LEECH | TISHMAN

Environmental

Leech Tishman's Environmental Group is positioned to assist clients in navigating through the complex web of regulatory and litigation aspects of environmental law.

Leech Tishman's seasoned attorneys regularly provide guidance with regard to all aspects of federal and state environmental and natural resource regulations. We are focused on helping clients achieve compliance, minimize liability risks, obtain necessary permits and avoid costly litigation.

Compliance/Regulatory

Our attorneys have significant experience with environment, energy and product regulation. In addition to advising clients on permitting and regulatory issues before the Environmental Protection Agency ("EPA") and the Federal Energy Regulatory Commission, as well as other federal agencies and departments, we advise businesses and public agencies on a broad variety of environmental, energy and natural resources enforcement issues. We are particularly skilled in defending clients against enforcement actions brought by regulatory agencies.

Leech Tishman regularly advises clients on concerns involving air emissions/air quality, water usage/quality, drinking water systems, soil impacts, waste disposal, pipelines and chemical/pesticide regulation.

Our lawyers have substantial experience with the:

- California Environmental Quality Act (CEQA)
- California's Proposition 65/Safe Drinking Water and Toxic Enforcement Act
- Comprehensive Environmental Response, Compensation and Liability Act (Superfund/CERCLA)
- Clean Air Act
- Clean Water Act
- Emergency Planning and Community Right-to-Know Act (EPCRA)
- National Environmental Policy Act (NEPA)
- National Pollutant Discharge Elimination System (NPDES) permits
- Resource Conservation and Recovery Act (RCRA)
- Toxic Substances Control Act (TSCA)
- Title V Air Permits
- Interior Department statutes and emergencies raised by spills or accidents, as well as with the release reporting requirements associated with them.

Clients

- Airlines
- Airport authorities
- Chemical manufacturers
- Commercial and industrial printing companies
- Commercial launderers
- Construction and engineering companies
- Educational Institutions
- Food manufacturers
- Hazardous waste treatment and disposal companies
- Heavy equipment manufacturers
- Hospitals
- Industrial manufacturers
- Landfill operations
- Mining companies
- National restaurant chains
- Oil refineries
- Real estate developers
- Regulated and independent power generation companies

Litigation

We provide our clients with knowledgeable and experienced environmental advocacy to protect their rights and guard against unnecessary costs.

Leech Tishman provides litigation services in the following categories:

- Contractual disputes related to environmental issues
- Government regulatory enforcement
- Third-party liability and cost-recovery claims
- Toxic torts and environmental class actions, including asbestos litigation

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Transactions

Our attorneys have substantial experience advising clients on appropriate due diligence requirements, as well as in helping clients evaluate and address environmental liabilities that arise during real estate transactions, acquisitions, asset and stock transactions, purchase agreements and supply contracts.

Leech Tishman assists clients in the following areas:

- Environmental due diligence and permitting
- Negotiating, drafting and analyzing contract provisions
- Negotiations with regulators regarding Brownfield protections, prospective purchaser agreements and other mechanisms
- Environmental Site Assessments (Phase I/Phase II)
- All Appropriate Inquiries (AAI)
- Land use controls
- Remediation
- Liability-shifting contractual provisions
- Environmental indemnification
- Insurance procurement
- Compliance loss counseling

Brownfield Redevelopment

Leech Tishman represents sellers and purchasers of environmentally impaired properties in obtaining regulatory closure or No Further Action Status.

We provide clients services in the following categories:

- Drafting and negotiating prospective purchaser agreements
- Voluntary cleanup agreements
- Environmental covenants
- Site management plans
- RCRA corrective action permits
- Institutional controls
- Deed and land use covenants and restrictions

Energy Industry Services

Leech Tishman provides legal counsel to clients in the energy sector, including conventional and sustainable power generation and distribution, oil and gas exploration, gathering and processing, mining and related businesses.

Our attorneys provide comprehensive services, including environmental services, relating to these activities, such as:

- Permitting
- Transactional and operational support
- Litigation

Water

Our attorneys regularly work with developers, industrial users, farmers, water providers and other water users to resolve a wide variety of issues related to water rights and water supplies including:

- Water rights adjudications
- Sale, lease and transfer of water rights
- Water rights litigation

Liability Claims Response Strategies

Leech Tishman attorneys regularly advise clients on how to best prepare and protect themselves against unexpected environmental and natural resource-related issues.

We assist our clients in preparing for:

- Superfund releases
- Crisis management
- Homeland security obligations
- Reporting and notification obligations

Legislation and Rulemaking

Leech Tishman believes in the importance of client involvement with the legislative and rulemaking process.

We regularly advise clients on:

- Keeping legislators informed about the importance of legislation
- Monitoring and influencing pending legislation
- Assistance with drafting crucial legislation and proposed rules
- Helping clients interpret, evaluate and benefit from legislation and rulemaking

Project Environmental Impacts

Federal, state and local requirements often require evaluation of the environmental impacts of major projects. Leech Tishman is experienced in developing strategies to initiate and implement such evaluations and use them to influence appropriate government decisions applicable to clients' projects.

We can assist in evaluating:

- National Environmental Policy Act (NEPA) and state environmental quality requirements, such as CEQA
- Threatened and endangered species and habitats
- Zoning limitations
- Permit obligations and conditions
- Historic and cultural resource preservation
- Wetlands mitigation
- Other state regulatory requirements, such as California Coastal Commission permitting