

Environment & Natural Resources Group

On the cutting edge of environmental law

Combining broad experience with an instinct for anticipating changing industry trends, Sullivan & Worcester LLP's Environment & Natural Resources Group is positioned to assist clients facing challenges and opportunities in the environmental arena. Our attorneys focus on crafting creative approaches to solving problems and disputes. Our environmental team is well versed in the litigation, regulatory, legislative, transactional and technical aspects of environmental law.

We have a multi-disciplinary approach to addressing environmental issues. The Environment Group includes a former EPA attorney and several former trial attorneys in the Department of Justice's Environment and Natural Resources Division. The Sullivan & Worcester team consists of attorneys who specialize in regulatory compliance issues, environmental litigation, permitting, asset based structured finance, real estate, tax and energy law - all to ensure that every aspect of our clients' environmental legal needs are met.

SCOPE OF REPRESENTATION

Our Clients

Sullivan & Worcester attorneys counsel a wide variety of clients on environmental law, including: venture capitalists, corporations of all sizes, utilities, municipalities, real estate developers and investors, equity investors, utility customers, and a wide range of other clients seeking advice regarding environmental issues.

Compliance Counseling and Litigation

Sullivan & Worcester's Environment Group provides regulatory compliance advice and representation on matters covered by a broad range of federal environmental statutes, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Clean Air Act (CAA), Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), Emergency Planning and Community Right-to-Know Act (EPCRA), National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and Base Realignment and Closure Act (BRAC), and companion state statutes. Our environmental attorneys regularly handle matters involving wastewater discharge, air emissions, wetlands, waterfront development, the management and disposal of hazardous waste, and zoning.

We have substantial experience in litigation on behalf of a wide range of clients, including developers, lenders, insurance companies, utilities, oil and pipeline interests, transportation companies, manufacturing facilities, construction companies, and state and local governments.

We have assisted clients in obtaining operating and construction permits and in defending enforcement actions under the CAA, including actions brought under the New Source Review (NSR) program.

The Group has negotiated permits under RCRA for a variety of facilities and has advised clients on such issues as closure requirements for former RCRA treatment and storage facilities, the regulatory status of various solid wastes and recyclable materials, and compliance with financial assurance requirements. We have also developed site-wide and off-site corrective action plans for facilities in numerous industries, many involving innovative uses of EPA's Area of Concern and Corrective Action Management Unit policies.

We have advised clients on reporting and notification requirements under federal law, including EPCRA, CERCLA, CWA, and related state statutes. Our attorneys have assisted clients in voluntarily disclosing potential violations of these requirements pursuant to EPA's audit and self-disclosure policy and negotiated settlements of statutory penalties.

Commercial Transactions

Sullivan & Worcester has assembled an exceptional team of attorneys to represent clients in complex transactions involving a variety of environmental issues. Our attorneys conduct environmental due diligence, provide advice on environmental risk assessment, negotiate contract terms, oversee remediation of contaminated properties, resolve potential enforcement problems with state and federal agencies, and provide advice on insurance for environmental impairment. Our attorneys have comprehensive experience in the environmental aspects of transactional matters, including corporate entity sales, corporate asset sales, investments in new technology and related tax credits, real estate transactions and debt transactions involving businesses in all major sectors of the economy. Our experience is global in nature. We have represented clients in major transactions involving properties and companies in China, other countries in the Pacific Rim, Mexico, Canada, South America, and Europe.

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Contaminated Property

Sullivan & Worcester's Environment Group has represented clients in matters relating to contaminated sites across the country. The Group's practice encompasses all facets of remediation and corrective action under CERCLA, RCRA, analogous state statutes, and voluntary cleanup and brownfield programs, including establishing and removing institutional controls. Our representation has included litigating issues involving compliance with legal requirements, and the determination and allocation of liabilities. The Group strives to reduce our clients' financial exposure by aggressively pursuing other PRPs, insurance coverage, indemnities in property purchase and sales agreements, and bankruptcy claims. Our attorneys have acted as common counsel to PRP Groups performing cleanups and pursuing third-party actions for contribution.

