



**PRACTICE GROUP CHAIRS**

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**ENVIRONMENTAL**

As environmental concerns become primary shapers of a company's image in the public eye and regulations continue to grow increasingly complex, it is more important than ever for businesses to partner with a law firm equipped to guide them through today's standards as well as through the evolution into the industrial and regulatory framework of tomorrow.

Goldberg Segalla's Environmental Practice Group works closely with clients to help them balance their environmental responsibility with their business goals and their bottom lines. We provide staunch advocacy and defense for our clients when environmental claims arise or the government takes action. Our team remains on the cutting edge of the ever-changing body of environmental law, allowing us to bring the legal and industry knowledge necessary for clients to meet the environmental challenges and opportunities in business head-on.

We counsel and represent a wide range of Fortune 500 corporations, commercial and industrial facility owners and operators, financial institutions, higher education institutions, transportation companies, health care facilities, developers, landowners, municipalities and public entities, and others on environmental matters, including:

- Regulatory compliance and self-auditing
- Permit applications
- Environmental strategy development, proactive measures to minimize liability, and preemptive solutions to changing laws
- Preparing for and responding to government inspections and enforcement actions
- Zoning and land use issues
- Emerging environmental, liability, and coverage issues for an array of industries connected with hydrofracking
- Environmental aspects of transactions, including environmental review, due diligence, and commercial loan closings
- Waste management issues and hazardous waste remediation, including community outreach to landowners
- Spill or accident remediation and cost-recovery litigation
- Litigation to defend against the full range of environmental claims

Our experience includes matters involving the full range of applicable federal and state agencies and regulations, including:

- U.S. Environmental Protection Agency (EPA)
- Consumer Product Safety Commission
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
- Resource Conservation and Recovery Act (RCRA)
- Clean Air and Clean Water Acts
- Spill Prevention, Control, and Countermeasure Plans (SPCC) for oil spills
- State environmental protection agencies, laws, and regulations

Several members of our team have background experience in environmental science, consulting,

wastewater treatment, and other disciplines, providing increased efficiency and greater understanding of the technical and scientific challenges facing our clients.

Reflecting our position at the forefront of the environmental legal landscape, our firm developed a Hydrofracking Practice Group focused on channeling our regulatory, environmental, commercial, and liability-related experience to the unique legal and regulatory challenges facing a wide range of private and public entities in connection with the emerging hydrofracking industry. Our *Shale Watch* blog provides the latest news on legal developments arising out of hydrofracking, as well as related commercial or litigation issues, in the Northeast and across the country.

## **ENVIRONMENTAL COMPLIANCE AUDITS**

As the body of environmental regulations grows in complexity, new industries are targeted by state environmental agencies and the U.S. Environmental Protection Agency (EPA). Industries that faced little or no regulatory interest are now seeing widespread inspection and enforcement actions. It is more important than ever for operators of private and public facilities to take a proactive approach to environmental compliance. Taking action *before* an inspection occurs is critical to avoiding expensive response costs and potential penalties.

Members of Goldberg Segalla's Environmental Practice Group have the ability to explain on a practical level complex environmental regulations to help clients understand and manage their environmental compliance needs, including facilitating relationships with appropriate vendors and consultants to ensure long-term, sustainable compliance. Our experience ranges from the development of comprehensive audit programs and environmental management systems for entire industry sectors to educating stand-alone operators on their waste streams and permitting needs.

In addition, Goldberg Segalla attorneys have extensive experience with the EPA's Self-Audit Policy, guiding participants through an audit and disclosure process. In return for participation, the government waives penalties it would have assessed if it had discovered the reported violations. Most states have similar "clean slate" initiatives designed to promote voluntary compliance. Depending on the state, an environmental compliance audit can result in a waiver or significant reduction in penalties. As an experienced leader in the audit field we can develop new compliance programs from scratch or improve long-established programs.

Involving Goldberg Segalla is good for the environment and good for business. Our clients have alleviated documented potential health risks and prevented hazardous substances from being released. We have also achieved significant savings for our clients — totaling more than \$50 million in fines that were avoided — while providing our clients with valuable knowledge to ensure continued compliance into the future.

### **Industries Under the Regulatory Microscope**

State and federal enforcement has been increasing. The EPA secured \$840 million for enforcement in 2014 and the President proposed a \$40 million increase in 2015. Our Environmental Compliance Audits are particularly well-suited for previously untargeted entities who may face an investigation, such as:

Hospitals

Nursing homes

Other health care facilities  
Pharmacies  
Grocery stores  
Retail stores  
Manufacturers of industrial and consumer products  
Ports and harbors  
Trucking and other transportation companies  
And other industries not previously targeted for environmental enforcement

Our team maintains respected working relationships with the EPA and state regulators, monitors their activity, and keeps a close eye on industries these agencies may identify as posing particular environmental and public health concerns.

