

## Environmental

### **PRACTICE CONTACTS**

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### **RELATED PRACTICES**

Bond & Public Finance  
Construction & Development  
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Government Affairs  
Green Team  
Land Use & Zoning  
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Real Estate Sales,  
Acquisitions & Leasing  
Real Estate Taxation  
Site Selection  
Title Insurance

Our Environmental Group members have knowledge and experience in all areas of the law relating to federal and state environmental regulation and litigation. Two of our partners each have more than 25 years of experience exclusively practicing environmental law in both the public and private sectors. To do the job well, we have to know our clients' businesses and their challenges. Our goal is to minimize clients' environmental liabilities without jeopardizing business opportunities. Our approach to identifying and evaluating environmental risks and liabilities is aimed at solving problems efficiently and effectively. Consistent with our firm's tradition of providing valuable and cost-effective counseling, our environmental team provides outstanding, client-driven services on legal issues arising under federal, state and local environmental laws. Our industrial manufacturing experience includes printing, paper products, automobile, automobile parts, heavy equipment, HVAC equipment, plumbing fixtures and parts, concrete and metal pipes, steel, consumer products, chemicals, pharmaceuticals, industrial laundries, food producers and processors, and waste management.

### **REGULATORY COUNSELING**

Our Environmental Group routinely counsel clients involving a wide variety of issues under federal and state environmental laws, regulations, and permits, including air emissions, water discharges, solid and hazardous waste management, soil and groundwater remediation, spill response and release reporting. These laws are complex, but we know the regulations and we strive to find practical, workable solutions for our clients.

We have lawyers who previously worked for federal and state environmental regulatory agencies. We regularly assist our clients with corporate environmental compliance management programs, permitting (air, water, wetland, solid and hazardous waste, underground storage tanks (USTs), agricultural) compliance audits, site investigations and remediation.

### **ENVIRONMENTAL LITIGATION**

On those occasions when negotiations break down over a compliance or permitting issue, or when our clients become involved in Superfund or other environmental litigation, our environmental team has the knowledge and experience to effectively litigate these cases. We work to provide our clients with cost-effective strategies to resolve environmental disputes. We understand that a win for our client in an environmental case is rarely defined as spending years litigating an issue just because we can ultimately prevail.

Our attorneys have considerable experience in Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cost recovery actions, Resource Conservation and Recovery Act (RCRA) corrective actions, defending

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federal and state enforcement actions, defending against private citizen environmental suits and nuisance actions, prosecuting permit appeals, and in litigation regarding waste management issues. This experience includes administrative, civil, and criminal proceedings. Our firm has a group of exceptional litigation attorneys that we draw upon to most efficiently and effectively manage environmental litigation.

### **TRANSACTIONAL WORK**

Our environmental attorneys have many years of experience dealing with the environmental aspects of real estate and corporate transactions from the simple one-property transaction to the complex multi-facility, multi-state or multi-country deal. We understand how to best protect buyers, sellers and third parties in these transactions without overly complicating the transaction. We supervise site assessments, review compliance audits, and evaluate available mechanisms to effectively identify and manage environmental concerns and risks.

We work closely with the real estate and corporate attorneys who handle all facets of real estate projects and corporate transactions including property development and redevelopment, leasing, zoning and land use, sales and acquisitions, taxation, project finance, economic development and government affairs. In addition to helping our clients secure available funding and incentives for redevelopment of environmentally-impaired properties, our environmental team works to develop cost-effective solutions to address environmental concerns and risks.

Our Environmental lawyers are able to:

- Provide practical, business-oriented solutions to environmental problems in real estate transactions and business acquisitions and divestures
- Perform environmental due diligence, negotiate contractual safeguards, and facilitate the financing and marketability of commercial developments
- Ensure regulatory compliance by assisting clients in developing environmental compliance strategies, including environmental policies, compliance planning and compliance monitoring
- Assist clients in responding to administrative orders, information requests, and regulatory inspections
- Oversee site assessments and remediation, including RCRA corrective actions
- Assist with brownfield redevelopment, occupational health requirements, waste management, emergency planning, wetlands and stream mitigation issues, spills, and environmental permitting
- Defend enforcement actions
- Defend environmental claims, nuisance actions and toxic tort suits
- Defend and prosecute CERCLA cost recovery and contribution actions
- Assist in release reporting under EPCRA, CERCLA and permits
- Assist clients in obtaining environmental permits, plan authorizations, certificates, licenses, no further action letters and covenants not to sue

### **PUBLICATIONS**

- Legal Alert: U.S. EPA Grants Funding for Brownfield Environmental Assessments and UST Investigations, April 1, 2011
- Update on Cincinnati Environmental Justice Ordinance, December 18, 2009
- Legal Alert: American Recovery and Reinvestment Act, March 2, 2009