

Peckar & Abramson

Environmental Law Group

have been redeveloped. We have also written brownfields legislation. ▶ Sustainable development through innovative design and construction (green building)

Mold

Our attorneys advise clients on how to avoid and/or address mold issues before, during and after construction. We have developed a mold protocol for contractors and others to help them identify mold issues up front and then resolve them in a timely and cost-effective manner. We are members of the national

We partner with our clients to create successful projects, while thinking green and focusing on sustainability of resources.

Associated General Contractors Mold Litigation Task Force, a clearinghouse for mold-related issues for general contractors nationally. The task force has developed, and provides, resources for general contractors seeking to avoid and/or address mold problems.

Hazardous Waste, Superfund and RCRA

We counsel clients and defend them in cleanups and litigation at the federal and state levels. We represent clients in private-party negotiations and litigation when hazardous substances are unexpectedly discovered on properties.

Allocating Environmental Risk

We draft contracts for clients to eliminate or minimize environmental risk. We also review bids and construction documents to evaluate our clients' exposure to environmental liabilities.

Audits

Our attorneys counsel clients during environmental audits and

assist in developing audit and compliance program policies.

Natural Resources

The Environmental Law Group represents consulting and contracting firms bidding on and conducting large projects that have natural resources implications. These include Endangered Species Act concerns, environmental impact statements associated with the National Environmental Policy Act (NEPA), and other natural resources damages issues. We have assisted such clients with project

and contract negotiations, as well as permitting and associated environmental regulatory issues.

Environmental Due Diligence

Our environmental practitioners play roles in conducting environmental due diligence on projects ranging from corporate mergers and acquisitions, to the purchase and development of commercial and industrial facilities and land. This due diligence ranges from directing phase one and phase two audits, to multifacility investigations and analyses. We keep clients apprised of their due diligence, or "all appropriate inquiry" responsibilities under the regulations, to protect them from liability.

Litigation

When necessary, the Environmental Law Group's attorneys vigorously represent our clients' interests in litigation in administrative, state and federal tribunals. We defend clients in governmental inquiries and litigation, civil and criminal, as well as private-party litigation in environ-

mental and mold cases. Our attorneys serve as common or group counsel in Superfund matters and in state multiparty cleanups. We have negotiated judicial and administrative consent agreements in environmental cases ranging from federal and state Superfund and RCRA cases, to storm water and wetlands and other clean water violations, to dewatering and air cases.

Legislation

When it comes to environmental legislation, we have been extensively involved in promoting our clients' interests. For example, our attorneys helped draft and then lobbied to ensure passage of the original brownfields legislation in Florida and were involved in developing risk-based cleanup standards at the local and state levels in Florida. We have also tracked and advised our clients on legislative attempts in Florida to regulate the mold remediation industry.

On-Call Advice

Environmental Law Group attorneys are both counselors and litigators. We understand construction projects and green building, as well as environmental regulation and litigation. We know the potential price of overlooking or ignoring environmental laws. We work hard to help clients avoid litigation, but we also stand ready to vigorously defend them and prosecute their claims in court. We also understand the cost of delays, so our attorneys are available at all times to assist clients wherever and whenever they encounter environmental issues.

FOR MORE INFORMATION,
contact **Matthew P. Coglianese,**
Director, Environmental Law
Group, at 305-358-2600;
fax: 305-375-0328; or
mcoglianese@pecklaw.com.



Building on a Solid Foundation



With environmental regulations growing more complex

and companies' potential risk and liability increasing, our Environmental Law Group offers broad experience, deep knowledge and a commitment to serving our clients' needs. Our group is comprised of individuals with decades of experience in the field—in both government and industry.

The Environmental Law Group works closely with Peckar & Abramson's construction, government relations and real estate clients, as well as other public and private entities, to address a wide range of environmental concerns, including:

- ▶ Green buildings
- ▶ Environmental permitting
- ▶ Environmental litigation
- ▶ Environmental health & safety audits
- ▶ Administrative rule development/challenges
- ▶ Superfund representation/common counsel
- ▶ Insurance coverage negotiation and litigation
- ▶ Wetlands issues
- ▶ Endangered species
- ▶ Business transactions and due diligence
- ▶ Protecting against or transferring environmental liabilities
- ▶ Defense of enforcement actions
- ▶ Cost recovery proceedings
- ▶ Brownfields development and land reuse
- ▶ Compliance counseling
- ▶ Mold counseling and litigation
- ▶ Asbestos abatement
- ▶ Sustainable development and construction

- ▶ International environmental issues
- We are client-focused problem solvers. We help businesses anticipate and prevent costly environmental problems. And our team's broad background gives us the knowledge, experience and creativity to provide our clients with legal solutions that are built on a solid foundation.