For example, in Region 2 (which includes New York and New Jersey), the EPA recently focused its attention on the health care industry, placing hospitals, nursing homes, and other facilities at heightened risk for one of the estimated 21,000 on-site federal compliance inspections the EPA conducts each year. The retail sector, including supermarkets, big-box stores, and pharmacies, is a target for 2015.

#### **A Collaborative Process**

Our Environmental Compliance Audit is highly collaborative and proactive. We connect a team of attorneys and engineering consultants with a select group of representatives from the client's staff in order to train staff members to assist in the audit — an approach that not only reduces costs by limiting the number of outside professionals necessary to conduct the audit, but also leaves the client with a staff trained and experienced to minimize potential noncompliance well into the future. Our commitment to teaching compliance at every step in the audit process sets us apart from others in the industry.

#### **A Track Record of Success**

Our experienced team has implemented Environmental Compliance Audits for hundreds of clients across the country. As an example, our compliance audits of more than 300 colleges and universities resulted in an average savings of approximately \$750,000 in potential fines. One institution faced over \$11 million in potential penalties that were waived by the EPA due to our involvement.

So far, our Environmental Compliance Audits have helped clients identify and properly manage more than 100 tons of hazardous waste, along with permanent changes in the routine management of these waste streams to keep them out of landfills and sanitary sewers. Clients have properly disposed of approximately 68 tons of legacy hazardous waste and 40 tons of legacy non-hazardous chemical waste at permitted licensed facilities, recycled approximately 42 tons of batteries and fluorescent lights, managed more than 2.5 million gallons of petroleum products, removed 62 underground storage tanks, and remediated at least 10 sources of groundwater and soil contamination — all without having to pay a penny in penalties or fines.

#### **Contact Us**

For more information on how your company may benefit from our Environmental Compliance Audits, please contact:

**John J. Jablonski** (716.566.5469; jjablonski@goldbergsegalla.com)

**Troy A. Bataille** (860.760.3311; tbataille@goldbergsegalla.com)

## **HYDRAULIC FRACTURING**

As high-volume hydraulic fracturing (also known as hydrofracking) opens up the potential to tap into vast natural gas resources from the Marcellus Shale and other formations, public and private entities are discovering a wealth of business opportunities — as well as a host of new legal and regulatory challenges.

But these challenges aren't new for Goldberg Segalla — and when they arise, we are ready and well positioned to help.

Our attorneys are experienced in all types of regulatory, environmental, commercial, and liability-related issues that may impact municipalities, insurers, oil and gas companies, construction contractors and subcontractors, transportation companies, wastewater treatment companies, chemical and product manufacturers, or others in connection with hydrofracking operations.

With our strong presence in New York and Pennsylvania and our extensive, nationwide reach, we frequently advise and represent clients in these sectors on matters involving:

- Commercial agreements

- Contractual and regulatory obligations

- Environmental, mass tort, and toxic tort claims, including claims of adverse environmental impact, exposure to radioactivity, drinking water contamination, and fear of contracting cancer (medical monitoring claims)

- Insurance coverage analysis and dispute resolution

- Land use, zoning, and preemption issues

- Property damage, product liability, design defect, business interruption, personal injury, and negligence claims

- Property rights and leasing disputes

- Worksite injury and workers' compensation claims

Our team is also experienced in representing our clients' interests before agencies such as the New York State Department of Environmental Conservation (DEC) and the U.S. Environmental Protection Agency (EPA), and we have handled cases involving relevant regulations such as the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Clean Water Act.

Our hydrofracking team mobilizes the extensive capabilities of a number of Goldberg Segalla practice groups, including:

- Business and Commercial

- Construction

Environmental and Complex Torts Coverage

Product Liability

Toxic Tort and Environmental

Transportation

Workers' Compensation

Zoning and Land Use

Drawing from this breadth of experience, we can provide proactive advice to help clients manage the risks associated with this potential new era of domestic energy exploration and production, as well as guide them through complex municipal and regulatory issues or protect their interests in the event of a dispute, accident, or claim.

Please contact Andrew J. Scholz for more information.

For the latest news on legal developments arising out of hydrofracking, as well as related commercial or litigation issues, please visit our *Shale Watch* blog.