



Environmental Law

Overview

Environmental law is a cornerstone of Archer. A nationally recognized leader in the industry, our environmental law group has an exceptional reputation and years of experience providing regulatory counsel, enforcement defense and litigation support to businesses on a wide range of environmental, compliance and liability matters affecting how they operate. The group is widely known for their experience representing Fortune 500 clients on the largest and most complex environmental matters throughout the country.

Through our work with the full spectrum of clients, our team has a unique understanding of virtually every area of environmental law, the regulatory and legislative process, and related litigation. The firm also has a substantial environmental insurance coverage practice. We assist in all stages of project development in environmental and natural resource matters creating solutions that enable clients to successfully operate within complex and evolving regulatory frameworks. Clients turn to Archer's environmental lawyers for advice on compliance with federal, state, and local environmental laws and help to achieve their objectives in real estate and business transactions. We resolve disputes with governmental entities and other parties regarding environmental matters and protect client interests in litigation or alternative dispute resolution.

We view environmental law from all perspectives. Our team is known for their deep technical knowledge, multidisciplinary approach, broad experience that applies to multiple industries, and advising on major projects that raise complex environmental issues. We know how important it is for clients to maintain a good working relationship and reputation with regulators to achieve their business objectives. Our many years of experience working with federal, state, and local agencies has given us valuable insights into how regulators think and how to represent clients effectively while protecting and furthering their business interests.

Services we offer include, but are not limited to:

- Development of environmental policies and implementation procedures
- State and federal regulatory and compliance advice
- Management of litigation risks
- Management and development of contaminated properties, including site investigations, remediation work and brownfield initiatives
- Superfund matters

- Conducting environmental assessments for projects
- Evaluating and advising on minimizing environmental risks in real estate and business transactions
- Land use and zoning due diligence and permitting
- Cost recovery actions
- Citizen suit defense
- Product liability litigation
- Toxic tort defense
- Crisis planning and response
- Environmental, health and safety audits

Archer's environmental group combines decades of experience in environmental litigation matters and dispute resolution with their deep knowledge of the environmental regulatory landscape to secure the best outcomes for our clients. Our attorneys have served as lead counsel in hundreds of environmental cases in jurisdictions throughout the Northeast and Mid-Atlantic States. These cases include more than 100 Superfund sites and 200 sites involved in state enforcement activities and/or private party litigation. Matters have included underground storage tank claims, surface spills, groundwater contamination, toxic torts and products liability actions under personal injury, property and natural resource damage theories alleging chemical exposure. Cases involve, among other areas, complex hydro-geological issues, hydrocarbon fingerprinting and aging analysis, and medical issues.

We always look to form lasting partnerships with our clients and serve as a valuable extension of your team. We have been working with many of our larger corporate clients for over 20 years. These relationships have succeeded in large part because we focus on learning all of your business and operations, not just completing the task at hand. Working with in-house legal teams, we provide additional support and resources aligned with your specific needs and goals. We also have an in-house litigation technology team experienced in e-discovery and document/evidence management best practices to provide clients more seamless and cost-effective services.

Representative Experience

- Lead regulatory counsel for international manufacturing company with respect to compliance with new and emerging state and federal law relating to perfluorinated chemicals and compounds (PFCs) in several jurisdictions. The firm has negotiated with the U.S. Environmental Protection Agency and similar state agencies with respect to investigating and remediating PFCs, including advising with respect to large scale municipal water infrastructure improvement projects. Successfully tried the first two full New Jersey Spill



Fund arbitration proceedings under the Spill Act, involving complex hydro-geologic chemical and utility cost analysis issues. Assisted in developing procedural guidelines that have been largely integrated into final rules adopted by the Spill Fund Administrator for the handling of Spill Fund arbitration claims.

- Lead regulatory counsel for major petroleum company at Northeast Superfund site in Region 2, including legal tasks associated with Remedial Investigation/Feasibility Study activities and remedy development.
- Served as lead counsel with respect to environmental claims against a petrochemical company at over 150 sites in 10 states which involves a complex hydrogeologic issues, including hydrocarbon fingerprinting and aging analysis, as well as multiple legal issues under the applicable cost recovery statutes and common law.
- Served as trial counsel in the defense of underground storage tank environmental contamination cases in various matters throughout the Middle Atlantic states which typically involve claims for personal injury, property damage and Natural Resource Damages related to groundwater contamination.
- Served as lead trial counsel for 12 industrial companies in a class-action seeking property damages and personal injury arising out of exposure to a landfill.
- Challenged adoption of state regulatory standards for PFOA in Vermont, leading to favorable settlement of remediation obligations associated with alleged historic releases from former manufacturing plant.
- Worked cooperatively with water providers and state regulators in Vermont and New Hampshire to implement major water infrastructure improvement projects in communities impacted by PFAS.
- Acted as co-liaison counsel for 40 generator defendants who successfully negotiated a settlement with 800 plaintiffs in a proposed class-action seeking property damages to homes surrounding a landfill.
- Acted as joint trial counsel for three corporations sued by a Fortune 100 Company and others seeking contribution under CERCLA and the Spill Act for \$150 million in clean-up costs associated with a landfill, which was formerly listed by the EPA as the nation's worst Superfund Site. After a 30-day trial, the Court ruled that our clients were not liable for any remedial costs at the landfill.

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Subpractices

- Environmental Justice
- Environmental Litigation
- Natural Resource Damages & Assessments
- Permitting & Regulatory Compliance
- Waste & Recycling

Related Services

- Bankruptcy
- Business Counseling
- Business Litigation
- Energy & Utilities
- Land Use
- Real Estate
- Redevelopment Law
- State & Local Government

Related People



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