

DUTY STATEMENT☐ **CURRENT**☒ **PROPOSED**

RPA Number: HRC0001096	Classification/CBID: Attorney IV/R02	Position Number: 810-410-5780-021 G&HBCP
Incumbent Name:	Working Title: Senior Financial Accountability Attorney	Effective Date:
Tenure: Permanent	Time Base: Full-Time	Intermittent Hours Per Month:
Program/Division: Office of Legal Counsel (OLC)	Branch/Section/Unit: Office of Legal Counsel (OLC)	Reporting Location: Headquarters
Supervisor's Name: Daphne Lee	Supervisor's Classification: Assistant Chief Counsel	Position Telework Eligible: <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Confidential Designation: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Designated Position for COI: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Position Designated Bilingual: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Supervision Exercised: <input checked="" type="checkbox"/> None <input type="checkbox"/> Lead <input type="checkbox"/> Managerial <input type="checkbox"/> Supervisory		

General Statement

This position requires the incumbent to maintain consistent and regular attendance; communicate effectively (orally and in writing if both appropriate) in dealing with the public and/or other employees; develop and maintain knowledge and skill related to specific tasks, methodologies, materials, tools and equipment; complete assignments in a timely and efficient manner; and adhere to department policies and procedures regarding attendance, leave, and conduct.

Equity Statement

The Department of Toxic Substances Control (DTSC) values diversity, equity, and inclusion throughout the organization. We foster an environment where employees from a variety of backgrounds, cultures, and personal experiences are welcomed and can thrive. We believe the diversity of our employees is essential to inspiring innovative solutions. Together we further our mission to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products.

Position Description

The Office of Legal Counsel (OLC) provides legal support to the Department of Toxic Substances Control (Department). Under the general direction of an Assistant Chief Counsel, the incumbent is responsible for providing the most complex legal advice to all Department programs regarding various legal issues involving or affecting the Department. The incumbent works with broad discretion and independence with a minimum of supervision and is expected to be an expert in the more complex area of law within a departmental legal program. The incumbent receives direction and supervision from an Assistant Chief Counsel. However, direction and supervision may also come from the Deputy Chief Counsel and Chief Counsel. The incumbent acts in a lead capacity to interact with management and staff of OLC, the Director and Deputy Directors, the Secretary for Cal/EPA and his or her staff, the management and staff of the Department's core and support programs, and other stakeholders. The incumbent will often handle attorney-client privileged information or other confidential or highly sensitive

information. The incumbent will also work closely with the Attorney General's Office. Inadequate performance by the incumbent may delay work performed by others in the Department or compromise legal positions of the Department.

The attorney will have a high level of responsibility and will handle attorney-client privileged information, as well as other confidential and/or highly sensitive information. The attorney is expected to conduct all confidential work in a secure, enclosed workspace to ensure privileged communications and sensitive materials are not exposed to unauthorized persons. The attorney must follow office procedures that require secure meeting spaces and restricted access to confidential information. **Failure to use good judgment in handling sensitive or confidential information could result in sensitive, confidential and/or attorney-client privileged information being released to unauthorized person(s) and may result in adverse actions or compromise legal positions of DTSC.**

Essential Functions (Including percentage of time):

40%	<p>Fee Regulatory and Enforcement Counsel</p> <p>Fee Regulatory and Enforcement Counsel Acts in the lead capacity along and work with Attorney IIIs and Attorney Is to provide legal support on legal matters related to the Department's various fees, including Activity Fees, Generator and Disposal Fees, the Environmental Fees, EPA Identification Verification Fees, Facility Fees, Generation and Handling Fees and Manifest User and Correction Fees. Advises Department management and staff on statutory and regulatory requirements governing hazardous waste management and collection of fees. Researches and prepares memoranda on interpretation and implementation of statutes and regulations enforced or administered by the Department. Represents the Department in fee appeals. Prepares legal briefs and/or works with California Department Tax and Fee Administration (CDTFA) attorneys and staff in review of exemption and refund application evaluation, to prepare joint legal briefs on fee appeal matters and represent the Department at CDTFA Appeals Conference Hearings and Office of Tax Appeal Hearings. Represents DTSC in administrative proceedings to enforce administrative cleanup orders, fees appeals and other administrative litigation. Prepares fees enforcement and cost recovery cases for filing in federal, state and administrative courts, including evaluating complex liability issues and governmental immunity issues. Assists the Attorney General's Office in litigation in federal and state courts under the Comprehensive Environmental Response, Compensation, and Liability Act, Resource Conservation and Recovery Act, Health and Safety Code, and California Environmental Quality Act. Reviews complaints, motions, and other pleadings. Assists in discovery and trial, including witness and expert preparation. Assists the Attorney General's Office in defending DTSC in actions brought in federal and state courts. Assists the Attorney General's Office in representing DTSC in bankruptcy actions filed by persons responsible for site cleanups. Advises DTSC's management and staff on complex, sensitive litigation issues in order to produce favorable results in legal proceedings. Represents DTSC employees subpoenaed for deposition and trial testimony</p>
20%	<p>Site Mitigation Legal and Technical Counsel</p> <p>Reviews more complex technical cleanup documents for legal consistency with federal and state statutory and regulatory requirements, including but not limited to: Remedial Action Plans, Records of Decision, determinations of applicable or relevant and appropriate requirements, removal action workplans, and land use covenants at complex sites. Participates in departmental statewide policy and procedural workgroups concerning complex cleanup issues to ensure compliance with all state and federal legal requirements. Research legal issues using both printed and electronic resources and provides legal advice to DTSC's management and staff on complex, sensitive cleanup and cost recovery issues.</p>
20%	<p>Legislation, Regulations and Policies</p> <p>Reviews and analyzes proposed federal and state legislation and regulations pertaining to hazardous waste reporting and fee assessment and collection support, document management and contracts issues. Participates in meetings regarding proposed legislation and regulations.</p>

