



Jill E.C. Yung

Partner, Real Estate Department

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Jill Yung is a partner in the Environment and Energy practice of Paul Hastings and is based in the firm's San Francisco office. Ms. Yung represents utility-scale solar developers, brownfields developers, hazardous waste handlers, recycling facilities, and manufacturers in a variety of industries on a wide range of complex counseling, compliance, and litigation matters involving environmental, renewable energy, and natural resource issues. In particular, she provides counsel on regulatory compliance issues under various federal and state statutes including, but not limited to, (CERCLA (liability for releases of contamination), RCRA (hazardous waste management and liability), FIFRA (pesticides), CWA (jurisdictional determinations), ESA, NHPA, NEPA, and CEQA.

Recent Representations

Litigation

- Successfully defended multiple litigation matters involving claims under ESA, NHPA, NEPA, NAGPRA, CEQA, and California tax law (including Proposition 26).
- Independent Energy Producers Association v. County of Riverside (Case No. INC 1200838). Petition principally claimed that the fee violated the limitations on the County's taxing authority imposed by the California Constitution and other state laws. Additional claims included allegations that the fee was preempted by a tax exemption passed by the Legislature in furtherance of several state policies that aim to encourage the development of renewable energy sources. Successfully negotiated a settlement agreement and revised policy that is significantly less onerous and in line with practices in other counties.
- Elk Hills Power, LLC v. California State Board of Equalization (California Supreme Court Case No. S194121). Successfully represented Amicus Curiae Independent Energy Producers Association (IEP) in challenging the Board of Equalization's methods for imposing an ad valorem tax, or property tax, on the

San Francisco

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Practice Areas

Environment and Energy
Real Estate

Admissions

California Bar

Education

Dartmouth College, A.B. 1999
Northwestern University
Pritzker School of Law, J.D.
2005

Jill E.C. Yung (Continued)

- Emission Reduction Credits held by an independent power generator.
- Velasquez v. County of Imperial (Case No. ECU07294). Successfully defended permits for a utility-scale solar project against a union's attempt to challenge Imperial County's interpretation of its General Plan and the County's conduct under CEQA and the Brown Act. It is scheduled to be heard on August 19.
 - Defenders of Wildlife v. Jewell, No. 14-01656 (C.D. Cal.) [First Solar – Stateline Solar Farm]. Successfully defended project permits against citizen suit under the Endangered Species Act and NEPA. Prevailed in the defense of an aggressive motion for preliminary injunction and, having defeated plaintiff's primary objective to stop construction of the project, settled the case. See 2014 U.S. Dist. LEXIS 50614.
 - Western Watersheds Project v. Salazar, No. 11-492 (C.D. Cal.) [BrightSource Energy – Ivanpah Solar Energy Generation System]. As in-house counsel, drafted significant portions of opposition briefs and declarations that successfully defeated plaintiff's attempts to secure a temporary restraining order, preliminary injunction, and decision on the merits in a case challenging the permitting of a utility-scale solar facility under NEPA, the Federal Land Policy and Management Act (FLPMA) and the Endangered Species Act.
 - La Cuna De Aztlan Sacred Sites Protection Circle Advisory Committee v. U.S. Dep't of the Interior, No.10-2664 (S.D. Cal.) and Nos. 11-400 and 11-4466 (C.D. Cal.) [Solar Millennium – Blythe Solar Power Project]). Defeated multiple motions for temporary restraining orders and preliminary injunctions; successfully moved to dismiss the case and individual claims (for misjoinder in one instance and failure to state a claim in another). Substantive claims involved NEPA, FLPMA, the Native American Graves Protection and Repatriation Act, and the National Historic Preservation Act.
 - Negotiated settlement agreements in state and federal court, including enforcement actions under the California Unfair Competition Law, citizen suits under ESA, NHPA, NEPA, NAGPRA, and CEQA, and challenges to unlawful taxes on energy generation under, among other things, California's Proposition 26, the dormant Commerce Clause, and California preemption law.
 - Negotiated reduced settlements in regulatory enforcement actions for Fortune 1000 company, including the development and outsourcing of implementation for a Supplemental Environmental Project.

Regulatory Counseling

- Counseled utility-scale solar developers in environmental review and permitting processes for private, public and tribal land projects (assisted developers with and represented them in interactions with the U.S. Bureau of Land Management, the U.S. Fish & Wildlife Service, the U.S. Environmental Protection Agency, the Army Corps of Engineers, the National Parks Service,

Jill E.C. Yung (Continued)

the Bureau of Indian Affairs, the California Energy Commission, the California Department of Fish & Wildlife, local agencies, environmental stakeholders, and Native American tribes).

