

ENVIRONMENTAL LITIGATION

The industrial revolution left a legacy of contaminated commercial and industrial properties in the New Jersey/New York metropolitan area. Current federal and state environmental laws usually place the clean-up burden on current owners of these properties, but also permit owners to recover their clean-up costs from those former owners or property operators who caused the contamination.

Our Environmental Litigation department has successfully represented numerous, current and former owners and operators in multimillion-dollar cleanup cost recovery matters. This unique area of the law requires a firm understanding of geological issues impacting groundwater flows, remediation techniques, past manufacturing practices, environmental law, insurance law and investigative and litigation strategies.

Our environmental and litigation specialists have considerable experience in these areas, and in applying effective strategies to prosecute and defend against environmental claims. Specifically, we seek to obtain guaranteed cost cleanup contracts from environmental consultants and cost-cap insurance, which fixes the cleanup cost. Once costs have been clearly defined, we allocate them, along with any other damages incurred by our client, among the responsible parties through mediation or litigation.

In other matters, we also assist clients in obtaining permits to develop property in or near wetlands, streams and waterfront areas. Clients also rely on us to counsel them concerning laws governing hazardous substances and wastes, air and water pollution, underground tanks, solid waste, renewable energy, green buildings and OSHA.

REPRESENTATIVE MATTERS

- Represented the owner of commercial buildings in Lodi, NJ destroyed by an explosion and fire at a neighboring chemical plant. Because operations subsequently ceased, our client was required to clean up his property, which was contaminated by prior owners and tenants. We successfully obtained contribution from the responsible parties and our client's own insurance companies to fund the cleanup. The property was eventually leased and developed into a major supermarket and office building.
- Defended the former owner and operator of a bulk home heating oil facility against allegations that their property was contaminated during their ownership and occupancy. We successfully negotiated a guaranteed cost contract and settled the case.
- Defended a shopping center owner whose dry cleaning tenant was accused of contributing to the contamination of a groundwater aquifer that was used to supply drinking water to town residents. After consulting with experts, we were able to uncover numerous other potential contamination sources and resolved the case by obtaining smaller contributions from a larger group of defendants.

ENVIRONMENTAL LITIGATION (Continued)

- Represented the owner of a former commercial truck stop under development. The property had been badly contaminated as a result of leaking underground storage tanks. We sued the prior owners and operators, including several oil companies, as well as our client's insurers. We were able to establish that the oil companies actually controlled the tanks and therefore were responsible for the majority of the cleanup costs, with the balance paid by our client's insurance company.