

# Environmental

## Turning Concerns into Opportunities

**Businesses with operations that are subject to federal, state and local environmental regulations know first-hand that the rules are seemingly ever changing and among the most stringent anywhere. Meeting your regulatory obligations is no simple matter. Our job is to help you conduct your business successfully while complying with environmental regulations.**

## How We Can Help You

By combining our decades of experience and technical know-how, we can guide you on all aspects of environmental regulation and enforcement. Some of us have served as regulators and prosecutors and know the challenges you will face.

### Your Navigators through the Regulatory Maze

The most common components of the winding regulatory maze consist largely of five broad environmental territories: solid waste, air, water, mineral resources and renewable energy. We can help you navigate them all, having handled hundreds of cases before administrative tribunals and other state and federal agencies.

**Solid Waste and Hazardous Substances.** Representing you in regulatory compliance, permitting and all enforcement proceedings including civil actions instituted by federal and state agencies involved in alleged releases/dischargers of a hazardous substance (e.g., CERCLA and state counterparts).

**Air.** Advising and assisting you with all air-quality plan approval and permitting issues, including defense of permit actions by regulatory agencies and challenges by third parties.

**Water.** Helping you acquire all types of water permits, including National Pollutant Discharge Elimination System (NPDES) and wastewater treatment permits, and pretreatment permits issued by publicly owned treatment works as well as the defense of Clean Water Act violations.

**Mineral Resources.** Providing advice and counsel in permitting, enforcement of federal and state statutes, bonding, reclamation and other closure issues.

**Renewable Energy.** Offering a comprehensive array of environmental services, including working closely on your behalf with the federal and state regulatory agencies that govern these large and growing markets.

## The Environmental Side of Real Estate and Corporate Transactions

Environmental compliance often begins with real estate and other corporate transactions. With environmental compliance in mind from the start, you can prevent trouble down the road. Our environmental attorneys, working closely with transactional attorneys from our corporate and real estate teams, can offer you the complete support your projects need:

- Conducting due diligence and providing advice related to zoning and land use restrictions
- Representing you in eminent domain and administrative proceedings
- Negotiating “no further action” letters and prospective purchaser agreements with the U.S. Environmental Protection Agency (EPA) and state Brownfield agencies
- Obtaining liability protection
- Representing developers and land owners in real estate transactions involving complex Brownfield sites
- Negotiating agreements with state agencies for liability relief
- Drafting EPA comfort letters and prospective purchaser agreements

## Environmental Stewardship – A Growing Energy Priority

Energy businesses are squarely at the center of the environmental spotlight, from regulatory compliance to complex litigation. Our firm’s dedication to providing comprehensive environmental services to all sectors of the energy industry brings together attorneys from our oil and gas, coal, power generation, renewable energy, utility and environmental teams. We represent producers, transporters, refiners and power generators throughout the country in environmental matters from permitting to site clean-up and everything in between.

## Litigation – Prepared to Assist in Any Legal Forum

Even with the best environmental management and compliance procedures and policies in place, environmental incidents occur. We keep highly sensitive situations under control that involve high-consequence decisions and reputational risk. From permitting the “green field” development of electrical power generating plants, to litigating the responsibility for impacted media including groundwater, soil and sediments as well as associated natural resource damages, our litigators identify issues and develop creative, practical solutions without unnecessary costs or confrontation. We can negotiate important settlements that achieve your goals and minimize your exposure, while avoiding litigation. We represent clients in civil and criminal environmental and land use litigation matters in both federal and state courts and administrative law matters.

# ADVANCING OUR CLIENTS’ GOALS

### Helping Give New Life to a “Brownfield” Property

When the seller of a Pennsylvania “Brownfield” property – a property with the presence of a hazardous substance, pollutant or contaminant – needed environmental counsel to complete the sale, we were right there to assist. Our environmental team negotiated with the Pennsylvania DEP and the buyer, and worked closely with the client’s engineers to investigate the site and propose a remedial solution.

### Making Sure the Laws are Applied Correctly

The EPA filed suit to recover costs from 18 companies related to a New Jersey Superfund site. As their common counsel, we successfully used the statute of limitations and petroleum exclusion to significantly reduce the EPA’s demand and achieve a favorable resolution.

### Ending a Four-year Environmental Class Action: No Certification

For four years, a 400-property toxic tort class action proceeded in both Illinois federal and state courts. The claims against a well-known company that operates landfill gas-to-energy projects alleged groundwater contamination, vapor intrusion and diminution in property value. We successfully litigated and settled the case, with the class never having been certified.

### A Positive Result for a Maintenance Contractor

We successfully represented a maintenance contractor in negotiations with a plant owner, the U.S. Department of Justice and the EPA regarding numerous allegations of regulatory violations relating to the release of refrigerants into the atmosphere.