- Counseled engineering, procurement, and construction team on permit compliance matters and defense of contract disputes.
- Created guidance for resource extraction company facing a variety of CWA jurisdiction questions.
- Handled permitting and enforcement matters arising under a variety of state and federal laws (e.g., defense of water rights permits and licenses, interpretation and modification of hazardous waste facility permits, defense of rail line use rights in the face of abandonment efforts).
- Drafted and lobbied for legislation to, among other things, shape an extended producer responsibility program and to exempt vaulted USTs from certain inspection requirements.
- Advised clients on federal and state food and product labeling requirements; negotiate the timing and content of label changes with the California Department of Public Health and California Department of Pesticide Regulation.
- Audited client facilities and operations and update environmental management programs to ensure compliance and adherence to applicable environmental health and safety regulations in multiple domestic and international jurisdictions.
- Advised clients on hazardous materials release reporting and cleanup obligations and resolved questions regarding responsibility with Certified Unified Program Agencies and the Department of Toxic Substances Control.
- Performed due diligence for transactions involving contaminated property (reviewed, assessed the adequacy of, and provided recommendations based on Phase I and Phase II site assessments; counseled clients on compliance with RCRA and CERCLA requirements).

Speaking Engagements and Publications

- Section 7 Consultations on Solar Projects: Is USFWS Seeing the ESA in a New Light?, RMMLF ESA Special Institute (2015)
- Client Alert: The Ebb and Flow of Federal Waters: Corps and EPA Jurisdiction Surges Once More (May 2015)
- Co-Author, Reconciling the Endangered Species Act and Large-Scale Renewable Energy Projects, ABA Natural Resources & Environment (Winter 2015)
- Co-Author, Client Alert: Supreme Court Resurrects EPA's Cross-State Air Pollution Rule (Apr. 2014)

Jill E.C. Yung (Continued)

- Client Alert: How to Make Blight Bright: A Roadmap for Turning Brownfields Green (Apr. 2014)
- Client Alert: Not a Mirage: Most Ephemeral and Intermittent Streams in Arid Environments Would be Subject to Federal Agency Permits under Proposed Rules (Apr. 2014)
- Co-Author, SB 43: Planting Seeds in Community Solar Gardens, Daily Journal: New California Laws (2014), at p. 66
- Co-Author, California Resuscitates Local Authority For Brownfield Sites, Law360 (Oct. 29, 2013) California Extends the Reach of Renewables, Law360 (Oct. 22, 2013)
- Moderator, Land Opportunities: The Big Win, CSP Today, 6th Concentrated Solar Thermal Power Conference & Exhibition (June 28, 2012)
- Moderator, BLM's Solar PEIS & the Future of Solar on Public Lands, Infocast Webinar (Apr. 3, 2012)
- Co-Author, Brownfields Redevelopment at Closed Military Bases, in James B. Witkin, Environmental Aspects of Real Estate and Commercial Transactions: From Brownfields to Green Buildings (4th ed. 2011)
- Client Alert: Passage of Proposition 26 Alters Future of Regulatory Fees in California (December 2010)

Professional and Community Involvement

- Admitted to practice law in California
- Admitted to practice before the United States District courts for the Northern, Central, and Southern Districts of California and the Ninth Circuit
- Legislation Committee Member, California State Bar Environmental Law Section, 2008-present
- Rocky Mountain Mineral Law Foundation, Planning Committee Member November 2015 Conference re: Issues under the ESA Affecting Resource Development, 2014-2015
- Board Member, California Association of Student Councils, 2006-2007
- Managing Editor of the Northwestern Law Review, where she published her note as well as an article with the Seton Hall Law Review.

Education

- Northwestern University School of Law, J.D. (magna cum laude and Order of the Coif), 2005
- Dartmouth College, A.B., 1999

News

Jill E.C. Yung (Continued)

October 02, 2018

Emerson to Buy General Electric's Intelligent Platforms Business

August 08, 2018

Lotus Midstream to Acquire Centurion Crude Oil Pipeline and Related Assets in Texas, New Mexico and Oklahoma from Occidental Petroleum Corporation

June 28, 2016

Related Companies Secures Approval for the Largest Private Development Project in Silicon Valley

Insights

May 03, 2018

Clipping the Wings of the MBTA? Newly Embraced Definition of Take Impacts more than Criminal Liability

May 23, 2017

The Ninth Circuit Continues to Give Technical Decisions Heightened Deference and Validates Take Permit for Utility Scale Solar Project