ENVIRONMENTAL, HEALTH AND SAFETY

Your resources power business and the economy. Our resourcefulness clears a path for your enterprise and ingenuity.

We work closely with in-house counsel, environmental managers and consultants to address a wide scope of environmental matters. Real estate developers and industrial clients rely on our attorneys in assessing and reclaiming contaminated properties and making them productive again. With our support, clients produce across-the-board wins that create economic growth while achieving environmentally-sound solutions. In those environmental matters that involve government enforcement action or private party litigation, clients count on us to develop and implement a litigation strategy that gives rise to a sound and cost-effective outcome.

Peer respect is a hallmark of our environmental and energy team. Our attorneys include:

- The founder and current chair of the Renewable Energy Committee of the American Bar Association’s (ABA) Public Utility Section,
- The former chair of the ABA’s Standing Committee on Environmental Law,
- The former chair of the Environmental Law Committee of the ABA’s General Practice Section,
- The former chair of the State Bar of Georgia’s Environmental Law Section, and
- Chambers-rated attorneys ranked "Top Lawyer" nationally in energy and the environment by American Lawyer Media and Martindale-Hubbell.

LITIGATION

Businesses and their insurers have retained us to represent their interests in a broad variety of environmental litigation matters. This includes cases involving contaminated properties, toxic torts, pest control, product liability, asbestos, and mold.

When disputes arise, our attorneys work quickly and diligently to identify the key factual and legal issues and develop a strategy that is geared to meeting client goals. We craft discovery carefully and with an eye towards narrowing the issues and the potential for summary judgment or settlement. In those instances where matters go to trial, our attorneys know what it takes to present complex data and expert testimony to juries in comprehensible, common sense fashion.

REGULATORY

We understand the complex environmental regulatory regime at the federal, state, and local level. We advise on permitting, compliance and enforcement issues involving all environmental media—air, water, and land—and proactively inform our clients of trends and regulatory developments in the constantly shifting landscape of environmental law.

Our experience includes:

- Clean Air Act,
- Clean Water Act,
- Comprehensive Environmental Response, Compensation, and Liability Act, aka CERCLA or Superfund,
Environmental, Health and Safety

- Toxic Substances Control Act,
- Solid Waste Management Act,
- Resource Conservation and Recovery Act,
- Safe Drinking Water Act,
- Emergency Planning and Community Right-to-Know Act, and
- State law analogues to federal environmental programs.

Clients depend on us to pay close attention to permitting and issues involving water management, including wetlands, water withdrawal, storage, use, and return, wastewater treatment and discharge, and storm water management. Our attorneys track the emergence of climate change and carbon management law, regulation, and litigation, and provide advice on opportunities and perils in those fields.

REMEDICATION

Our environmental attorneys address all aspects of law involving contaminated properties, including:

- Brownfield remediation,
- Environmental due diligence in real estate and corporate transactions,
- Environmental risk management and allocation through negotiation of transactional terms and environmental insurance policies, and
- Regulatory requirements and options regarding notification, investigation, mitigation and remediation.

TRANSACTIONS

With millions of dollars on the line, clients turn to us for advice in assessing and allocating environmental risk in real estate, lending, and corporate transactions. We help our clients work with consultants to develop proper environmental due diligence scope and then place the results of that due diligence into business and environmental context in framing the terms of the deal. We explain the acronyms and help our clients understand and work through the options and risks with their counter-parties. And we do it in a common sense and often creative way that makes the deal happen.

PRACTICE HIGHLIGHTS

Environmental litigation. Represents clients defending and pursuing claims under federal environmental statutes, including RCRA and CERCLA cost-recovery actions. Recent successes include obtaining summary judgment in favor of a client in a multi-party environmental cleanup cost recovery action.

Conservation Easement. Recently tried conservation easement case involving a charitable contribution deduction on the donation of 500 acres along five miles of navigable water near the Atlantic Ocean. Decision pending in the United States Tax Court.

Conservation Easement. Recently tried conservation easement case involving the disallowance of a charitable contribution deduction on the donation of a golf course to a conservation easement. Decision pending in the United States Tax Court.
Land use entitlements. Representation of private sector clients in acquisition of land use entitlements (e.g., general plan amendments, zoning amendments, conditional use permits) for commercial, residential, and natural resources development projects.

CERCLA site remediation and brownfields. Lead attorney for remediation of Sacramento Railyards, a 243-acre brownfield in downtown Sacramento. Representation of PRPs before the Georgia Department of Natural Resources, California State Water Resources Control Board Underground Storage Tank Cleanup Fund, the California Department of Toxic Substances Control, and the U.S. Environmental Protection Agency.

National Environmental Policy Act. Representation of public agencies and developers in preparation of, and litigation over, its environmental documents prepared pursuant to the National Environmental Policy Act.

Clean Water Act. Representation of private clients seeking development permits before the Army Corps of Engineers.

Transportation planning. Representation of El Dorado County before the Sacramento Area Council of Governments (SACOG) regarding formulation of Metropolitan Transportation Plan and Metropolitan Transportation Improvement Program.

C&R Battery CERCLA litigation. Private action under CERCLA arising out of battery-breaking site near Richmond, Virginia. Defended four corporations among more than 100 in case, which settled after discovery.

Hanna et al. v. Textron. Claims of more than 200 individuals for personal injuries arising from exposure to VOCs in well water. Took depositions of 20 plaintiffs, and case was settled before expert phase of discovery.