

ENVIRONMENTAL & ADMINISTRATIVE LAW

Our Environmental & Administrative Law Group is the “go-to” team for clients facing governmental enforcement actions or federal, state or local regulatory challenges.

areas of concentration

- Litigation in Federal & State Courts
- Federal & State Agency Administrative Proceedings
- Regulatory Compliance Counseling
- Permits/Agency Approvals
- Brownfields Redevelopment
- Merger & Acquisition Transactions
- Real Estate Assessments

who we are

Our cross-departmental Environmental & Administrative Law Practice Group provides clients with the breadth of experience and depth of knowledge necessary to address the issues presented by federal, state or local government regulations as well as challenges from private parties, such as cost recovery claims.

what we do

The Environmental & Administrative Law Practice Group represents clients that may have to litigate with government agencies or which require a decision from a regulatory agency, whether it is the issuance of a permit, interpretation of an agency policy, resolution of an enforcement action, or opinion from an agency board. This representation requires a unique combination of legal and technical skills and a network of contacts, all of which our attorneys possess. Members of this practice group can act as counselors, negotiators, litigators, and mediators as the case requires. The focus of this group is to achieve an expedient resolution of issues in the most cost-effective manner. For most regulatory issues, that usually means developing creative approaches that avoid litigation. In some situations, however, litigation is the preferred option or necessitated by circumstances.

Group members are well-versed in the concepts of federal and Virginia administrative law applicable to all agencies. In addition, each member has special expertise with particular agencies. They know the regulations applicable to their specific agency and can speak the regulator’s language. Group members apply their particular specialties based upon their individual experience with specific agencies.

what we do (cont.)

Agencies with which group members have established practices include:

Federal:

- Environmental Protection Agency
- Army Corps of Engineers
- Fish & Wildlife Services
- Department of the Interior
- Social Security Administration
- Occupational Safety and Health Administration
- National Transportation Safety Board
- Federal Aviation Administration

Virginia:

- Department of Labor & Industry
- Occupational Safety and Health Program
- State Corporation Commission
- Parole Board
- Alcoholic Beverage Control
- Department of Professional & Occupational Regulation
- Department of Aviation
- Board for Accountants
- Board for Contractors
- Real Estate Commission
- Department of Health Professionals
- Board of Nursing
- Board of Medicine
- Board of Dentistry
- Board of Pharmacy
- Board for Funeral Directors
- Marine Resources Commission
- Department of Environmental Quality
- Department of Games & Inland Fisheries
- Department of Historic Resources
- Department of Conservation & Recreation
- Department of Transportation
- Department of Health
- Department of Mines, Minerals & Energy

our track record

Our team works with clients to develop strategies that will complement the client's business plan. Our efforts to develop practical solutions to environmental issues have been successful in the following areas:

- Resolution of Superfund and other waste site claims in a cost-effective manner and, frequently, without litigation
- Implementation of environmental due diligence for real estate purchases and corporate transactions
- Preparation of contract language to reduce environmental liabilities
- Resolution of violations of federal, state and local environmental laws and regulations
- Management of underground petroleum storage tanks
- Development of remediation strategies for improper disposal of solid or hazardous waste
- Negotiation of development rights for property with wetlands or Chesapeake Bay Act issues
- Revitalization of industrial sites through the Virginia Voluntary Remedial Program for brownfields
- Creation of wetlands mitigation banks
- Issuance of new and revised environmental permits
- Overturn revocation of pilot and aircraft mechanic certifications by Federal Aviation Administration
- Pursued claims for attorneys' fees and expert costs under Equal Access to Justice Act
- Prevented revocation of Class A Contractor's License by Virginia Department of Professional and Occupational Licensing

our track record (cont.)

- Reduced proposed sanctions against a national insurance brokerage firm sought by the Virginia Bureau of Insurance
- Obtained reinstatement of wholesale beer distribution franchise by Virginia ABC Board when the brewery had terminated the franchise in bad faith
- Negotiated with Office of the Attorney General to withdraw ABC Board's serious charges accusing a licensee of having gambling devices on site
- Litigated a Department of Labor & Industry citation of "willful" violation with a \$50,000 fine - reduced citation to "unspecified" with a \$5,000 fine
- Negotiated "willful" and "repeat" violations with \$550,000 fine proposed by the Virginia Occupational Safety & Health Program - reduced citations to serious with a \$10,000 fine.

representative matters

- Recently prevailed over the arguments of multiple Fortune 500 company defendants when the U.S. District Court of Rhode Island issued an opinion in *Ashland v. Gar Electroforming, et al.* The court ruled that Ashland could pursue the defendants for its cleanup costs at the hazardous waste site under the joint and several liability scheme in Section 107 of the Superfund statute rather than be limited to pursuing them for several liability in a Section 113 contribution action.