



## Franklin J. Riesenburger

*Shareholder*

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**Franklin J. Riesenburger** is a shareholder in the firm's Environmental and Real Estate Law Departments. He has represented clients in environmental litigation and regulation, environmental permitting and commercial transactions for more than 30 years.

As a member of the firm's Alternative and Renewable Energy Industry Group, he also represents clients engaged in or considering business ventures in solar energy installations.

### REPRESENTATIVE MATTERS

- Third-party plaintiffs' counsel in CERCLA litigation filed against hundreds of defendants in the Helen Kramer Landfill, and Berks Landfill matters, each of which involved claims exceeding \$100 million dollars
- Originated third-party litigation under CERCLA in *U.S. v. Price* and its companion private party civil damages action bringing claims against hundreds of parties
- Through a series of numerous public meetings before the Improvement Authority and Board of Chosen Freeholders, and facing broad-based and contentious public opposition, obtained approval by a vote of 4 to 3 for the inclusion of a client's activities into the County Waste Management Plan, which approval was required by the NJDEP for the continuation of the client's business
- As the result of trial under the Open Public Records Act, obtained over 22,000 pages of documents that had previously not been identified and were improperly withheld by a municipality concerning its energy-related activities, and was awarded \$190,000 from the municipality for legal expenses incurred by the client as the result of the need to bring the action and trial to obtain the documents
- Obtained the reversal of a local zoning board's decision that was shown to be so politically motivated that the Appellate Division, upon review, upheld the reversal by the trial judge without any remand to the zoning board for further consideration

### Practice Areas

Environmental Law  
Litigation  
Real Estate and Land Use  
PFAS

### Industry Groups

Alternative and Renewable Energy  
Nonprofit & Charitable Organizations  
Restaurant & Hospitality

### Admissions

New Jersey  
U.S. District Court for the District of New Jersey  
U.S. Court of Appeals for the Third Circuit  
U.S. Supreme Court

### Education

- University of Chicago Law School, J.D.
- American University – School of International Service, B.A., *cum laude*
  - John F. Kennedy Memorial Scholarship

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- Obtained the delisting of a previously registered dam from oversight and regulation by the NJDEP
- Through litigation, prevented the NJDEP's efforts to withhold approvals for the sale of a shipyard to new ownership, and obtained court approval for the sale by the shipyard's court-appointed receiver
- Spearheaded litigation that ultimately required the owner of property to complete the contract for the sale of property to a client; the owner had attempted to avoid the sale by delaying and not diligently pursuing its efforts to obtain ISRA approval from the NJDEP, which ultimately was obtained through the firm's efforts
- Successfully defended a multimillion-dollar claim by a national tenant that the client-owner of a shopping center had failed to deliver a 50,000-square-foot space free of asbestos
- In defense of a claim for which the client was accountable under the New Jersey Spill Act for the cost of 642 hookups to a public water supply system, determined that seven different plumes from seven different sources were responsible for the contamination of the previously private drinking water wells on the properties requiring the hookups; the DEP ultimately conceded that the client was accountable for less than ten percent of the number of public hookups required

**Reported Cases Involving Environmental Issues**

- U.S. v. Kramer, 757 F.Supp. 397, 21 Env'tl. L. Rep. 20,879 (D.N.J., Feb 08, 1991) (NO. CIV. A. 89-4340 JFG)
- U.S. v. Vineland Chemical Co., Inc., 692 F.Supp. 415, 28 ERC 1789, 19 Env'tl. L. Rep. 20,160 (D.N.J., Jul 29, 1988) (NO. CIV. A. 86-1936)
- U.S. v. Consolidated Rail Corp., 674 F.Supp. 138, 26 ERC 1990, 18 Env'tl. L. Rep. 20,405 (D.Del., Nov 06, 1987) (NO. CIV.A. 85-502 MMS)
- State of N.J. Dept. of Environmental Protection v. Gloucester Environmental Management Services, Inc., 668 F.Supp. 404, 26 ERC 1443, 18 Env'tl. L. Rep. 20,112 (D.N.J., Aug 20, 1987) (NO. CIV. A. 84-0152[SSB])
- Vineland Chemical Co., Inc. v. U.S. E.P.A., 810 F.2d 402, 25 ERC 1564, 17 Env'tl. L. Rep. 20,2555 (3rd Cir., Feb 06, 1987) (NO. 86-3157)
- U.S. v. Price, 577 F.Supp. 1103, 19 ERC 1638, 13 Env'tl. L. Rep. 20,843 (D.N.J., Jul 28, 1983) (NO. CIV. 80-4104)
- Matter of Dept. of Environmental Protection, Division of Water Resources of State of New Jersey, 177 N.J. Super. 304, 426 A.2d 534, 15 ERC 1751 (N.J. Super. A.D., Feb 09, 1981) (NO. A-3681-78)

