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## Environmental

Our nationally recognized environmental group defends the entire spectrum of environmental litigation and government enforcement actions throughout the United States. We combine powerful courtroom experience with a keen understanding of the intricate regulatory framework of environmental laws to represent clients in a wide range of controversies, from common law disputes over contaminated property to claims under state and federal environmental laws.

Well-versed in an area of law that relies heavily on science, our environmental lawyers deftly contest Superfund and RCRA litigation, landfill cases and complex class actions and contract disputes over environmental issues. We handle toxic tort matters, from chemical exposure cases to mold and asbestos litigation and manage multiparty litigation.

### Transactional Risk Assessment and Management

During the course of corporate or real estate transactions, we work with our clients to evaluate environmental liabilities and to mitigate or decrease the financial and reputational risks of ownership and cleanup. We identify environmental problems and offer solutions.

### Regulatory Compliance Counseling

We work with clients on achieving compliance with environmental laws and regulations such as air and water permits, RCRA permits, and underground storage tank requirements. Should enforcement become necessary, we ardently defend our clients. When appropriate, we work with government officials to negotiate penalties, develop compliance schedules or devise other methods of achieving compliance.

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#### KEY CONTACT

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Environmental

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#### RELATED CLIENT SERVICES

Corporate & Securities  
Employee Benefits & Executive  
Compensation  
Financial Restructuring  
Labor & Employment  
Real Estate  
Taxation

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## Insurance Coverage

Our Insurance Policyholder group offers seamless litigation and counseling about coverage for environmental risks and liabilities involving Superfund sites, environmental pollution, catastrophic losses and construction.

## Experience

### Our Clients & Services

We represent large commercial and industrial companies, real estate development and property management companies, individual property owners and industry trade associations, among others. Our wide-ranging practice includes:

- Representing owners, operators, transporters and generators as potentially responsible parties at National Priorities List sites.
- Prosecuting and defending cost recovery/contribution actions and liability disputes under the federal Superfund law and the handling of similar actions under state environmental statutes or common law.
- Litigating toxic tort, underground storage tank cases and other actions involving contaminated property.
- Defending state and federal government enforcement actions, both in court and before administrative agencies.
- Counseling in connection with the acquisition and sale of manufacturing companies.
- Assisting during the purchase, sale and development of all types of real estate, including potentially contaminated "brownfield" properties.
- Working with transactional attorneys and environmental consultants to assess environmental risks and liabilities arising in the course of corporate, real estate and lending transactions.
- Client counseling on compliance with federal, state and local environmental requirements.
- Assisting in environmental audits to ensure that operations and projects are in full compliance with environmental regulations.

## Selected Representations

The following are just a few examples of Neal Gerber Eisenberg's many significant environmental representations:

- Representation of a major waste-industry company in connection with a number of solid and hazardous waste issues, investigative and remedial activities, federal and state administrative actions and orders, contribution and cost recovery efforts, and litigation, mediation and toxic tort matters.



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- Representation of the plaintiff site owner in a cost recovery action involving more than 50 defendants.
- Representation of a group of corporate defendants in a class action/mass tort case involving multiple waste disposal facilities and allegations of personal injury and property damage in seven separate neighborhoods.
- Representation of a corporation targeted by multiple agency and grand jury investigations relating to a large solvent spill at its manufacturing site in Nebraska. In addition to resolving all criminal enforcement matters favorable, we represented the company in various pieces of related litigation.
- Representation of a client in the defense of a complex state enforcement action based on potential violations of hazardous waste storage requirements. The case resulted in a settlement favorable to our client after a motion to dismiss was filed.
- Representation of a plaintiff in successful litigation seeking rescission of a stock purchase agreement based on breach of environmental warranties.
- Representation of a large manufacturing company in four-party arbitration to allocate response costs at a National Priorities List site in a matter involving multiple contaminant plumes in groundwater.
- Representation of the defendant in a state enforcement action alleging improper air emissions and permit violations at a hazardous waste incinerator in downstate Illinois.
- Representation of a site developer building a large-scale development and new residential neighborhood in Chicago. The development used public financing to perform site preparation and remediation work and involved the conversion of commercial/industrial property to residential property under the Illinois Site Remediation Program.
- Representation of various petitioners in appeals of Illinois EPA decisions regarding reimbursement of underground storage tank costs.
- Representation of site owners, operators, sellers and purchasers in connection with dozens of voluntary cleanups and underground tank removal projects necessitated by property transactions or discovery of contaminant releases, including various projects seeking environmental agency approval or “No Further Remediation Letters” under the Illinois Site Remediation Program and similar programs in other states.
- Representation of owners and property managers as defendants in litigation relating to mold in residential apartment buildings, including serving as national mold counsel for a property management company.
- Representation of various joint venture partners in evaluating environmental risks and remediation needs in connection with the privatization and development of former military bases (Army, Navy and Air Force) in California, Washington, Florida, Pennsylvania, Maryland, Virginia, Georgia and Texas.