



Environmental and Land Use

Members

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Frances B. Stella, Chair

Environmental regulations have an impact on all aspects of property ownership and development.

New Jersey is considered one of the most demanding jurisdictions in environmental regulatory controls. Brach Eichler's Environmental and Land Use Practice advises clients on all aspects of environmental law, assisting companies across a wide range of industries with challenging environmental, land use, and natural resource concerns as well as in civil and criminal prosecution. Our attorneys have experience in virtually all aspects of environmental practice, including all transactional and litigation services, so we can help our clients navigate federal, state and local regulations and resolve disputes, in order to allow them to pursue their business objectives. We help assess and then minimize environmental risks in acquiring properties, maintaining operations, and also provide solutions for cost-effective site remediation.

Environmental Compliance Site Remediation

Environmental regulations are constantly changing. At Brach Eichler, we counsel our clients to be proactive in managing environmental issues as part of their business strategies. This includes:

- Advising clients on state and federal environmental laws and regulations
- Addressing day-to-day business decisions to resolve environmental concerns and improve operations

- Assisting clients with environmental permitting; project development, natural resources issues, and air pollution control; solid and hazardous waste, minimization, handling and disposal; vapor intrusion; and water issues
- Serving as common counsel to national Superfund trusts that successfully resolve lawsuits and identify responsible parties
- Facilitating clients' compliance with directives and administrative consent, working closely with the United States Environmental Protection Agency
- Overseeing environmental consultants and engineers in the conduct of remedial activities and interaction with the public
- Counseling on compliance with site remediation requirements under CERCLA, NJ Spill Act, ISRA, and other regulatory programs
- Representing parties seeking to purchase property and conducting environmental due diligence
- Counseling on Underground Storage Tank (UST) compliance and closure programs

Litigation, Civil, and Criminal Enforcement and Toxic Tort Law

Our attorneys have trial and appellate experience in state and federal courts, and before administrative agencies, including:

- Representing clients in civil and administrative enforcement actions, as well as private lawsuits
- Representing clients in administrative appeals
- Litigating suits involving current and former owners, tenants, and operators over cleanup responsibility, cost recovery, contribution, and related costs and damages
- Negotiating with state environmental agencies and the United States Environmental Protection Agency to lower penalties and resolve enforcement actions involving environmental compliance issues for air, water, stormwater, hazardous and solid waste, and spill prevention
- Defending potentially responsible parties in government cost recovery and liability actions
- Representing defendants in major complex toxic tort litigation involving numerous plaintiffs and defendants

Due Diligence

- Assisting individuals, developers, and large corporations with environmental issues involved in real estate transactions
- Working with real estate counsel to draft environmental provisions benefiting clients in purchase and sale agreements and other loan documents and overcoming lender hesitancy and reservation where environmentally challenged properties serve as loan collateral
- Advising clients on the selection, retention, and supervision of environmental consultants and engineers
- Identifying issues and finding solutions to avoid future environmental problems associated with transactions

Land Development, Planning and Zoning

Our land use attorneys represent owners and developers of real estate in all phases of the approval and entitlement process, including securing zoning changes; obtaining site plan, subdivision, and variance approvals; and resolving land use, code, and regulatory compliance issues. We also provide counsel on affordable housing and land preservation matters.

Our Promise

At Brach Eichler, we are committed to a dynamic and meaningful partnership with our clients. We move forward with a shared vision, one that is carefully crafted and thoughtfully and practically implemented. Together, we achieve success.

Notable Matters

Insights



Articles, October 18, 2018

Stella Recounts NJDEP Matter in Commerce Magazine



News, June 13, 2018

Litigation Victory Overturns Livingston Zoning Ordinances



Articles, January 22, 2018

Rubright on GlobeSt.com: Six Tips for Getting Your Project Approved

GlobeSt.com



Lectures, August 4, 2017

Environmental Lender Liability: Identifying Risks and Opportunities, The Knowledge Group Webinar (September 26, 2017)

Blog

Environmental & Land Use Blog, April 17, 2019

NJEDA Approves Creation of Brownfields Loan Program

[Environmental & Land Use Blog](#), April 4, 2019

Governor Murphy Signs Stormwater Legislation Into Law

[Environmental & Land Use Blog](#), March 18, 2019

NJDEP Announces New Interim Ground Water Quality Standards for PFOA and PFOS

[Environmental & Land Use Blog](#), March 8, 2019

New Jersey Files Lawsuit Against ExxonMobil For Gloucester County Contamination

[Environmental & Land Use Blog](#), December 26, 2018

NJDEP Changes Remediation Investigation Public Notification Requirements

[Environmental & Land Use Blog](#), December 21, 2018

NJDEP Announces Updated Pesticide Remediation Technical Guidance

[Environmental & Land Use Blog](#), December 12, 2018

NJDEP Posts Expired UST Registrations

[Environmental & Land Use Blog](#), August 17, 2018

“NJ Expands MLUL Definition of “Interested Party”

[Environmental & Land Use Blog](#), May 25, 2018

Governor Murphy Signs Clean Energy Legislation

[Environmental & Land Use, Healthcare Law Blog](#), April 13, 2018

DEC Revises Regulated Medical Waste Storage and Disposal Regulations

[Environmental & Land Use Blog](#), March 9, 2018

Housing Decision Likely to Have Impact On All NJ Municipalities

[Environmental & Land Use Blog](#), March 1, 2018

Corporate Officers Held Individually Liable for Violation of Environmental Regulation

[Environmental & Land Use Blog](#), February 16, 2018

Appellate Division Upholds the ExxonMobil Natural Resource Damage Settlement

[Environmental & Land Use Blog](#), January 18, 2018

NJDEP Announces Adoption of New Ground Water Remediation Standards

[Environmental & Land Use Blog](#), December 27, 2017

The New Jersey Appellate Division Invalidates NJDEP’s ISGWQC for PFNA

[Environmental & Land Use Blog](#), November 20, 2017

Happy Thanksgiving!

[Environmental & Land Use Blog](#), November 8, 2017

New Jersey Approves Constitutional Amendment to Earmark Monies for Environmental Clean-Up

[Environmental & Land Use Blog](#), September 22, 2017

Appellate Division Reverses DEP Decision Regarding Innocent Purchaser

[Environmental & Land Use Blog](#), September 21, 2017

NJDEP Updates Soil Remediation Standards for 19 Compounds

[Environmental & Land Use Blog](#), August 21, 2017

Automatic Approval Of Site Plan Application Not Thwarted By Board's "Denial Without Prejudice"

[Environmental & Land Use Blog](#), June 21, 2017

NJDEP Publishes Updated Fees under SRRA

[Environmental & Land Use Blog](#), April 20, 2017

NJDEP Posts Compliance Notice for Properties with Institutional or Engineering Controls

[Environmental & Land Use Blog](#), February 2, 2017

NJ Supreme Court Finds Municipalities Must Address "Gap Years" Housing Need