PRACTICE AREA

Environmental Litigation and Regulation



ATTORNEYS

Peter A. Austin

Michael R. O'Neil

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OVERVIEW

Experience and Practice Areas:

Litigation

We represent clients in federal and state courts with respect to claims for damages (property damage, physical injury, and cleanup costs) and injunctive relief associated with contaminated property. We also defend clients accused of violating environmental regulatory requirements under the Clean Air Act, Clean Water Act, the Resource, Conservation, and Recovery Act, and their state law counterparts. We also represent clients with Proposition 65 litigation.

Cleanup Counseling

We advise clients and work with consultants, regulatory agencies and insurers to achieve efficient, expeditious, and cost-effective cleanup of contaminated property.

Regulatory Compliance and Administrative Hearings

We represent and advise clients on a broad range of regulatory compliance issues, such as generation, handling, removal, transportation, and disposal of hazardous materials and waste; landfill permitting; air pollution control; Proposition 65; wetlands; protected species; and reporting requirements. We represent clients before regulatory agencies, such as the Sacramento Metropolitan Air Quality Management District, with respect to alleged violations or variances.

Underground Storage Tanks

We advise clients on the permitting of underground storage tanks and compliance with regulations and assist clients with applications to the State of California Underground Storage Tank Cleanup Fund.

Real Estate and Business Transactions, Real Estate Development, and Financing

We review and analyze Phase I and Phase II environmental assessments and reports for buyers, lenders and others, and provide counseling on compliance with

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environmental regulatory, disclosure, and permitting requirements. We assess environmental liabilities to landowners, tenants, operators, and lenders with respect to contaminated sites and regulatory violations. We counsel clients in the negotiation and drafting of environmental provisions in purchase and sale contracts, leases, and guaranties and in negotiations with lenders, and perform due diligence.

Insurance Coverage

Whether as part of a business transaction or litigation, we represent and advise clients with respect to insurance coverage for environmental claims including claims for cleanup of contaminated soil and groundwater.

Membership in Environmental Law Organizations

- American Bar Association
- National Resources, Energy and Environmental Law Section
- Litigation Section
- Sacramento County Bar Association
- Environmental Law Section
- Real Property Section

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