

DUTY STATEMENT

CURRENT

PROPOSED

RPA Number: HRC0001187	Classification/CBID: Attorney IV	Position Number: 810-412-5780-XXX
Incumbent Name:	Working Title: Attorney IV	Effective Date:
Tenure: Limited Term	Time Base: Full-Time	Intermittent Hours Per Month:
Program/Division: Office of Legal Counsel	Branch/Section/Unit: Office of Legal Counsel	Reporting Location: Berkeley
Supervisor's Name: Christopher Kane	Supervisor's Classification: Assistant Chief Counsel	Position Telework Eligible: <input checked="" type="checkbox"/> YES <input 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 (Department) 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. Under the general direction of an Assistant Chief Counsel, the Attorney IV is responsible for providing legal services to all Department programs, including the Site Mitigation and Restoration Program, the Brownfields and Environmental Restoration Program and the Hazardous Waste Management Program regarding comprehensive state and federal environmental laws and regulations. The Attorney IV works with the broadest discretion and independence at the advanced journey level. The Attorney IV reports directly and receives the majority of assignments from the Assistant Chief Counsel. However, direction and assignments may also come from the Chief Counsel or Deputy Chief Counsel. The Attorney IV interacts with the Director and Deputy Directors, the Secretary for CalEPA and his/her senior staff, staff of the Governor's Office, staff of other agencies such as the Department of

Finance, and the Department’s staff, including OLC staff, Brownfields and Environmental Restoration Program staff and the Hazardous Waste Management Program staff. The Attorney IV will often handle attorney-client privileged information or other confidential or highly sensitive information and work closely with the Attorney General’s Office. Duties include but are not limited to:

Essential Functions (Including percentage of time):

<p>30%</p>	<p><u>PRE-LITIGATION, LITIGATION AND ENFORCEMENT SUPPORT</u> Provides legal support and advice related to and in preparation for sensitive and difficult litigation in federal and state courts including cost recovery actions and tort claims. Evaluates claims and works to avoid litigation by securing cost recovery contributions with potentially responsible parties via pre-litigation settlement agreements or similar. Supports the Attorney General's Office in litigation and in anticipation of litigation, including preparing for pre-trial and trial matters; reviewing and commenting on complaints, motions, and other pleadings; responding to discovery requests; conducting negotiation and settlement; and preparing witnesses and expert witnesses for trial. Supports the Attorney General's Office in defending the Department in legal actions and in representing the Department in bankruptcy proceedings. Represents the Department employees subpoenaed for deposition and trial testimony. Prepares sensitive and difficult enforcement cases for administrative proceedings and for filing in federal and state courts. Interacts and provides recommendations to the decision-makers regarding sensitive and difficult issues related to litigation and enforcement cases, including liability issues and governmental immunity issues. Advises program staff, including but not limited to, Site Mitigation and Restoration Program, Enforcement Program, and Permitting Program, on litigation-related issues regarding the Department’s ongoing, multi-agency response to the Chiquita Canyon Landfill incident. Ensures the Department can meet enforcement timelines, maintain litigation and administrative readiness, and support a robust protection of public health and the environment while the incident remains active and regulatory actions continue. Supports the Attorney General's Office in defending the Department in lawsuits contending that the Department failed to comply with California Environmental Quality Act (CEQA) requirements.</p>
<p>30%</p>	<p><u>PROGRAM SUPPORT</u> Provides legal advice and assistance to the Department's management by helping them navigate complex legal, regulatory, and policy issues tied to the landfill’s operations, enforcement, and remediation. Oversees legal consistency and formulates legal policy pertaining to the implementation of applicable laws and regulations, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. § 9601 et seq.), the Hazardous Waste Control Act (Health & Saf. Code, division 20, chapter 6.5), and the Hazardous Substance Account Act (State Superfund law) (Health & Saf, Code, division 45, Part 2). Reviews the most difficult and sensitive 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 the most difficult, complex and sensitive cleanup sites. Provides legal recommendations and other legal support concerning proposed hazardous waste legislation and regulations, complex litigation, and statewide program initiatives affecting the Cleanups Program. Meets with the Deputy Director and other Department managers on a regular basis to coordinate legal support. Reviews Public Records Act (PRA) requests, and other public and legislative inquiries, and the Department's responses. Provides legal support and advice on record requests about sites and issues implicated in anticipated or ongoing litigation and the appropriate course of action. Researches PRA requirements to determine whether records are privileged or otherwise exempt from disclosure.</p>
<p>20%</p>	<p><u>DOCUMENT REVIEW AND CONSULTATION</u> Prepares and negotiates contracts, agreements, orders, and other legal documents and provides the documents to the decision-makers. Reviews complex technical, legal and other documents, including documents for removal actions, remedial actions, corrective actions and hazardous waste facility closure activities to ensure compliance with federal and state statutory and regulatory requirements. Reviews public participation documents including fact sheets, community notices, press releases, and other documents provided to the public. Reviews and</p>

	<p>analyzes legislation regulations and guidance documents. Participates in public hearings, public meetings, workshops, legislative hearings, and other meetings with stakeholders to ensure policies and decisions are informed, effective, and aligned with the Department’s legal interest, and the public’s interest. Provides legal support and advice on CEQA analysis and documentation to ensure the Department’s decisions are in compliance with the requirements of CEQA and CEQA guidelines. Assists with responses to comments on CEQA documentation. Consults in the coordination and oversight of a multi-agency program, including but not limited to Department’s OLC management, Site Mitigation and Restoration Program, Permitting Program, Enforcement Program, Attorney General’s Office.</p>
<p>10%</p>	<p><u>PERMITTING</u> Provides legal support on matters related to the Department's permitting program for hazardous waste facilities and handlers including permits, closure, and corrective action. Researches legal issues and provides written and oral advice to the Director, Deputy Directors, and Department staff on the interpretation and implementation of the applicable statutes and regulations. Reviews permitting documents and hazardous waste management requirements for consistency with state and federal laws, including both substantive and technical adequacy. Represents the Department in negotiating and finalizing cleanup or corrective action agreements with responsible parties. Provides independent judgement, advanced legal analysis, and leadership-level counsel due to the probability of continued enforcement activity and contested proceedings, plus complex implementation of Department remediation directives and contested cost recovery, including situations at Chiquita Canyon Landfill involving unusual environmental conditions, and overlapping regulatory authorities, and unresolved technical problems that traditional landfill permits were not designed to address.</p>
<p>5%</p>	<p><u>ADMINISTRATIVE TASKS</u> 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.</p>
<p>Marginal Functions (Including percentage of time):</p>	
<p>5%</p>	<p><u>OTHER DUTIES</u> Performs other duties as required to support the functions of OLC.</p>
<p>Consequences of Error: (if applicable) Inadequate performance by the Attorney IV may delay work performed by others in the Department or compromise legal positions of the Department.</p>	
<p>Typical Physical Conditions/Demands:</p>	
<p>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 25 pounds and occasionally stand, bend, squat, reach, grasp, or kneel for long periods.</p>	
<p>Typical Working Conditions:</p>	
<p>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.</p>	
<p>Special Requirements of Position (Check all that apply):</p>	

- 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:

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.

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: ke Date Approved: 3/17/2026

Revision Date (if applicable):