



Permitting & Regulatory Compliance

Overview

Permitting

Archer has extensive involvement advising clients on remediation, permitting, New Jersey Industrial Site Recovery Act matters, air and water pollution, wetlands, solid and hazardous wastes, and litigation involving remediation of environmental sites, industrial pre-treatment, lender liability, environmental assessments in land sales, and land use/environmental approvals.

We act for clients undertaking a range of projects from handling basic local subdivision, site plan, zoning, and planning issues, to the permitting that county, regional, state, multi-state, and federal law can impose upon virtually any development or construction project. We handle virtually all types of land development and redevelopment projects, ranging from residential site plans and subdivisions, commercial and industrial parks, and shopping centers, to specialized heavy industrial facilities, electrical generation and cogeneration facilities, mining and resource extraction operations, and Brownfield sites.

We have wide-ranging experience in obtaining permits, approvals and certifications from local and county boards, regional and state agencies such as the New Jersey Pinelands Commission, the Delaware River Basin Commission, the Delaware and Raritan Canal Commission, the New Jersey Meadowlands Commission, the New Jersey Department of Community Affairs, the New Jersey Department of Environmental Protection, the Pennsylvania Department of Environmental Protection and federal agencies such as the United States Army Corp of Engineers, the United States Environmental Protection Agency and the United States Fish & Wildlife Service.

Our attorneys have demonstrated a solid ability to come up with innovative approaches to the securing of permits and the negotiation and litigation of permit conditions and variances from permitting requirements. These include variances from the requirements for wastewater discharges to surface water and for emissions to the air; use variances for the transportation by rail of hazardous waste and the development of solid waste treatment and disposal facilities; and the development of special management zones as part of municipal master plans.

Compliance

Archer routinely counsels clients on environmental compliance matters involving solid and hazardous wastes, water, soil and air contamination, wetlands, remediation of environmental sites, oversight of environmental

assessments in land sales, project approvals and environmental permitting. Archer also assists clients in responding to regulatory inquiries from federal and state regulatory agencies, including negotiating the terms and scope of cleanup projects and resolution of administrative claims.

Our attorneys advise clients on compliance issues nationwide relating to major federal environmental laws, including the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act (“RCRA”), the Comprehensive Environmental Response Compensation and Liability Act (“CERCLA”) and the Toxic Substances Control Act (“TSCA”), as well as state statutes and their associated regulatory schemes.

We have long-standing professional relationships with key contacts at various USEPA regional offices, the New Jersey Department of Environmental Protection (“NJDEP”), and many other federal, state, and local government agencies. Our attorneys routinely work with our contacts at these agencies to develop cost-effective solutions for our clients.

We are accustomed to coordinating and working as a team with other professionals – the architects, planners, engineers, environmental consultants, traffic engineers, sound impact experts, hydrologists, geologists, and economists – whose work is essential to so many projects. Additionally, we have often been called upon to lead teams of specialists to develop extensive comments on proposed environmental regulations. Our long-standing relationships with various environmental consultants and advisors facilitate our ability to coordinate the expertise needed to meet project requirements and ensure that clients receive qualified, comprehensive counsel, strategy, and results.

Our attorneys have substantial experience providing regulatory advice involving a wide variety of hazardous substances, including lead and other metals, PFAS, chlorinated compounds, petroleum products, dioxins, PCBs, pesticides, bacteria, sludge and other contaminants. Our experienced in-house hydrogeologist assists with complex scientific issues. In addition, Archer regularly represents clients participating in PRP groups undertaking remedial activities at Superfund sites throughout the country. Our attorneys have a strong understanding of how such groups operate and are able to use their extensive experience to guide PRP group activities.

Environmental Cleanup

Archer’s attorneys are often asked to provide guidance for clients during ongoing complex environmental remediation and development projects. Our attorneys regularly advise clients regarding communication with state and federal environmental agencies, including review of draft reports and submissions. We have long-standing professional relationships with key contacts at PADEP, USEPA, NJDEP and many other federal, state and local public organizations.

For the last several years, Archer has worked closely with clients, state regulators, municipalities, and utilities in New York, Pennsylvania, New Jersey, New Hampshire, and Vermont to develop innovative, cost-effective solutions for addressing PFAS, a previously unregulated substance.



Archer's attorneys actively manage cleanup and remediation issues for large manufacturing and industrial facilities throughout the country, including sites in New Jersey, New York, Massachusetts, Oregon, and Pennsylvania. Our attorneys, working alongside the client's EHS professionals, help navigate state statutes and regulations to craft remediation strategies and time frames in an effort to bring the sites to closure and limit environmental liabilities.

Archer's attorneys regularly advise some of the world's largest companies with respect to investigation and remediation of large river and sediment sites throughout the country. These matters often involve intricate and geographically disparate bodies of water consisting of numerous rivers, tributaries and bays touching dozens of towns and municipalities. Archer's attorneys regularly advise clients on issues such as investigation and remediation, natural resource damages, regulatory compliance and legal liability issues.

Representative Experience

- Archer serves as lead regulatory counsel for an 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 USEPA and various state agencies with respect to investigating and remediating PFCs, including advising with respect to large-scale municipal water infrastructure improvement projects.
- Archer handled compliance and permitting issues with respect to the Monmouth County, NJ Reclamation Center's landfill and associated leachate pretreatment plant.
- Archer served as lead regulatory counsel involved with NJDEP PSD/Title V Operating Air Permit applications for three electrical power co-generation facilities located in West Deptford and Woodbridge, NJ.
- Archer handled NJDEP air regulation compliance, enforcement action defense and permitting for solid waste recycling facilities in Camden and Lumberton, NJ.
- Archer was lead counsel involved with NJDEP air regulation compliance and enforcement action defense for an electrical power co-generation facility located in West Deptford, NJ.



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