

Tom Boer

Partner

San Francisco

Biography

Clients turn to Tom for his insightful strategies and deep industry knowledge when seeking representation in high-stakes environmental litigation and enforcement actions and to resolve complex environmental disputes.

With a combined decade of experience working as a trial lawyer at the U.S. Department of Justice (DOJ) Environmental Enforcement Section and in the Environmental Protection Agency's (EPA) Office of General Counsel, Tom uses his government experience to effectively counsel clients as they navigate complex environmental matters.

Tom represents clients in federal and state environmental litigation, in defense of environmental enforcement actions and citizen suits, in response to catastrophic environmental emergencies and chemical releases, and in connection with site cleanup and cost recovery. He has advised clients on the vast array of environmental statutes in the U.S. including the Clean Air Act; Resource Conservation and Recovery Act; the Clean Water Act; the Endangered Species Act; the Oil Pollution Act; the Federal Insecticide, Fungicide, and Rodenticide Act; and the Comprehensive Environmental Response, Compensation, and Liability Act. He routinely represents clients in environmental cases filed in federal district courts and California superior courts.

As a partner in our Environment and Natural Resources practice area, Tom has deep ties to both the energy and government sectors in California and across the west.



Phone

+1 415 374 2336

Fax

+1 415 374 2499

Email

tom.boer@hoganlovells.com

Practices

Environment and Natural Resources

Energy Disputes

Climate Change

Industries

Energy and Natural Resources

Areas of focus

Environmental Litigation

Clean Water Act

Clean Air

Natural Resource Management

Education and admissions

He has extensive experience assisting clients with the navigation of California environmental regulations including responding to information requests, Cleanup and Abatement Orders, and Cease and Desist Orders issued by the Regional Water Quality Control Boards and resolving enforcement actions brought by California regulatory agencies.

Tom is recognized for his Environment practice by *The Legal 500 United States* and *Chambers USA*.

Prior to joining Hogan Lovells, he spent 12 years in private practice and 10 years with the federal government.

Representative experience

Represent a Fortune 100 manufacturing company in defending multiple lawsuits in federal and state courts alleging damages due to PFAS contamination, with claimed damages nearing \$1 billion.

Represent multiple clients, in the utility, manufacturing, mining, and waste sectors, in response to Clean Water Act citizen suits.

Represent a manufacturing client in resolving RMP/PSM enforcement actions brought by EPA and CalOSHA involving an ammonia refrigeration system with a charge in excess of 100,000 pounds.

Represented California utility in response to a Clean Water Act and Resource Conservation and Recovery Act citizen suit in the Central District of California involving more than two dozen facilities.

Represented a joint venture in federal district court challenging EPA's special case determination claiming Clean Water Act jurisdiction over nearly 1,500 acres.

Represented heavy industrial manufacturer in resolving air district enforcement actions for multiple facilities in southern California.

Represented an oil and gas company in resolving Resource Conservation and Recovery Act and associated common law claims associated with

Education

J.D., The George Washington University Law School, with honors, 1998

B.A., Occidental College, cum laude, 1995

Memberships

Member, Environmental Law Institute Leadership Council

Authorized User, Chemical-terrorism Vulnerability Information, U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency

Member, ABA Section of Environment, Energy, and Resources Environmental Enforcement and Crimes Committee (Programs Vice-Chair 2018-2022, At-Large Vice Chair and Social Media Vice Chair 2017-2018, At-Large Vice Chair 2016-2017)

Bar admissions and qualifications

California

District of Columbia

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

petroleum releases filed in the Central District of California.

Represented an oil and gas company in assessment of Clean Air Act permitting requirements for decommissioning of offshore oil platforms and on challenges to EPA action in federal appellate court.

Represented a California utility in the successful dismissal of an Endangered Species Act citizen suit, filed in the Northern District of California.*

Represented a client in response to a fire incident at a waste transfer station and recycling facility resulting in an Air District investigation.*

Represented an oil services company in response to a tanker truck incident resulting in the release of a hazardous substance on an interstate freeway.*

Pursued cost recovery in federal district court against former owners and operators for a chlorinated solvent cleanup.*

Resolved EPA enforcement action at an industrial facility due to alleged violations of Spill Prevention, Control, and Countermeasure (SPCC) and Facility Response Plan (FRP) requirements.*

Represented multiple clients seeking emergency variances from California Air Districts.*

Represented a large West Coast municipality in response to a Clean Water Act enforcement action pursued by the United States with threatened injunctive relief in excess of \$1 billion.*

Represented clients responding to catastrophic environmental incidents, and resolving associated liabilities, including an ammonia release in South San Francisco and multiple ethanol tank explosions.*

*Matter handled prior to joining Hogan Lovells.

U.S. District Court, Southern District of California

U.S. Court of Appeals, District of Columbia Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Supreme Court

U.S. District Court, District of Colorado

Awards and rankings

- Environment (California), *Chambers USA*, 2019-2022
- Environment: Litigation, *Legal 500 US*, 2019-2021

- Environment: Regulation, *Legal 500 US*, 2017-2021

Latest thinking and events

- Sponsorships and Speaking Engagements
 - American Bar Association Section of Environment, Energy, and Resources 51st Spring Conference on Environmental Law
- Press Releases
 - Hogan Lovells, Common Cause NC, and Southern Coalition for Social Justice file brief opposing request for Supreme Court to review North Carolina's voting map
- Sponsorships and Speaking Engagements
 - Environmental Law Institute's Eighteenth Annual Western Boot Camp on Environmental Law
- Press Releases
 - U.S. Supreme Court declines North Carolina lawmakers' attempt to salvage their discriminatory congressional map
- Press Releases
 - SCSJ, Common Cause file SCOTUS brief to counter NCGA's unprecedented assault on fair districts, freedom to vote
- Sponsorships and Speaking Engagements
 - Clean Water Act Citizen Suits: Defense Litigation and Settlement Strategies After Maui Decision