



## ENVIRONMENTAL

***FOR AN INSIDE LOOK AT THE LATEST DEVELOPMENTS IN ENVIRONMENTAL LITIGATION, VISIT OUR ENVIRONMENTAL LAW MONITOR BLOG.***

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Goldberg Segalla's environmental lawyers' number one priority is to provide sound, strategic solutions to the problems and challenges our clients face. Our practice encompasses the full spectrum of federal, state, and local environmental laws and regulations and their impact on real estate, business and lending transactions, and business operations. With extensive experience helping clients navigate the complexities of the environmental laws and regulations, Goldberg Segalla's attorneys balance your business's environmental responsibilities with the expectations you set and the goals you aim to achieve.

We offer services ranging from regulatory compliance counseling to crisis response and the management of environmental liabilities in corporate, real estate, and financial transactions. Our clients — landowners, oil and gas companies, chemical and product manufacturers, construction contractors and subcontractors, real estate developers, lenders, insurers, and public and private entities — rely on us for our thorough understanding of the laws and regulations on the federal, state, and local level. Our environmental attorneys provide you with practical business-oriented advice on the basis of existing and anticipated legal requirements, and regulatory practice.

### **We Navigate the Environmental Landscape for You**

Goldberg Segalla's decades of collective environmental experience enables us to negotiate with the EPA and state agencies, remediate contaminated properties, attempt to avoid violations and lawsuits, or if needed, litigate disputes. We provide guidance and protect you on many different environmental fronts:

- Environmental due diligence
- Environmental compliance audits
- Prepare for and respond to governmental inspections and enforcement actions
- Environmental compliance and permitting
- Solid and hazardous waste control and remediation
- Environmental concerns related to hydraulic fracturing
- Groundwater contamination and water quality issues
- Air quality
- Vapor intrusion
- Landfills
- Remedial activities and engineering oversight
- Zoning and land use
- Commercial loan closings
- Environmental insurance
- Compliance with transaction-triggered environmental laws

Our commitment to understanding our clients' business needs is reflected in our deep knowledge and

experience with various statutes and laws, including:

- Resource Conservation and Recovery Act (RCRA)
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund)
- Clean Water Act (CWA)
- Clean Air Act (CAA)
- National Historical Preservation Act (NHPA)
- National Environmental Policy Act (NEPA)
- Toxic Substances Control Act
- Spill Prevention, Control, and Countermeasure Plans
- Consumer Product Safety Commission
- State and local statutes and regulations

#### **Innovative Strategies and Solutions for Any Environmental Law Need**

We have the federal-level and state-specific experience to help our clients identify, mitigate, and manage any type of environmental issue anywhere they do business. From preventive counsel to crisis management and litigation, we have a track record of successfully developing innovative solutions geared toward managing costs, reducing risk, and furthering each client's long-term goals.

- We identify environmental problems — both real and potential — early on.
- We help clients understand the federal and state agency requirements that impact them.
- We conduct environmental due diligence so you avoid future problems.
- We oversee environmental consultants and engineers in the course of remedial activities.
- We help you return contaminated sites to their practical and profitable use.
- We provide counsel on reporting obligations, analysis of remedial options, and legal oversight of soil, groundwater, air, and surface water cleanup, and compliance obligations.
- We evaluate the use of cost-saving cleanup mechanisms, alternative cleanup standards, and risk-based cleanups.
- We stay on the cutting edge of issues bearing upon the remediation process.
- We are well versed in local and state environmental programs throughout the country, such as New Jersey's Site Remediation Reform Act and its Licensed Site Remediation Professional (LSRP) program.

#### **ENVIRONMENTAL COMPLIANCE**

Our advice put into practice has created robust regulatory compliance programs that help clients avoid fines, violations, and penalties, as well as costly litigation and administrative hearings. For example, Goldberg Segalla has developed comprehensive audit programs and environmental management systems for entire industry sectors. In doing so, we have achieved significant savings for our clients — totaling more than \$50 million in fines that were avoided — while providing clients with valuable knowledge to ensure continued compliance into the future.

We have extensive experience with the EPA's Self-Audit Policy, guiding participants through an audit and disclosure process. Our clients have alleviated documented potential health risks and prevented the release of hazardous substances. We help our clients develop strategies for addressing compliance

issues, ensuring workplace and product safety, responding to government inspections, and handling enforcement actions, including representation at administrative agency hearings.

## **ENVIRONMENTAL LAND USE AND DEVELOPMENT**

We understand the critical importance of identifying environmental land use issues prior to entering into a business or real estate transaction. We focus on maximizing the developer's ability to use land to its fullest potential while minimizing environmental liability and permit requirements. Our attorneys are skilled at navigating the complexities of state and federal environmental laws and regulatory requirements that govern land use, and work closely with environmental consultants, engineers, and state agencies on a broad range of issues generated by the regulation of development in wetlands, flood hazard zones, and natural wildlife habitats.

## **ENVIRONMENTAL LITIGATION**

In conjunction with members of the firm's other practice groups, our environmental attorneys handle all phases of civil litigation, enforcement and penalty actions, and administrative proceedings on environmental issues. We practice in state and federal courts and before administrative agencies and other regulatory bodies, arbitration tribunals, and mediators. We are fully experienced in litigating issues of site remediation liability and cost recovery under state and federal statutes and allocation of responsibility among multiple PRPs. Our litigators in the environmental arena can handle CERCLA/Superfund, state spill statutes, natural resource damages (NRD) cases, and criminal defense matters.

## **ENVIRONMENTAL INSURANCE COVERAGE**

Our attorneys are experienced in representing insurers in complex, multiparty coverage disputes that arise out of environmental contamination and pollution. Outside of the litigation context, we also advise clients on drafting and analyzing commercial pollution, general liability, special pollution and site specific pollution coverages. Our experience touches all coverage aspects, including:

- Allocation of costs
- Choice-of-law
- Exhaustion
- Insolvency
- Interpretation of the pollution exclusions
- Negotiation of cost share and commutations of policies
- Notice
- Number of occurrences
- Self-insured retentions
- Scope of damages
- Successor liability
- Trigger of coverage scenarios
- Ultimate net loss
- Waiver and estoppel
- What constitutes a "suit"

## **HYDRAULIC FRACTURING**

As high-volume hydraulic fracturing opens up the potential to tap into vast natural gas resources, public and private businesses are discovering a wealth of opportunities — as well as a host of new legal and regulatory challenges. Drawing from our breadth of experience, we 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.