

Environment & Land Use

Our environment and land use team represents a broad array of clients in regulatory, compliance, transactional, remediation and litigation matters. Our *Chambers USA* and *Best Lawyers*-ranked members draw upon not just legal experience but their experience in other fields as environmental consultants and in corporate and government roles, including the U.S. Environmental Protection Agency (EPA). These varied backgrounds allow us to provide real-world, practical solutions for clients. We take the time to understand each client's business and objectives, which allows us to provide realistic strategies for accomplishing those goals.

Our Services

We represent regional and national developers, manufacturers, utilities and government entities in matters ranging from acquiring land and securing permits and related approvals to solving complex remediation and redevelopment challenges. We advise clients on all financing, due diligence and risk management aspects of projects.

Regulatory Counseling

In today's business environment, changes in regulations and governmental policies occur regularly and must be navigated confidently. Working closely with clients, we help devise workable solutions to regulatory issues and develop comprehensive and pragmatic policies and procedures to allow for effective management of those issues. We help develop compliance programs to mitigate potential environmental risk arising from a wide array of environmental and safety compliance issues, including Occupational Safety and Health Administration (OSHA) requirements, solid and hazardous waste disposal practices, and other operational practices that have the capacity for significant liability.

Transaction and Remediation Advice

We work with clients to perform the due diligence necessary to identify environmental liability issues and structure transactions to manage and allocate any such liabilities. We advise on mitigating environmental risk through a combination of strong indemnities, insurance products and liability transfer agreements. We routinely seek liability protections from federal and state authorities and use these as the foundation for our redevelopment and brownfield transactions.

We know that clients frequently benefit from the reuse of strategically located blighted land, and we maximize tax benefits, grants and low-interest loan availability to suit our clients' preferences. Our lawyers are well-versed in strategizing remediation approaches when a new discharge occurs or when an ongoing remediation seems to be languishing. Understanding the technical aspect of remediations, as well as the legal issues, allows us to bring practical guidance to clients dealing with inconvenient problems.

Environmental Litigation

We regularly represent clients in state and federal courts regarding regulatory developments and environmental liability, whether in the enforcement context or between private parties. Our experience includes aggressive and complex enforcement defense under the Resource Conservation and Recovery Act (RCRA), the Clean Water Act, the Clean Air Act, the National

Environmental Policy Act (NEPA), and state and local laws. We also bring actions for contribution under a variety of environmental programs — including the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) — to ensure that clients are not burdened with unwarranted or inequitable liabilities. Moreover, we represent major companies on mass exposure cases, acting not only as trial lawyers but also frequently as appellate and alternative dispute resolution (ADR) counsel.

Zoning, Land Use and Regulatory Matters

We represent clients before government entities at the local, state and federal levels to interpret regulatory frameworks and advocate for reasonable permit conditions in air, water and solid-waste permits. Our land use lawyers frequently appear before municipal planning commissions and zoning hearing boards and advisory committees in connection with development projects. Our team regularly appears before and works with municipal governing bodies, planning commissions, historical commissions, zoning boards and other state and local government agencies to obtain approvals and entitlements for commercial, residential and institutional construction and development projects. Whether the project requires a complete re-zoning or a single dimensional variance, our zoning lawyers work to identify the most effective and efficient means to achieve the necessary result and keep the client's project on track.

