

# Environmental and Land Use

## Members

- Frances B. Stella
- Riza I. Dagli
- Eric Magnelli
- Susan R. Rubright

## Counsel

- Lindsay P. Cambron

## 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.

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## 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.

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## Notable Matters

- Defending the property owner and property manager of buildings surrounding Ground Zero arising from the World Trade Center terrorist attacks
- Serving as common counsel for PRP Groups at Superfund sites in Fairfield, NJ and Puerto Rico
- Defending the property owner of a former school against vapor intrusion toxic tort claim
- Litigating to establish the liability of a prior site operator that had contaminated a client's property over 40 years earlier
- Handling EPA enforcement action for UST compliance issues
- Handling negotiations to resolve a Title V Air Permitting enforcement action against an oil company
- Defending a former tenant, which historically conducted manufacturing operations at the landlord's property, to defeat the former landlord's efforts to secure an NJDEP re-opener of a No Further Action determination in order to assert New Jersey Spill Act claims

*\*No aspect of this advertisement has been approved by the Supreme Court of New Jersey. [Click here for the Awards and Honors Methodology.](#)*

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## Insights

[Blogs - May 8, 2024](#)

**USEPA Releases its Policy and its Enforcement Powers to Address PFAS Contamination**

[Blogs - April 17, 2024](#)

**Guidance Provided by DCA for Calculating the Electric Vehicle (EVCS) Parking Set-Aside Requirement**

[Awards - March 26, 2024](#)

**33 Attorneys from Brach Eichler Recognized for Inclusion in 2024 Edition of the New Jersey "Super Lawyers" list by Super Lawyers®**

[Firm Announcements & Wins - March 21, 2024](#)

**Brach Eichler LLC Promotes Ten Attorneys**

[B|E in the News - March 21, 2024](#)

**On the Move and After Hours: Fox Rothschild; Ogletree Deakins; Norris McLaughlin; Brach Eichler; Seiden**

[Blogs - January 26, 2024](#)

**NJDEP's Proposed Amendments to Ground Water Quality Standards and Remediation Standards**

[Awards - November 2, 2023](#)

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**Brach Eichler has been included in the “2024 Best Law Firms in New Jersey” list by Best Lawyers!**

*Awards - August 17, 2023*

**Forty Total Brach Eichler Attorneys Recognized by Best Lawyers in America© 2024**

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*Firm Announcements & Wins - May 11, 2023*

**30 Attorneys from Brach Eichler Recognized for Inclusion in the “2023 New Jersey Super Lawyers” list by Super Lawyers®**

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*Events - May 9, 2023*

**GSBA Energy Forum 2023: Perspectives on ESG & Reflecting on the Road Ahead 5/9/2023**

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