Lawyers® publication, recognition in Environmental Law (2013-2025)
- *Chambers and Partners – USA*, Band 3 in Environmental Law (2024)
- *Super Lawyers*, part of Thomson Reuters, San Francisco, Super Lawyer (2004-2025)

## Representative Matters

- Representing a major industrial gas manufacturer with respect to Cap-and-Trade, Low Carbon Fuel Standard and Title V permit compliance
- Counseling Fortune 500 technology company with respect to three Superfund sites in Silicon Valley, including negotiations with regulatory agencies concerning investigation, remediation, risk assessment and vapor intrusion issues, and in cost recovery litigation with other responsible parties

- Counseling technology company in EPA enforcement proceedings regarding former semiconductor facilities in Mountain View
- Defending Fortune 500 company in lawsuits by public and private water districts alleging contamination of drinking water with an agricultural fumigant
- Counseling several companies that owned and operated a former wood treating facility in a lawsuit brought by more than 2,000 plaintiffs in the Eastern District of California alleging violations of the Clean Water Act, the Resource Conservation and Recovery Act, and personal injuries and property damage
- Defending a chemical company in multiple actions brought by municipalities, water providers and landowners alleging contamination and subsequent closure of drinking water wells due to the dry-cleaning solvent perchloroethylene
- Representing two railroad companies in Polanco Act litigation, including trial and appeal to the Ninth Circuit Court of Appeals, concerning petroleum and metals contamination in Stockton. Redevelopment Agency of the *City of Stockton v. BNSF Railway Co.*, 643 F.3d 668 (9th Cir. 2011)
- Counseling landowners in regulatory proceedings concerning a large ranch in the Sacramento Delta area, including site investigation and development of a remedial strategy, creating a fixed-fee site closure plan, and obtaining environmental insurance for unanticipated cleanup costs
- Representing a coalition of landowners and water districts in a federal action alleging violations of the Endangered Species Act and of municipal separate storm sewer NPDES permits concerning discharges to the Sacramento-San Joaquin Delta, *Coalition for a Sustainable Delta et al. v. City of Stockton and County of San Joaquin*, No. 2:09-CV-00466-JAM-DAD (E.D. Cal.)
- Defending a national bottled water company in Lanham Act, false advertising, and unfair competition claims brought by a statewide class of consumers and a competitor seeking over \$150 million in damages
- Defending a major oil company in multiple lawsuits brought by more than 14,000 plaintiffs concerning a release of a chemical catalyst from a San Francisco Bay Area refinery