Representative Matters

- Represented a Philadelphia suburban municipality that needed assistance to remediate and redevelop a significant parcel of land formerly operated as a diaper industrial plant prominently located at the gateway to the municipality. Over \$3 million in grant funds were secured to allow the property to be remediated so that an award-winning housing and retail redevelopment project could be constructed and a transit village designated, which brought new vitality to the walkable downtown area.
- Prevailed in a large-scale federal appeal in which we represented the Philadelphia Regional Port Authority (PhilaPort), resulting in the court vacating all permits issued by the U.S. Army Corps of Engineers' under CWA Sections 404 and 408. The Port of Wilmington was seeking to construct a \$650 million expansion of its port facilities directly into the main navigation channel servicing PhilaPort's upriver harbor.
- Assisting a nonprofit foundation in its renovation and redevelopment of a historic golf course on 340-plus acres in Philadelphia and involving one of the largest wetlands restoration projects in North America.
- Represented a religious organization in securing local and state permits for the demolition of an existing retreat center, the construction of a replacement center and the creation of over a dozen beach block lots in a popular New Jersey shore community, which enabled the client to ensure the funding of the future care of its members.
- Advised a regional transportation entity in the construction of a bridge over and through a contaminated section of the Passaic River.
- Assisted a client in the closing of the largest refinery in the Northeast United States and specifically with satisfying regulatory, bankruptcy and other legal requirements of local, state and federal governments.
- Represented a prominent Philadelphia excavation contractor that wanted to relocate its company headquarters to land that had been an unpermitted landfill crossed by a rail line. Pennsylvania DEP Act 2 approval for the site reconciled the sometimes-conflicting requirements of the remediation and landfill regulations to the benefit of the client.
- Provided environmental assistance in connection with the sale of New Jersey real estate assets valued at \$1 billion and involving 20 Industrial Site Recovery Act (ISRA) cases.
- Represented the Pittsburgh Water and Sewer Authority with respect to resolving an unprecedented large-scale criminal action under the Safe Drinking Water Act, handling not only state charges, but also those at the federal level, as well as a related EPA debarment proceeding.
- Resolved a large-scale federal enforcement matter against a confidential state government agency investigation relating to the donation of rail cars contaminated with high levels of polychlorinated biphenyls (PCBs) that were released onto museum property.

Experience

Stradley Ronon Team Secures High-Profile Win for PhilaPort in Port Construction Case

Stradley Ronon has obtained a sweeping victory on behalf of the Philadelphia Regional Port Authority (PhilaPort) in a highly contested matter over the proposal of a new port on the Delaware River.

In *Philadelphia Regional Port Authority v. U.S. Army Corps of Engineers*, PhilaPort alleged that Diamond State Port Corp.'s construction of a port in Edgemoor, Delaware, would divert shipping from Philadelphia to Delaware and that the permitting process led by the U.S. Army Corps of Engineers (Army Corps) failed to meet the requirements of the Administrative Procedure Act, among other claims.

In a published opinion on October 28 that adopted most all of the port authority's positions, the U.S. District Court for the Eastern District of Pennsylvania vacated various underlying permits and authorization issued by the Army Corps. Significantly, the court noted that Diamond State never sought a statement of no opinion from PhilaPort, the first step in the permitting process.

The court ordered the Army Corps to reevaluate the project, effectively restarting the permitting process. This win for PhilaPort is the result of our team's vigorous representation and will have a significant impact on the long-term shipping business in the Philadelphia region.

HRP Breaks Ground on First Phase of The Bellwether District

Stradley Ronon joined client Hilco Redevelopment Partners (HRP), elected officials, and business and community leaders at the groundbreaking for the first phase of The Bellwether District in South Philadelphia. HRP is converting the 1,300-acre former Philadelphia Energy Solutions refinery into a 14-million-square-foot, state-of-the-art campus dedicated to innovation, e-commerce and logistics. The demolition of the refinery resulted in a 16 percent reduction in emissions in Philadelphia, and the new site will offer a cleaner environment and increased economic opportunities for the region.

Colony Capital Acquires NJ Industrial Properties

Stradley acted as local real estate and environmental counsel to Colony Capital Inc. in the \$100 million acquisition of 29 New Jersey industrial properties.

Redevelopment Project in Stone Harbor

Stradley Ronon represented the Sisters, Servants of the Immaculate Heart of Mary (IHM) with a redevelopment project in Stone Harbor, New Jersey. A 250-bed retreat house with 4.5 acres of beachfront views owned by IHM was demolished, and a new retreat house was constructed on a smaller lot allowing for the creation of 13 beach-block residential lots and a new street within the boundary of the original property. The sale of the high-profile lots provided funding for demolishing the existing building, creating a new retreat house and establishing an endowment to support the future needs of the congregation.

The Stradley Ronon team navigated the complex town zoning board requirements, received CAFRA permitting from the state Department of Environmental Protection, negotiated with the contractor, potential developers and residential lot buyers and resolved a dispute with the Borough of Stone Harbor regarding the developability of land adjacent to dunes.