

Environmental Enforcement & Litigation

Helping clients anticipate, resolve & defend environmental matters



We help our clients

- anticipate and understand environmental requirements to achieve compliance in an economical and efficient manner
- perform self-audits and conduct investigations to help manage risks and obtain benefits of voluntary disclosure programs
- negotiate resolution of deficiency reports, notices of alleged violations, and proposed administrative consent orders or notices of threatened citizen suits
- defend administrative, civil, or criminal environmental claims in cases brought against their companies
- protect their constitutional and statutory rights to operate their businesses

by combining regulatory know-how with courtroom savvy in avoiding, anticipating, resolving and defending environmental litigation.

Our attorneys can help you avoid, mitigate, resolve, and defend environmental issues such as

- Incident investigations
- Site inspections and subpoenas
- Complaint, warnings, and letters of inspection deficiencies
- Notices of alleged violation
- Compliance conferences
- Settlement consent agreements, compliance agreements, and schedules
- Disclosure of findings of self-audits to federal and state agencies
- Negotiation of penalties and alternatives to penalties such as supplemental environmental projects
- Appeal of adverse agency actions

Related Practice Areas

Asbestos

Construction

Corporate & Securities

E-Discovery - Encompass

E-Discovery & Information Governance

Energy

Environmental

Environmental - Transactions

Environmental Compliance & Permitting

General Counsel Services

Government Relations

Litigation

Multi-Claim & Class Action Litigation

Real Estate

Resort & Planned Communities

State & Local Government Relations

Timber & Forest

Toxic Torts

Transportation

White Collar Defense & Government Investigations

Interdisciplinary team

Experienced attorneys well-versed in federal and state law and environmental rules

- Lead counsel trial experience
- Attorneys with the knowledge and resources to go to trial when necessary
- Deep experience in expert-intensive litigation matters
- Served as counsel to trade associations
- Former counsel to federal and state agencies on coastal environmental protection
- Former assistant in-house counsel to alternative energy company
- Leaders in environmental committees for state and federal legal organizations
- Attorneys recognized by Best Lawyers in America®, Super Lawyers, Chambers USA, Who's Who Legal, and American College of Environmental Lawyers for environmental law and environmental litigation. See the individual lawyer bios in this practice group for specific certifications

Our team's broad experience, regulatory knowledge, and litigation experience – along with extensive personnel and technological resources – will help guide you through the maze of state and federal environmental regulations and laws and help avoid litigation, creatively resolve disputes, or provide robust defense in court.

We have represented industries in administrative appeals, regulatory challenges, and state and federal court, including

- Manufacturing
 - Aerospace
 - Agricultural chemicals, maintenance vehicles, lawn equipment, and hand tools
 - Appliances (commercial and residential)
 - Automotive and automotive parts
 - Biomass and other alternative energy producers
 - Ceramics
 - Chemicals and specialty chemical manufacturers, processors, and suppliers
 - Consumer products
 - Electrical and lighting
 - Pesticides and pesticide devices
 - Pharmaceutical drugs and devices
 - Plastics and Polymers
 - Recreational vehicles
 - Textiles
- Commercial waste management and recyclers
 - Asbestos

Related Industries

[Banking & Financial Services](#)

[Construction](#)

[Consumer Products & Retail](#)

[Energy & Utilities](#)

[Hospitality & Tourism](#)

[Manufacturing](#)

[Real Estate](#)

[Technology](#)

[Transportation](#)

- C&D
- Coal ash
- Scrap metal
- Solid and hazardous waste
- Used oil
- Tires
- Waste-to-energy
- Construction
- Forestry and forest products
- Metal working, foundries, and metal coatings
- Mining
- Pulp and paper industry
- Residential and commercial real estate, including development
- Retailers
- Transportation
 - Trucking
 - Rail
- Utilities and other energy suppliers

Experience with complex issues and cases has prepared us to be strong, creative advocates for environmental disputes

Environmental enforcement defense begins long before a notice of alleged violation or notice of intent to file a citizen suit comes in the mail.

- Our team helps clients prepare policies, self-audit plans, standard operating procedures and implement training so that clients' staff and employees are better able to respond to challenges
- Experienced litigators guide clients in incident investigation, preparing public statements and responses to citizen complaints, developing evidence, securing and preparing experts, and defending against environmental claims
- We have defended clients in administrative appeals, civil and criminal suits (including citizen suits and suits by NGOs), which were based on federal and state constitutions, CERCLA, RCRA, Clean Water Act, groundwater and wetlands protection, Clean Air Act, toxic tort, personal injury, exposure, property devaluation, property rights, takings, condemnation, zoning, land use and all other common law theories and principles

Why Nelson Mullins?

- Broad range of litigation experience and resources, including lead trial counsel experience and attorneys who have represented clients in courtrooms throughout America
- Deep experience defending complex, expert-intensive cases
- Recognition that an effective litigation strategy requires awareness of opportunities for creative, strategic, and early resolution
- Technology solutions that deliver more efficient and cost-effective legal services

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Defended challenges to air and RCRA permits issued for secondary lead smelter (first new facility permitted in U.S. in 20 years)
- Defended manufacturer of chemicals that were released into river in West Virginia
- Responded to Clean Air Act Section 114 information requests and related enforcement investigations
- Defended New Source Review enforcement cases.
- Defended landowners in Section 404 Clean Water Act wetland fill violations (criminal and civil)
- Defended landowners against common law (nuisance, trespass) groundwater contamination claims
- Defended landowners from appeals of coastal zone management permits for marinas, docks, and other structures
- Defended manufacturing clients against claims of contamination brought under RCRA by landowners in federal court.
- Defended manufacturing client against common law claims of environmental contamination brought by landowners in state court.
- Defended an energy client against claims of contamination brought under the Clean Water Act by an environmental group in state and federal court.
- Represented clients in cost recovery actions under CERCLA, including representation of a client landowner in federal court against CERCLA claims in one of the first cases to address the bona fide prospective purchaser ("BFPP") defense.
- Represented client oil company in defending against state statutory and common law claims brought related to petroleum contamination in state court.
- Represented numerous applicants for permits through administrative and judicial appeals.
- Litigated insurance coverage issues.
- Represented clients in numerous complex and multi-party toxic tort matters, as well as class action matters
- Defended three clients in RCRA citizen suit in federal district court concerning groundwater contamination
- Represented landfill in request for special exception for landfill expansion at County Board of Zoning Appeals
- Represented multiple clients in CTC Superfund Site litigation in NC
- Represented clients in Ward Superfund Site litigation in NC

- Represented municipal government in SC Supreme Court in successful defense of land use subdivision denial as to historic estate
- Represented client at LWD Superfund Site litigation in Kentucky