
Environmental

The attorneys in our Environmental department counsel clients on environmental matters in a variety of contexts and across a broad range of industries. Our attorneys' deep knowledge and experience in this field allow us to offer effective and practical solutions to the challenging issues our clients face on a day-to-day basis. We regularly advise clients on issues involving environmental permitting, risk assessments, due diligence, liability allocation and operational compliance, and we represent clients in litigation, transactions and regulatory matters. Our reputation in environmental law is built on our knowledge of our clients' businesses and our ability to align our legal services with their business needs and objectives.

Broad-Based Experience in Complex Environmental Matters

Our environmental attorneys work closely with members of our Banking and Financial Services, Commercial Litigation, Corporate, Real Estate, Trusts and Estates, and General Liability, Tort and Insurance Defense departments to identify relevant environmental issues, ensure regulatory compliance, assess client risk, and negotiate complicated environmental agreements with private and governmental parties. Our team negotiates with federal and state regulatory agencies, local municipal boards, and real property purchasers and sellers, and regularly counsels clients on the requirements imposed by federal, state and local environmental laws and regulations.

We have significant experience in matters involving the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund), National Environmental Policy Act (NEPA) compliance, lender liability, petroleum storage tank regulations, asbestos-related issues, "stigma" damages in property valuations, insurance coverage for environmental risks and regulatory permitting requirements. We have handled these and other issues for clients including:

- Corporations
- Educational institutions
- Financial institutions
- Individuals
- Industrial, retail/commercial and residential developers
- Municipalities
- Not-for-profit corporations
- Pipeline corporations
- Utility companies

Real Estate Transactions and Due Diligence

Our environmental attorneys are highly experienced in dealing with the federal, state and local laws and regulations that impact the conveyance and use of real property, including the use of real property as collateral for a loan. Our attorneys have extensive experience reviewing Phase I and Phase II Environmental Site Assessment reports and counseling clients regarding ASTM E1527-13 applicability and the New Jersey Industrial Site Recovery Act. We also regularly advise clients regarding the potential liabilities associated with the acquisition and divestiture of contaminated properties.

Environmental Permitting and Regulatory Compliance

We represent clients in all aspects of **environmental permitting and regulatory compliance**. This includes helping clients overcome challenges related to hazardous waste disposal, wetland and waterfront development, flood hazard area regulation, petroleum storage, endangered and invasive species regulations, and environmental impact studies.

Site Remediation

Our environmental attorneys routinely counsel clients with respect to the requirements associated with remediating commercial and industrial properties in accordance with the laws and regulations of New York and New Jersey. Our attorneys have extensive experience reviewing environmental site assessment reports, feasibility studies and remedial action work plans, and regularly work with consultants to assess the most efficient means of remediating sites while working to limit our clients' potential liability.

Brownfields Redevelopment

We have significant experience advising clients regarding site eligibility, the application process, and compliance with the regulatory requirements of the New York State and New Jersey Brownfield Cleanup Programs ("BCP"). The tax credits associated with the cleanup of brownfield sites in both states provide developers with a valuable financial incentive to remediate and redevelop these sites. Our attorneys counsel clients through the BCP's regulatory process and negotiate with state regulators and third-party stakeholders as necessary to ensure that our clients are in a position to satisfy the respective program requirements and secure the resultant tax benefits and liability protection.

Superfund and Environmental Cost Recovery Proceedings

Our environmental attorneys regularly represent clients in Superfund actions and multi-party cost-recovery proceedings related to CERCLA and state oil spill laws. We provide advice regarding potential liabilities and work closely with our clients to develop strategies that minimize risk and, where applicable, maximize the recovery of funds from other responsible parties.

Environmental Insurance Coverage

Our environmental attorneys have extensive experience reviewing environmental insurance policies and advising clients regarding the types of coverage that are available. We counsel clients regarding potential environmental liabilities in connection with commercial transactions and help them use insurance as a cost-effective risk management tool.

Siting and Permitting

We represent clients in all stages of the siting and permitting processes, as well as all ancillary matters. Our experience includes assisting clients with siting and permitting applications submitted to the U.S. Army Corps of Engineers, the Environmental Protection Agency (EPA), the New York State Department of Environmental Conservation, New Jersey Department of Environmental Protection and various other federal, state and local agencies.

Property Valuation “Stigma” Damage

We advise clients regarding environmental “stigma” damages, or “damages to the reputation of the property,” which may accompany contamination of residential properties. These damages can occur even when a property has been remediated to the satisfaction of regulators. The problematic concept of damages involving reduced residential property value based on negative public perceptions has emerged as a viable theory for recovery of monetary loss in a few jurisdictions (including New York and Pennsylvania), but we have negotiated favorable resolutions of environmental “stigma” damage claims.

Environmental Evaluations and Review

Our attorneys represent buyers, sellers, lenders and municipalities in connection with **environmental evaluations and reviews** related to the acquisition and disposition of real property. We work closely with our clients and trusted environmental professionals to address the potential implications of any contamination issues, and we draft and negotiate purchase, sale and loan agreements designed to mitigate our clients’ potential liability risk to the greatest extent possible.