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## ENVIRONMENTAL AND SUSTAINABILITY ATTORNEYS

Matthew Karmel

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Our Environmental and Sustainability Practice helps businesses and individuals navigate complex environmental matters and advance innovative sustainability solutions.

The group's seasoned attorneys counsel clients ranging from publicly-held companies to individual homeowners on the full range of environmental and sustainability matters, whether involving transactions and commercial arrangements, litigation and alternative dispute resolution, or regulatory compliance and operations.

Our attorneys are passionate advocates for clients and the environment, and have been recognized by government and industry for their leadership and influence. Our attorneys are sought after authorities at the forefront of the environmental and sustainability issues facing our clients and the planet, and also provide critical pro bono representation to environmental causes.

Our team has specific experience appearing before state and federal courts and agencies, including:

- U.S. Environmental Protection Agency (USEPA)
- U.S. Army Corps of Engineers (USACE)
- New Jersey Department of Environmental Protection (NJDEP)
- New Jersey Office of Administrative Law (NJ OAL)
- New Jersey Board of Public Utilities (NJBPU)
- New York State Department of Environmental Conservation (NYSDEC)
- New York City Office of Environmental Review (NYC OER)

### *Who We Represent*

- Commercial property owners
- Joint Ventures
- Fortune 100 Companies
- Landlords /Tenants
- Lenders
- Insurers
- Real Estate Developers
- Remediating Parties
- Potentially Responsible Parties (PRPs)
- Renewable Energy Developers
- Energy Companies
- Cleantech Companies
- Manufacturers
- Private Equity Firms
- Waste and Recycling Facilities and Transporters
- Anaerobic Digestion Facilities
- Composters
- Compostable Product Companies
- Cannabis Companies
- Consumer Product Companies
- High Net Worth Individuals
- Individual Homeowners

### *What We Do*

#### ENVIRONMENTAL LITIGATION AND ENFORCEMENT DEFENSE

- Our team includes seasoned litigators and former court clerks who are confident litigating environmental cases in federal, state, and administrative courts. We have experience prosecuting and defending a wide range of environmental claims, including relating to insurance, and environmental/PLL insurance specifically, CERCLA and private cost recovery and contribution claims, personal injury and toxic tort claims, as well as RCRA, the New Jersey Spill Compensation and Control Act, TSCA, Clean Water Act, ISRA, Clean Air Act, wetlands, wastewater, solid waste, natural resource damages, renewable energy, pipelines, and criminal environmental enforcement. Our attorneys also are well versed in negotiation techniques and alternative dispute resolution procedures (including arbitration and mediation) which can often lead to more efficient results prior to litigation. We also are experienced at responding to administrative enforcement actions, government directives and notices of violation.

## REAL ESTATE AND CORPORATE TRANSACTIONS

- Our team assists with all types of real estate and corporate transactions, including mergers and acquisitions (M&A). On behalf of clients, we regularly: perform environmental due diligence, including review of Phase I and Phase II Environmental Site Assessments; evaluate environmental risks and liabilities; procure and assess environmental insurance policies and coverage; negotiate purchase and sale documents, loan documents and leases, asset purchaser agreements, stock transfer agreements, and merger agreements for environmental provisions and protections, including representations, warranties and indemnities; determine applicability of and compliance with New Jersey's unique transfer statute, the Industrial Site Recovery Act (ISRA), which applies to many real estate and corporate transactions involving assets in New Jersey. We know how to identify and navigate environmental risks and liabilities to efficiently protect our clients' interests while supporting business objectives.

## BROWNFIELDS REDEVELOPMENT

- Redevelopment of Brownfields requires expertise in diverse environmental programs as well as practical business considerations. Our team works closely with real estate counsel and redevelopment teams to efficiently and successfully manage these projects – from acquisition and financing to remediation and development. We assist with the planning, negotiating, permitting, funding, remediating, constructing, insuring, tenancing and post-remedial monitoring of brownfield projects. We pride ourselves on being innovative and business-practical in responding to the unique needs of each project, and we work collaboratively with the various redevelopment professionals to effectively complete these projects.