MAJOR INDUSTRIES

Our attorneys have worked in industry as in-house counsel and in governmental organizations such as the Environmental Protection Agency (EPA) and state and local environmental agencies. As a result, we are intimately familiar with the environmental issues encountered in many business sectors, including:

- ▶ Construction
- ▶ Real Estate
- ▶ Heavy industry
- ▶ Government

Our attorneys have experience with a wide range of environmental problems ranging from Superfund, Resource Conservation and Recovery Act (RCRA), Clean Water Act and Endangered Species Act

matters, to underground storage tanks and other preexisting hazardous waste conditions. We also counsel clients on asbestos removal and disposal, as well as Occupational Safety and Health Administration (OSHA) regulations and other health and safety matters.

- Among the many clients our attorneys have represented are:
- ▶ Fifty *Fortune* 100 and municipal Potentially Responsible Parties (PRPs) in a multimillion-dollar Superfund cleanup. We negotiated several administrative orders and a final cleanup consent agreement with the Environmental Protection Agency that included EPA's agreement not to seek over \$6 million in past costs from the client group.
 - ▶ An automotive recycler at risk for thousands of dollars in fines in a RCRA administrative enforcement action. We resolved it through an alternative dispute resolution process, which resulted in a nominal fine.
 - ▶ A general contractor that encountered a contaminated fill problem during construction. We rapidly negotiated a solution with minimal regulatory intru-

sion, saving valuable time as well as administrative and disposal costs.

- ▶ A general contractor dealing with multimillion-dollar mold litigation. We successfully resolved the problem through cost-effective mediation, including working with the client's insurance carriers, resulting in a settlement that was a fraction of what the plaintiffs were seeking.
- ▶ A general contractor facing potential endangered species issues. By counseling the contractor at the pre-bid stage, we enabled him to anticipate potential delays and ensured that he was protected against expensive delay claims.
- ▶ A builder developing a large residential project. We counseled the client on how to address background site contamination issues with both the regulatory agencies and buyers of developed sites.
- ▶ A manufacturer facing OSHA, mold and other workplace safety issues. We counseled the client and provided OSHA with a satisfactory explanation that ended the matter.
- ▶ A film recycler. We defended the client in a toxic tort lawsuit involving alleged exposure to cyanide. Because of our work, some plaintiffs were dismissed from the lawsuit and the others received small settlements.

FROM BIDDING TO BUILDING

To help businesses understand and minimize potential environmental exposure, our attorneys work with clients at every stage of a project. We often consult with our clients in the bidding and contract negotiation phases to ensure that any environmental concerns are identified and addressed up front. We assist our clients with green building and issues regarding LEED cer-

tification. The Environmental Law Group helps companies anticipate environmental issues and develop environmental practices and procedures that enable them to avoid problems or expeditiously address them in the field. While some problems are unavoidable, we help clients deal with them in a cost-effective manner while helping to minimize further risk. We work

lators to resolve problems, allowing our clients to minimize delays and prevent additional costs and penalties. And when cleanup is required, our team works closely with clients and environmental consultants to develop the most cost-effective cleanup programs. We facilitate the process from beginning to end, ensuring that all obligations are met.



hard to keep clients abreast of changes in regulations. And we conduct training sessions to help clients understand the evolving—and often confusing—environmental regulatory world.

By enabling our clients to anticipate potential problems, we help keep costs down. We can help owners and contractors proactively approach environmental issues, and avoid extra permit fees, fines, increased regulatory scrutiny, increased project costs, delays and even potential shut downs.

Sometimes environmental issues appear unexpectedly in the course of construction projects. In such cases, we work quickly with regu-

AREAS OF EXPERTISE

Permitting

Our attorneys have substantial experience in all aspects of environmental permitting, including:

- ▶ Building in or on coastal property and wetlands and on impacted property (Clean Water Act permitting and associated litigation)
- ▶ Landfill disposal, hazardous waste and natural resources
- ▶ Wastewater, dewatering and storm water
- ▶ Demolition, urban infill (brownfields) and building on or near environmentally sensitive land
- ▶ Brownfields redevelopment. We have been involved in numerous projects wherein contaminated sites