

## Environmental Law

Flaster Greenberg's Environmental Law attorneys are extremely knowledgeable in the collection of laws, regulations, agreements, and common law that governs how humans interact with their environment. We also have a growing Alternative and Renewable Energy Group, and attorneys who specialize in emerging contaminants found in groundswells (PFAS).

When your project is affected by an environmental issue, you need a permit, or must ensure compliance, our highly distinguished environmental and land use attorneys identify practical alternatives to achieve your business objectives while complying with legal regulations.

They represent a diverse range of clients that includes manufacturers; chemical producers, oil recycling and energy companies; medium and small businesses; financial institutions; and residential, commercial, and industrial developers in all aspects of environmental and land use matters from transactions, and litigation to permitting and compliance.

In addition, we are proud to have a growing facet of our environmental law practice, our Alternative and Renewable Energy Group, which includes environmental law attorneys who provide a comprehensive array of legal services to clients engaged in all aspects of the renewable, alternative, or green energy fields.

Finally, for any person or entity who is now, or will in the future, facing potential liability for PFAS contamination, it is essential to be counseled by a team of qualified and experienced practitioners who fully understand and can deal with all the legal and practical risks. Our environmental law attorneys are the choice for legal assistance. Scroll down to read more about PFAS.

### Environmental Transactions

The firm's environmental law attorneys have decades of experience in environmental transactions where they negotiate, review, evaluate, propose, and prepare tools and framework to protection, conserve, and sustain the use of the environment and its' natural resources.

Examples of environmental transactions performed on behalf of clients include:

- Negotiating responsibility for site remediation and establishing methods/procedures to finance the remediation.

### Attorneys

Marty M. Judge  
Mitchell H. Kizner  
John G. Koch  
Daniel B. Markind  
Lauren N. Schwimmer  
Robert M. Washburn  
Frank H. Wisniewski

*Continued*

---

- Review of Phase 1s and Phase 2s (a/k/a Preliminary Assessments and Site Investigations).
- Evaluating transaction risks.
- Proposing safeguards against environmental liability.
- Assuring compliance with applicable standards, including EPA's "All Appropriate Inquiry" requirements and state preliminary assessments/due diligence regulations.
- Assisting with transfer of permits.
- Working with environmental consultants and federal and state regulatory agencies to enable property transfer.
- Reviewing violation notices and permits, to ensure regulatory compliance transaction details.
- Preparing filings for regulated companies, including MSDS under OSHA.
- Aiding the development of tailored insurance policies.
- Working with the agencies on site remediation to avoid unsupportable requirements.

### Environmental Litigation

Our attorneys also have extensive experience in environmental-related litigation including remediation, cost allocation, insurance coverage claims, and safety and health issues that often arise in the context of governmental and private-party cost recovery claims, agency enforcement and penalty actions, citizens' suits to enforce federal and state statutes, remediation and liability disputes, toxic tort cases and class actions, and challenges to environmental permits and proposed regulations.

Our attorneys represent clients in environmental litigation in both federal and state courts, including appellate courts, and in proceedings before administrative tribunals challenging agency decisions. Our experience includes Superfund (CERCLA), RCRA and New Jersey Spill Act actions, Natural Resource Damage (NRD) claims, ISRA and underground storage tank issues, water uses and allocations, discharges of hazardous waste, solid waste and permitting issues involved with many of the foregoing activities. Our team is on the forefront of environmental law issues emanating from the Site Remediation Reform Act (SRRA) concerning remediation, regulatory and mandatory deadlines, and notice requirements for contaminated sites in New Jersey.

### Environmental Permitting and Compliance

Our Environmental Law Practice Group aids clients in applying for and obtaining environmental permits required to carry on their businesses, as well as complying with applicable permit conditions. In instances where environmental permit conditions are not reasonable and/or lead to environmental compliance problems, we also assist clients in resolving such claims and/or in applying for permit modifications to enable clients to meet environmental permit conditions on a going forward basis.