	Drafts or reviews Department policies, procedures and guidance documents in order to ensure that they are clear, understandable, and consistent with applicable law. Provides training to Department staff on legal issues affecting the Department's roles and responsibilities on an occasional basis, as requested by Department management.
10%	Site Mitigation Enforcement Support Review drafts of information requests, notice letters, and administrative subpoenas to potentially responsible parties and other persons. Advises DTSC staff on other activities to identify parties who are potentially responsible for cleanups. Develops legal strategy to enforce cleanup requirements and represents DTSC in negotiating and finalizing cleanup agreements with responsible parties, and in issuing and enforcing cleanup orders to responsible parties at complex, sensitive cleanup sites. These include state response sites, federal superfund sites, voluntary cleanup sites, military sites, and school sites. Provide legal guidance on Public Records Act requests and responses.
5%	Administrative Tasks Performs administrative duties including, but not limited to: adheres to Department policies, rules, and procedures, submits administrative requests including leave, overtime, travel, and training in a timely and appropriate manner; accurately reports time in the Daily Log system and submits timesheets by the due date
Marginal Functions (Including percentage of time):	
5%	Other Duties Performs other duties as required to support the functions of OLC such as participation in departmental training and representation of OLC on statewide DTSC teams/task forces .
Consequences of Error: (if applicable)	
Typical Physical Conditions/Demands:	
The work typically requires sitting for prolonged periods while reading, writing, typing, and participating in meetings. The position requires bending and stooping. The job requires extensive use of a personal computer and the ability to sit/stand at a desk, utilize a phone, and type on a keyboard for extended periods of time. It may be required to stand, bend, squat, reach, grasp and pick up items consistent with office work. The incumbent may be required to lift XX pounds and occasionally stand, bend, squat, reach, grasp, or kneel for long periods.	
Typical Working Conditions:	
Works in multi-story building, in a cubicle office setting using a variety of office equipment, e.g., computers, telephones, copiers, etc., with artificial light and temperature control, and attends meetings in similar settings. On an as-needed basis, work outside normal work hours, including evenings and weekends, may be required. A telework schedule may be available (the incumbent will be expected to be available through various platforms throughout the day to communicate on work related activities). The work schedule is Monday through Friday. Travel may be required locally and within the state. If travel is required, it will be by commercial carrier or auto, whichever method is in the best interest of the State. This position will have daily contact with DTSC staff, external state, and federal agencies, and local government representatives, and the public either in person, via email/telephone, or videoconferencing.	
Special Requirements of Position (Check all that apply):	

- ☐ Duties performed may require pre-employment and/ or routine screenings (background/criminal/fingerprint clearance, drug testing, fingerprinting, physical, etc.).
- ☐ Duties require participation in the DMV Pull Notice Program.
- ☐ Performs other duties requiring high physical demand. (Explain below)
- ☐ Requires repetitive movement of heavy objects and/or operation of heavy machinery or motorized vehicles.
- ☐ Other (Explain below)

Explanation:**Supervisor Statement**

I certify this duty statement represents an accurate description of the essential functions of this position. I have discussed the duties of this position with the employee and provided the employee a copy of this duty statement.

Supervisor Name	Supervisor Signature	Date

Employee Statement

I have discussed these duties with my supervisor and have been provided a copy of this duty statement. I certify I have read, understand, and can perform the duties of this position either with or without reasonable accommodation*.

**A Reasonable accommodation is any modification or adjustment made to a job, work environment, or employment practice or process that enables an individual with a disability or medical condition to perform the essential functions of his or her job or to enjoy an equal employment opportunity. (If you believe reasonable accommodation is necessary, check yes. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Reasonable Accommodation Coordinator.)*

Do you need a reasonable accommodation to perform the essential functions of this position? ☐ **YES** ☐ **NO**

Employee Name	Employee Signature	Date

HUMAN RESOURCES BRANCH USE ONLY:

- ☒ Duties meet class specifications and allocation guidelines.
- ☐ Exceptional allocation, STD 625 on file.

Analyst initials: SB Date Approved: 11/12/2025

Revision Date (if applicable): Click or tap to enter a date.