## SITE REMEDIATION

- Our team also has extensive experience with the rapidly evolving state and federal requirements relating to site remediation, including regarding indoor air and vapor intrusion as well as PFAS and other emerging contaminants. We have specific experience with issues relating to the New Jersey Spill Compensation and Control Act (Spill Act), Site Remediation Reform Act (SRRRA), Industrial Site Recovery Act (ISRA), Flood Hazard Area Control Act, Freshwater Wetlands Protection Act, Waterfront Development Act, the "Tech Regs" and "ARCCS," the New York Oil Spill Law, the New York Brownfield Cleanup Program (NY BCP), and NY DER-10, as well as federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), and the Toxic Substances Control Act (TSCA).

## REGULATORY COMPLIANCE AND PERMITTING

- Our team understands the diverse environmental requirements and permits that apply to businesses in New Jersey and beyond. We assist clients in obtaining with various state, federal and local permits and approvals for coastal, waterfront and wetlands development, stream encroachment/flood hazard, waste and recycling operations, air emissions, renewable energy project development, ground water, surface water and stormwater discharges (e.g., NJPDES and NPDES), and sewage connections and treatment. We also advise clients on compliance with permits and other environmental requirements, and defend clients against notices of violation and other environmental claims and penalties.

## WASTE MANAGEMENT AND RECYCLING

- Our team includes recognized leaders within the waste and recycling industry. We represent waste and recycling facilities, transporters, brokers, and related companies in connection with navigating the complex legal requirements applicable to this highly regulated industry. For instance, our attorneys have experience with development and operation of waste and recycling facilities, compliance with complex permitting and licensing regimes (such as New Jersey's "A-901" and "Dirty Dirt" licensing), business transactions and M&A, commercial matters and contracting (including New York City's Commercial Waste Zones), and environmental justice requirements. We also have specific subject matter expertise relating to recycling of organic recycling and food waste, including through composting, anaerobic digestion and other innovative processes. We routinely counsel clients in connection with the Resource Conservation and Recovery Act (RCRA), New Jersey Solid Waste Management Act, New Jersey's "Recycling Rules" (N.J.A.C. 7:26A), New Jersey's Solid Waste Utility Regulations (N.J.A.C. 7:26H), New Jersey's Environmental Justice Law and A0 2021-25, and other similar statutes, regulations and policies. We also assist businesses and individuals in responding to notices of violation from state or federal government agencies and in litigating claims involving waste and recycling.



## RENEWABLE ENERGY AND SUSTAINABLE DEVELOPMENT

- Demand has never been higher for onsite energy production, competitive energy procurement, renewable and alternative energy production, energy efficiency and sustainable development practices. Our team is comprised of attorneys who handle all aspects of these projects: energy regulation, utility interconnection, regulatory compliance, petitions to the New Jersey Board of Public Utilities (NJBPU), joint ventures and partnerships, site leasing and acquisition, construction, engineering procurement and construction (EPC) contracts, operating and maintenance agreements, power purchase agreements (PPAs), insurance, and subsidies, tax issues (including incentives, credits, abatements and financial agreements), land use and approvals, permits and, if necessary, litigation and arbitration. We have specific experience with net-metered and grid supply solar energy, biomass combustion technology, renewable natural gas, and other alternative energy sources.

## SUSTAINABILITY AND CLIMATE CHANGE

- Our team is well versed in the intersecting areas of law that apply to sustainability and climate change initiatives. We are proud to support sustainable businesses and the circular economy in a wide range of matters, including the evolving governmental climate change requirements as well as voluntary sustainability initiatives. In addition to our other experiences, we advise clients on matters relating to sustainability, environmental justice, greenhouse gas emissions limits, environmental advertising, and more. Our attorneys are sought-after thought leaders who write and speak regularly on these topics, including through Waste Dive, Waste360, Rutgers University, the Montclair State University Institute for Sustainability Studies, and Fordham University School of Law, and provide award-winning pro bono legal support to important environmental causes.