Nixon Peabody’s Environmental Practice group offers its clients a unique and cost-effective blend of legal counseling and representation supported by in-house engineering and scientific professionals. We have experience in all substantive areas of environmental law and can help our clients address the full spectrum of their environmental needs.

Whether a company is encountering serious environmental compliance issues, trying to protect itself from acquiring environmental liabilities in a merger or acquisition, or facing toxic tort or property damage litigation, our environmental team offers practical solutions to our client’s problems.

We have also provided environmental counsel to several other law firms to assist them in serving their own clients. We can serve in an advisory capacity, or collaborate with our colleagues at other firms to jointly fulfill their clients’ objectives.

Nixon Peabody serves a broad range of clients, including industrial firms, manufacturers, energy companies, financial institutions, municipalities, hospitals and medical centers, universities, nonprofits, and individuals.

**Transactional due diligence, mergers & acquisitions, IPOs**

— Select and engage Phase I and Phase II consultants under privilege
— Ensure consultant terms and conditions are protective of client interests
— Supervise performance of Phase I, Phase II, and other transactional due diligence
— Review environmental provisions of transaction documents
— Verify compliance with transfer acts, spill release reporting, statutory notifications
— Review and verify environmental disclosures and public offering memoranda
— Negotiate voluntary cleanups when needed
— Experienced in syndicated transactions, affordable housing, military base realignments, multi-use redevelopments, equity and tax credit-enhanced investments, and lender liability exemptions
— SEC disclosures, shareholder initiatives, and climate change reporting
Responding to incidents, emergencies, and accidental spills

— Spill response preparation, planning, training, and evaluations
— 24/7 emergency incident response activities and release reporting (including high profile events)
— Post-incident investigations and agency interface
— Spill response agreements, subcontracts, and liability and risk management
— Waste disposal, safety, wildlife, and cleanup legal support
— Representation of national and regional spill response organizations
— Establish crisis management team for unexpected discharges and releases, including preparation for and responding to legal and investigatory issues

Environmental auditing and management system services

— Pre-acquisition pre-divestiture due diligence design and implementation
— Environmental health and safety compliance and management system auditing, system design, and implementation support
— ISO 14000 education, training, and services
— Incident and release reporting
— International due diligence and compliance auditing
— Pre-agency inspection training, auditing, corrective action tracking, and support
— Product support (RoHS, WEEE, REACH, product labeling and packaging)
— Sustainable supply chain management (model contracts, product warranty/disclosures, indemnities)
— Brownfields redevelopment and site remediation services
— Identify and prioritize assets suitable for redevelopment
— Obtain financing and establish investment vehicles for redevelopment opportunities
— Negotiate single, and multiple-site portfolio Voluntary Cleanup Agreements
— Strategic evaluation of potential tax credits and project incentives/funding sources
— Perform site assessments and risk evaluations
— Plan, assist, and manage remedial investigations, designs, and implementation
— Quantify environmental risks in property transactions, remedial approach, and cleanup levels
— Guide parties through legal framework and negotiate transaction documents
— Provide community education, outreach, and training programs

Environmental crimes and criminal investigations services

— Advise company or individual targets in criminal investigations
— Prepare individuals who may be called as grand jury or trial witnesses
— Organize company internal investigations and advise senior management on response strategies to minimize adverse consequences
— Assist targets in responding to government inquiries for samples, documents, and other materials in connection with agency investigations
— Negotiate the resolution of potential criminal and civil charges
— Evaluate the implications of investigations, pleas, or conviction
— Manage labor relations issues

Legislative and regulatory policy services

— Participate in rule-making proceedings
— Pollution prevention, mitigation, cross-media impacts
— Citizen suit liability defense
— Representation of issue-specific coalitions
— Regulatory program challenges
— Emissions credit trading, bubble policy, and innovative policies
— Audit policy dialogues
Facility siting and permit acquisition services

— Coordinate all aspects of site identification, environmental impact reviews and regulatory approval process
— Media-specific permit negotiations (air, water, solid, and hazardous waste) and enforcement proceedings
— Special or general counsel services for financing renewable energy (solar, wind, biomass, hydro), waste-to-energy, landfills, compost and recycling facilities, and solid waste management facilities
— Municipal representations (flow control, financing, public hearings) and innovative project planning (basin-wide or regional plans)
— Litigation, contested permit proceedings, expert testimony
— Industrial manufacturing facility permitting (new source review, major sources, process safety, Title V, MACT)
— Permit enforcement proceedings
— Climate change considerations in environmental quality reviews

Land use services

— Representation at proceedings and appeals before town boards, city councils, planning boards, commissions, and zoning boards of appeal
— Develop National Environmental Policy Act (NEPA) compliance programs
— Develop Environmental Quality Act compliance programs and prepare and review impact statements, and provide strategic advice and litigation defense counsel to project proponents and lead agencies on determinations and appellate reviews
— Obtain wetlands permits, off-setting, and restoration
— Green building and design and performance contracting to ensure compliance with
— LEED and other incentive programs

Superfund and common counsel services

— Counsel to potential responsible parties (PRPs) and PRP groups (generators, owners, operators, transporters, and municipalities) in private site remediations
— Alternative dispute resolutions/allocation proceedings
— Comments on NCP compliance and agency oversight cost reviews
— Petroleum exclusion, Bevill exemptions, innocent landowner, bona fide purchaser, and secured creditor defenses
— Negotiate site delisting, de minimis settlements, multi-party settlements
— Section 106, Unilateral Administrative Orders and Section 107 Cost Recovery Actions and contribution
— Natural resource damages

Environmental litigation services

— Defend corporations and municipalities in actions brought under federal and state
— Superfund statutes, enforcement actions under the federal Clean Air Act, citizen suits brought under the Clean Water Act, and SEQR litigation
— Defend companies in actions brought by states and individuals for clean-up costs and other damages arising from the discharge of petroleum products and in the sale and application of pesticides
— Defend companies in actions for personal injury and property damage allegedly caused by exposure to toxic substances (toxic tort, mass tort, medical monitoring, property protection programs, etc.)
— Represent clients in judicial challenges to environmental regulations
— Counsel clients concerning insurance issues arising in environmental matters
— Represent clients in litigation and negotiations seeking defense or indemnification regarding environmental liability
Client and law firm partnering approaches

— Experienced in-house technical capabilities
— Certified auditors and professionals (Env., OSHA, ISO 14000, Cal RA, QEP, CHMMs, LEED)
— Cost-efficient contracting with and management of outside consultants
— Seamless integration with our clients’ and other law firm resources
— National “environmental counsel” roles
— Host Continuing Professional Education and subject-matter client training programs
— Substantive alerts and updates

Financial management

— Our core philosophy: “value for fees”
— Task-based budgeting and pre-approval
— Consultant oversight/master service agreements
— Free initial consultation programs
— Retainer program
— Fixed fees for deals
— Discounted rates and volume discounts available (including “busted deal”/success premiums)
— Deferred fee arrangements with premiums

What our clients say about us

— We understand their business
— We are easy to work with
— We are team players (can lead or support in-house team)
— We offer practical solutions to our clients’ problems
— We staff efficiently
— We are client-focused and results-oriented
— We are responsive

For More Information, Please Contact:

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About Nixon Peabody LLP

At Nixon Peabody, we see 21st century law as a tool to help shape our clients’ futures. We are constantly thinking about what is important to our clients now and next so we can foresee obstacles and opportunities in their space and smooth the way. We work together to handle complex challenges in litigation, real estate, corporate law, intellectual property and finance anywhere in the world.