Our attorneys understand the regulatory process behind the policies which determine how contaminated sites are remediated. The Group has extensive knowledge of ongoing EPA rule and policy developments, including the dioxin reassessment, contaminated sediment remediation guidance, and carcinogen risk assessment guidelines, and how to create an administrative record to support and protect the interests of our clients.

Development and Construction Projects

Our attorneys are knowledgeable about environmental issues involving development and construction projects. The firm's Environment Group has extensive experience with respect to federal and state environmental permitting requirements and acquisition of rights-of-way for projects of all types, including electric transmission lines, pipelines, and fiber optic telecommunications network installations.

The Environment Group has particular expertise with infrastructure projects. We have advised clients on federal and state regulations applicable to communication poles and conduits and negotiated conduit leases and pole attachment agreements. Our attorneys have drafted and negotiated franchises, easements, tower siting agreements, permits, and rights-of-way access agreements with private property owners, local governments, and federal and state agencies. We have represented an investor in refined coal facilities, designed to alter characteristics of raw coal in order to decrease emissions of exhaust gases and thereby earn federal tax credits.

Sullivan & Worcester attorneys have experience with the construction of new power plants, literally from the ground up. Our attorneys assist clients in all aspects of building power plants and ensuring their compliance with environmental laws.

Natural Resources

The Environment Group counsels clients on environmental requirements for projects that traverse federal, state, or tribal lands, and projects that may affect natural resources, including threatened and endangered species, national forests and parklands, and sensitive ecosystems. Many of our attorneys have scientific and technical backgrounds. We provide strategic advice on land use affecting wetlands and other waters, aquifers, mining operations, and sensitive resources, and have advised clients on environmental and historic impact reviews.

We have successfully permitted, and defended challenges brought by opponents against, facilities subject to regulation under the NEPA, ESA, Federal Land Policy and Management Act (FLPMA), National Forest Management Act, CWA, Rivers and Harbors Act, National Historic Preservation Act (NHPA), and comparable state statutes. We also have successfully challenged federal action on behalf of our clients.

Toxic Torts/Environmental Exposures

Sullivan & Worcester's Environment Group assists clients on a broad range of issues relating to toxic torts and exposure to environmental contaminants. Our attorneys have extensive experience advising clients on risk assessment and testing, remediation and insurance coverage, as well as potential litigation. We also are working closely with the scientific community regarding the presence of pharmaceuticals and personal care products in water supplies. In addition, our attorneys have successfully defended clients against toxic tort claims, forestalling the commencement, and obtaining the dismissal, of suits that allege injuries from environmental contamination.

Climate Change

Climate change issues of worldwide concern are being raised in many different forums and contexts. The timing and manner in which greenhouse gases are controlled raises fundamental business, legal, and risk management issues for clients. Currently, we are assisting clients in these matters when they arise in the context of long-term agreements and new construction projects. Our attorneys understand the business of climate change and help clients prepare for the complex business and economic challenges they face and find solutions to address novel problems.

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Occupational Health & Safety

Our attorneys routinely advise clients on issues related to occupational safety and health. The Group provides counseling on compliance issues, including hazard communication requirements, monitoring and reporting requirements, and engineering controls. We also have assisted clients in conducting compliance audits, and have defended corporations against enforcement actions and "whistleblower" complaints.

International Environmental Law

Our extensive experience in counseling clients with international interests affected by environmental regulations covers a wide range of industries and global geography. From automotive sites in China, to assisting with permitting for a transmission line in Canada, our attorneys have worked with clients with interests in Asia, Mexico, South America and beyond to assist them in understanding and complying with environmental laws.

LEED Construction

Sullivan & Worcester provides counsel to businesses seeking to meet the guidelines of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System and assists them in obtaining the incentives earned by meeting these guidelines. We also draft contracts to ensure that LEED concerns are considered at the outset of new projects. Our group has worked

in aiding the construction of government facilities, commercial office buildings, casinos, schools and private homes.

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For further information about our Environment & Natural Resources practice group, please visit our website at www.sandw.com or contact:

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