## Land Use and Redevelopment

Our environmental law attorneys also aid clients in obtaining zoning and permit approval with respect to land use and development. We provide our clients with effective advocacy before planning/zoning boards and other decision-making bodies involved in the development process. We deal with both the basic and the specialized aspects of land use. This includes facilitating land use approvals, utilizing public programs, using grants and subsidies for facilitating development, and providing aid in disputes and litigation arising out of the approval process. We also assist in obtaining the necessary permits, related approvals, and determinations from local, state, and federal governmental agencies, including the Pinelands Commission, the NJDEP, the EPA, the NJDOT and the US Army Corps of Engineers.

## Alternative and Renewable Energy

A growing facet of our environmental law practice is our Alternative and Renewable Energy Group, providing a comprehensive array of legal services to clients engaged in all aspects of the renewable, alternative, or green energy fields. This interdisciplinary team of attorneys represents clients with needs in the solar, wind, cogeneration, biofuels, biomass, and other alternative and renewable energy areas, as well as clients engaged in the green construction industry, including LEED® certification construction and related regulatory and real estate matters.

## Representative environmental law and land use examples include:

- On behalf of an industrial client remediating groundwater contamination, we successfully convinced the NJDEP to withdraw proposed regulations that would have set a state-specific cleanup standard for a contaminant that was significantly more stringent than the current national interim standard set only recently by the USEPA. We were able to convince the NJDEP that its proposed cleanup standard of 5 ppb lacked key scientific data and analysis and did not support the NJDEP proposal claiming to be more protective of human health than the current federal interim standard of 15 ppb. We were also successful in convincing the NJDEP that no adverse public health consequences would ensue if the NJDEP waited for the USEPA to adopt a permanent federal standard before deciding upon any state-specific standard.
- We successfully guided our client through the Industrial Site Recovery Act (ISRA) process and convinced NJDEP to approve the full release of the client's mandated funding source required under ISRA in the face of ongoing monitoring and reporting requirements.
- Our legal team successfully recovered millions of dollars in insurance benefits for a gasoline distributor with ten contaminated sites.
- Our attorneys obtained funds in a suit filed under the New Jersey Spill Act and against insurance carriers, which allowed for a multimillion-dollar cleanup of a long-contaminated PCB site in Franklin Township, New Jersey.
- We successfully litigated a claim for multimillion-dollar cleanup costs and damages on behalf of a New Jersey developer against a Fortune 500 company that polluted a site before the client purchased it.
- We obtained multimillion-dollar cost recoveries for original defendants in third party practice against hundreds of defendants in the Helen Kramer Landfill (New Jersey) and Berks/Douglassville (Pennsylvania) Superfund litigations.

*Continued*

---

- We recovered millions of dollars in insurance proceeds which assisted in the cleanup of a site which had been contaminated with arsenic by a chemical manufacturer.
- We successfully guided clients through dozens of gasoline station, dry cleaning, and other industrial, commercial, and residential contaminated sites by obtaining regulatory approvals, cost recovery against responsible parties, and obtaining insurance proceeds through applicable insurance policies.

## A PFAS Law Firm

Flaster Greenberg is a law firm that specializes in Per- and polyfluoroalkyl substances also known as PFAS. According to the Environmental Protection Agency, PFAS are widely used, long lasting chemicals, components of which break down very slowly over time. They are found in water, air, fish, and soil at locations across the nation and the globe.

Examples of PFAS include:

- Cleaning products.
- Water-resistant fabrics, such as rain jackets, umbrellas, and tents.
- Grease-resistant paper.
- Nonstick cookware.
- Personal care products, like shampoo, dental floss, nail polish, and eye makeup.
- Stain-resistant coatings used on carpets, upholstery, and other fabrics.

These contaminants have gained attention because of their potential harmful effects on human health and the environment. Regulators around the country continue to struggle with how to determine the level of exposure deemed to be safe.

There are literally thousands of PFAS compounds. To date only a handful have been researched. This is an area of concern for anyone who knows or suspects that they may bear responsibility for PFAS contamination. To complicate matters, PFAS laws and regulation vary from state to state.

For any person or entity who now, or in the future, may be facing potential liability for PFAS contamination, it is essential to be counseled by a team of qualified and experienced practitioners who fully understand and can deal with all of the legal and practical risks.

Should you have any questions on PFAS, including the current regulatory status or how best to handle public and private inquiries from the press, or need legal help in connection with litigation involving PFAS, please contact a member of our Environmental Law Department specializing in PFAS listed below.

[Download More Information About PFAS Now \(PDF\)](#)