



# Environmental Justice

## Overview

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Environmental Justice (“EJ”) lawsuits brought by state and local governments across the country are on the rise. Archer’s Environmental Justice Group has extensive experience assisting clients in navigating all facets of EJ cases. Archer’s attorneys regularly assist clients by providing unique and tailored legal advice; anticipating lawsuits; assisting with permit applications and requirements; addressing underground storage tank and other petroleum-related releases; assessing and remediating environmental damage; exploring insurance issues; and proactively managing sensitive multi-stakeholder interactions.

Archer’s Environmental Justice Group includes attorneys in the firm’s Environmental Law, Land Use and Environmental Permitting, and Government Affairs Groups who can advise, in some instances avoid and, if necessary, defend litigation brought under federal and state law, including the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), the Federal Water Pollution Control Act (the “Clean Water Act” or “CWA”), the Resource Conservation and Recovery Act (“RCRA”), the Clean Air Act (“CAA”), the Toxic Substances Control Act (“TSCA”), the New Jersey Spill Compensation and Control Act, the Water Pollution Control Act, the Solid Waste Management Act, the Freshwater Wetland Protection Act, the Flood Hazard Area Control Act, the Tidelands Act, the Water Development Act, and other common law theories for reimbursement of costs, including litigation seeking natural resource damages (“NRD”).

Our attorneys also negotiate settlements, identify and pursue other potentially responsible parties, and ensure compliance with federal and state laws and regulations. Archer has specific and extensive experience advising clients on remediation and restoration related to Natural Resource Damage claims. Archer attorneys also have extensive experience with cost recovery, project management, corporate ethics, Title VI matters, legislative matters, criminal investigations, civil enforcement, successorship liability, and business transactions. We can handle development projects and all local and state permitting requirements from start to finish.

### **Our services include, but are not limited to:**

- Defending litigation brought under state and federal law, including reimbursement of cost for remediation, restoration, and natural resource damages (“NRD”).
- Providing counsel and assistance during settlement negotiations.
- Identifying and asserting affirmative claims against other potentially responsible parties.

- Advising on environmental justice considerations during project life cycles.
- Developing creative solutions to address environmental justice community concerns.
- Addressing environmental problems related to leaking underground storage tanks, soil and groundwater contamination.
- Designing and implementing holistic programs for incorporating environmental justice considerations in company decision-making processes.
- Advising clients on best practices for environmental justice implementation and training.
- Advising clients on environmental justice issues on the local, state and federal level, as they may affect the permitting of a development project.

Archer's Environmental Justice Group works closely with the firm's Land Use Group. Archer has assisted clients with obtaining the necessary permits and approvals to develop and implement some of the most significant projects in New Jersey and the Delaware Valley in the past 40 years, including electric generation and co-generation facilities, solid waste management facilities, electrical switching stations and substations, interstate pipeline facilities, industrial parks, hospitals, schools, major commercial and residential developments, redevelopment of Brownfield and blighted areas, alternative and renewable energy facilities, establishment of fish and wetlands habitat areas, creation of wetland mitigation banks, forestry and woodland management plans and open space preservation projects.

As New Jersey's EJ regulations begin to reshape local zoning and land use policies, Archer's land use attorneys are best positioned to assist clients with navigating these regulations and identifying creative solutions that meet the requirements of regulators while minimizing the impact on our clients' operations. Archer's land use attorneys have extensive experience in representing parties before federal, special regional, and state agencies such as the New Jersey Department of Environmental Protection and the United States of Environmental Protection Agency regarding air, water, and hazardous waste/hazardous substances shipping, and handling enforcement matters. Archer's land use attorneys also have decades of experience working with local government officials and stakeholders in many of the communities that have been disproportionately exposed to environmental hazards to facilitate development that adequately addresses the public health, safety and welfare concerns of these communities.

Our exceptional reputation in environmental law and land use matters is built on years of experience, a deep understanding of our clients' businesses, and an ability to align our legal services with our clients' unique objectives. Archer is committed to serving as thought leaders in the ever-changing area of environmental justice law and have earned regional recognition not only for our victories, but also for the passion and commitment we show to each client and case. Experience has taught us that the best approach to an EJ case lies in a multi-disciplined approach, and that every client benefits from a strategy individually tailored to achieve their goals.



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