

## ENVIRONMENTAL

With significant experience in virtually all areas of environmental law, including regulatory, **transactional**, and **litigation** matters, **our attorneys** are able to work closely with our clients and technical consultants to reach an informed decision to avoid, mitigate, resolve, and defend environmental issues. We work to understand the business and personal interests of our clients and bring a balanced perspective and analyze issues to obtain business-oriented solutions and recommendations to allow clients to achieve their business goals without undue interference or delay. Our environmental practice assists clients in regulatory counseling, **litigation**, **transactional support**, and **governmental interactions** to find client-focused, creative solutions for managing regulatory risks and resolving disputes.

### Our experience spans:

- **Clean Air Act**
- **Clean Water Act**
- Comprehensive Environmental Response, Compensation and Liability Act
- National Environmental Policy Act
- Resource Conservation and Recovery Act
- Represent parties designated as Potentially Responsible Parties (PRPs) on Superfund contamination sites
- Represent individuals and corporate entities in relation to citations for environmental regulation violations
- Represent citizen groups in contesting the permitting applications of utility providers
- Represent parties in relation to claims of contamination as trespass/nuisance claims

### Related Practices

- Asset Protection Planning
- Business Succession Planning
- Business Transactions
- Charitable Planning & Exempt Organizations
- Condemnation Rezoning & Land Use
- Construction
- Creditors' Rights
- Elder Law & Special Needs Planning
- Employment Practices & Benefits
- Estate Administration
- Fiduciary Litigation
- Litigation
- Mediation & Arbitration
- Mergers & Acquisitions
- Nonprofit Entities & Tax-Exempt Organizations
- Private Equity
- Professional Services
- Real Estate Advisory Services
- Taxation
- Trusts & Estates
- Related Industries
- Energy
- Distribution
- Manufacturing

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### Group Members

Robert "Bobby" G. Lindauer, Jr.  
Amy L. Rickers  
Brian J. Schoeck  
Cameron Todd Ware  
Mathias A. Young

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If you have any questions for our Environmental Law Attorneys, [contact us here](#).

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*Please note that the above text does not constitute legal advice nor does it create an attorney-client relationship. Should you be in need of legal services regarding a particular matter, please reach out directly to one of our attorneys. [Click here for our full website disclaimer](#).*

### Transactional

We recognize that environmental laws and regulations have a pervasive impact on business operations and real estate transactions playing a significant role in real estate, corporate sales, mergers, and acquisitions. The manner in which a potential environmental risk is evaluated and addressed can have significant consequences for the parties involved. Our environmental practice in combination with our real estate and corporate practices provides a rare blend of transactional, regulatory and litigation expertise to assist clients in identifying and evaluating potential environmental liabilities and risks, such as remedial and tort liabilities and operating requirements and restrictions, and developing and implementing a strategy for categorizing, managing and resolving those risks.

Our practice utilizes contract drafting and negotiation in a full range of agreements, including due diligence requests, purchase and sale agreements, indemnities, and remediation agreements to identify, isolate, and resolve potential environmental risks and liabilities. Working with the client through due diligence, acquisition or sale, and implementation of any remedial measures or programs while coordinating closely with technical consultants and interfacing with environmental agencies offering our clients peace of mind that their environmental issues and liabilities are being comprehensively addressed.

### Real Estate

We assist clients by assessing environmental risks inherent in real estate ownership and management. Those risks can arise anywhere along the spectrum of owning, developing, and operating property and can affect owners, developers, lenders, sellers, buyers and tenants. Working with our Real Estate practice group we are involved in all aspects of business transactions including due diligence, risk allocation, permit transfers, environmental assessments, representation and warranties, indemnities, access agreements, remediation agreements and other related environmental aspects. Through review of Environmental Site Assessments, Phase I and Phase II reports, remediation plans, and related reports and interface with the regulatory authorities and technical consultants we help clients resolve issues related to contaminated property. We interface with consultants to develop the best approach for attaining cost-effective investigation and remediation. One way in which we accomplish this goal is to find solutions to address contaminated property and negotiate voluntary clean up and Brownfield Agreements to create new commercial development opportunities with broad economic, social and community benefits restoring contaminated property to productive use.

- Assist in drafting and negotiating Brownfield agreements for property redevelopment
- Review and draft environmental indemnity provisions in sale or purchase contracts
- Review property assessments for identification of potential environmental concerns and liabilities

### Corporate

We assist our industrial clients in the planning, strategy-setting, and execution of their business objectives within the complex arena of environmental laws, including regulatory compliance counseling, deal structuring, transactional negotiations, and litigation. We work to address these issues through identifying, evaluating and negotiating liabilities and

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drafting environmental indemnities and other provisions, effectively allocating liability as well as advising corporate clients on environmental compliance and permitting.

- Assist in preparing company for sale by ensuring compliance with applicable environmental regulations
- Coordinate with technical consultants and assist in drafting and processing of permit application for industrial facilities
- Review and draft environmental indemnities and representations and warranty provisions in asset sales and purchase agreements

#### Environmental Compliance and Permitting

Our mission is to ask the right questions to identify environmental permitting, non-compliance, and liability issues and advise the client in achieving compliance in an economical and efficient manner. Utilizing our extensive knowledge and understanding of environmental law and regulation we assist in preventing potential environmental violations and guide our clients through the environmental standards that apply to their businesses helping them understand how those standards are interpreted and applied by environmental agencies. When alleged violations occur we negotiate resolution of notices of alleged violations, and proposed administrative consent orders or notices of threatened suits and serve as advocates for clients in regulatory controversies involving permits, reporting, and clean-up negotiations and finding reasonable resolution to disagreements with agencies in compliance and enforcement matters.

- Review operations and processes and coordinate with technical consultants to determine compliance with environmental regulations

- Review notices from environmental agencies to assess compliance and negotiate resolution of noted deficiencies
- Assist with drafting and processing of permits for industrial operations

### Litigation

We utilize our broad experience, regulatory knowledge, and litigation experience to defend administrative, civil, and criminal environmental claims in cases brought against clients by combining regulatory know-how with courtroom savvy in avoiding, anticipating, resolving and defending environmental litigation matters.

We assist clients in responding to notices of violation informally or through more formal administrative proceedings defend and prosecute federal and state court, federal, state, and local agency and private party environmental litigation.