**Reported Cases Involving Other Issues**

- Lucy Miranda et al., Plaintiffs v. Local 208, Amalgamated Clothing Workers of America, et al., Defendants., (8 EPD Section 9601) U.S.D.C. N.J., (1974)
- Thompson v. Yue, 426 F.Supp. 853 (D.N.J., Jan 10, 1977) (NO. CIV. 76-1126)
- State v. Sugar, 84 N.J. 1, 417 A.2d 474 (N.J., Jul 24, 1980)
- Calliari v. Sugar, 180 N.J. Super. 423, 435 A.2d 139 (N.J. Super. Ch., May 28, 1980) (NO. C-950-79)
- Matter of Adoption of Children by F., 170 N.J. Super. 419, 406 A.2d 986 (N.J. Super.Ch., Sep 23, 1979)
- Matter of Saferstein, 160 N.J. Super. 393, 390 A.2d 137 (N.J. Super. A.D., Jul 03, 1978)
- Cancel v. Watson, 131 N.J. Super. 320, 329 A.2d 596 (N.J. Super. L., Nov 19, 1974)

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### HONORS & AWARDS

- Rated AV® Preeminent™ by Martindale-Hubbell
- Top Attorney List, *SJ Magazine*, 2004, 2005, 2009 – 2013, 2017, 2019
- Named an Awesome Attorney, Environmental Law, *South Jersey Magazine*, 2013 - 2014
- Named a New Jersey "Super Lawyer", 2005, 2006 and 2007, by Thomson Reuters, publishers of *New Jersey Super Lawyers*

*A description of the standard or methodology on which the accolades are based can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

### PROFESSIONAL AFFILIATIONS

- American Bar Association
- Cumberland County Bar Association
  - Former secretary
- Jewish Federation of Cumberland County
  - Emeritus and past president
- New Jersey State Bar Association
  - Former chair, Environmental Law Section
- Vineland Public Library
  - Trustee Emeritus and past president
- NJ Licensed Site Remediation Professionals Association
  - Member, Committee for Procedural and Regulatory Questions Regarding the Remediation of Contaminants of Emerging Concern

### COMMUNITY ACTIVITIES

- Past member, CleanTech Committee of the America-Israel Chamber of Commerce (AICC), Philadelphia, PA
- Past member, National Board of Directors of Elwyn (serving the developmentally disabled community), Elwyn, PA, and previously served for 12 years on the Board of Directors of Elwyn New Jersey, Vineland, NJ
- Board of Directors, Israel Elwyn, serving developmentally disabled persons throughout Jerusalem and Haifa, Israel
  - Director Emeritus, 2015 – Present
  - Chairman, 2010 – Present
  - Member, 1997 – Present
- Trustee Emeritus, Vineland Public Library, in recognition of having served 24 years on the Board of Trustees of the library with two years having served as president
- Stockton State College
  - Adjunct Professor, Environmental Law, 1990 - 1992

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- Jewish Federation of Cumberland County
  - Past president, 2006 – 2008
  - Director Emeritus
  - Member, Board of Directors, 1985 – Present

#### **ARTICLES & ALERTS**

PFAS Update: Perfluoroalkyls or Polyfluoroalkyls of Concern (“PFAC”) and the Issue of Designating them as “Hazardous Substances” Under CERCLA

*Legal Alert* (November 22, 2019)

Man-Made Contaminants: PFAS (Per- and Polyfluoroalkyl Substances)

(November 29, 2018)

The Impact of ‘Accutane’ on Environmental Cost Recovery and NRD Litigation

*New Jersey Law Journal* (September 10, 2018)

Remedial Priority Scoring System Goes Live in December

*Legal Alert* (December 14, 2012)

Legislation Infuses Life Back Into NJ Solar Energy Industry

*Legal Alert* (August 3, 2012)

Don't Ignore the Mail You'll Soon Receive from the NJDEP

(April 5, 2012)

Clean Energy: A Roundtable Discussion

*New Jersey Law Journal* (May 3, 2010)

The NJDEP is killing the Licensed Site Remediation Professional Program (SRRP)

*Legal Alert* (March 25, 2010)

September 2 Deadline for Public Notice on Remediated Sites

*Legal Alert* (July 20, 2009)

Geohydrological Gaffes: 'Regulatory Chemistry' Can Leave Petroleum Cleanup Costs Up in the Air

*New Jersey Bar Association Environmental Law Section Newsletter* (January 1996)

Speciation: An Essential Tool for the Environmental Control of Inorganic Chemicals in Water

*The Columbia Journal of Environmental Law, Vol. 9, Issue 1* (January 1984)