

The Hancock Estabrook Environmental Practice is a recognized leader in assisting clients in all regulatory regions of New York State. Our attorneys provide advice and counsel on regulatory matters, Brownfield Program project management, remediation matters, internal environmental audits and establishing environmental prevention programs, environmental litigation matters, and toxic exposure matters. Our attorneys serve clients that include Fortune 500 entities, medium and small businesses, municipalities and individuals.

### Regulatory Compliance Assistance

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Hancock Estabrook represents clients before the New York State Department of Environmental Conservation (NYSDEC), the United States Environmental Protection Agency (EPA) and other regulatory authorities throughout New York State. We assist clients in air permitting and water discharge permits (including storm water, wetlands issues, hazardous waste storage facilities, solid waste landfills, petroleum and chemical bulk storage facilities, mining, and local industrial discharge authorizations) in order to ensure compliance. Representative compliance matters have included:

- Addressing issues associated with the investigation and remediation of inactive hazardous waste and petroleum sites.
- Representing petroleum distribution facilities that have been cited with violations of the New York Oil Spill Law (Navigation Law, Article 12) and/or the Environmental Conservation Law, including the negotiation of acceptable Consent Order terms and settlements minimizing civil penalties.
- Permitting and siting of significant (over 500,000 square feet) manufacturing facilities.
- Negotiating Orders on Consent related to RCRA, the New York State SPDES program, air compliance and bulk storage, and OSHA, including representation of parties at administrative hearings when a negotiated solution was impractical.
- Representing public, quasi-public and private entities in challenging wetland delineations and other determinations by the NYSDEC and United States Army Corps of Engineers that affect desired land uses and development.
- Representing companies in complying with state registrations, state facility permits, air modeling, Title V permits, and continuous emission monitoring.

### Remedial Programs in NY

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New York's Brownfield Cleanup Program and related programs have created opportunities for owners, operators, tenants, municipalities and prospective purchasers of contaminated properties to provide certain releases from liability with companion tax credits. We facilitate early and open cooperative efforts with regulatory authorities, advising clients on the application process, citizen participation, maximizing liability protections, deed restrictions, and scheduling and expediting the remedial process, in order to meet client expectations. Representative Brownfield and related programs matters have included:

- Dry cleaner for commercial redevelopment (Onondaga County).
- Former chemical plant redeveloped for industrial use and "green space" (Niagara County).
- Municipal training center (Wyoming County).

- Portions of an existing industrial park, including a former manufacturing facility (Oneida County) (Voluntary Cleanup and Environmental Restoration Programs).
- Former gas station (Madison County) (Environmental Restoration Program).
- Light and heavy operating manufacturing facilities, including such facilities as plating, steel manufacturing and fabrication, and electrical manufacturing.
- Abandoned manufacturing facility for housing (Tompkins County) (Voluntary Cleanup Program).
- Abandoned industrial facility for commercial reuse (Westchester and Rockland Counties).
- Plating operation for commercial use (Onondaga County).
- Existing commercial facility (Onondaga County).

## Environmental Programs

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We assist companies with internal environmental audits and establishing environmental prevention programs. Projects have included:

- Assisting in leading facility-wide environmental audits and developing comprehensive environmental compliance programs at manufacturing, health care, and warehouse distribution facilities in anticipation of inspection by regulatory agencies.
- Assisting large-quantity generators to achieve small-quantity generator status.
- Providing RCRA assistance on legal aspects of compliance, reporting, document retention, and pollution prevention.
- Assisting in ISO 14001 certification and ISO internal audits.
- Assisting in grant applications and achieving recognition for compliance through New York State pollution prevention programs.

## Environmental Litigation

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Hancock Estabrook defends and prosecutes environmental cases in state and federal courts. We follow a two-track approach by aggressively pursuing viable claims and defenses as well as creative settlement options. Litigated matters have included:

- Prosecution and defense of Navigation Law actions seeking recovery of response costs associated with petroleum releases (numerous federal and state jurisdictions).
- Multi-party potentially responsible party (PRP) litigation to compel the remediation of waterfront property as part of a 100+ acre inactive hazardous waste site (United States District Court, Northern District of New York).
- Acting as coordinating counsel for management of various PRP groups.
- Defense of various Fortune 100 companies in an action under RCRA and CERCLA for damages and cleanup of a former oil recycling facility (United States District Court, Eastern District of New York).
- Counsel for a cost recovery and contribution action seeking recovery from over 100 defendants on behalf of a PRP group for the cleanup of a hazardous waste site (United States District Court, Western District of New York).
- Counsel for cost recovery and contribution actions in federal court pursuant to CERCLA and RCRA against a PRP for the contamination of a residential property (United States District Court, Northern District of New York).
- Counsel for an insurance coverage action for a manufacturing facility named as a PRP at multiple inactive hazardous waste sites (United States District Court, Northern District of New York).
- Provided counsel on the interpretation of indemnification agreements involving asset and stock transactions to determine the responsibility of the parties for environmental contamination (numerous federal and state jurisdictions).
- Provided counsel on the determination of corporate successor liability in the context of CERCLA, Navigation Law and indemnification agreements (various federal and state jurisdictions).

Further, we work closely with our [Regulatory & White Collar Crime Practice](#) attorneys to deal with federal and state

authorities that are conducting investigations and other inquiries relating to our clients' business activities.

## Environmental Contracting

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We assist individuals and companies with drafting and negotiating contracts that are specific to the environmental field, and represent clients on litigation involving environmental contracts. Some of the types of contracts we are involved with are:

- Environmental consulting contracts for performance of remedial or investigative work.
- Contracts under the New York State Environmental Restoration Program.
- Contracts involving United States Green Building Council LEED issues.
- Contracts relating to green technology and alternative energy systems, including acquisition and related litigation.

## Toxic Exposure Law

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Hancock Estabrook has assisted individuals and municipalities in the defense and recovery of compensation for property damage and personal injuries due to chemical and biological toxin exposure. We have represented entities accused of toxic releases and negotiated solutions to minimize the public impact while also protecting our clients' business interests. Representative matters in this area have included:

- Represented a citizen group challenging the storage of road salt in a residential neighborhood causing adverse effects to health and property.
- Represented property owners affected by toxic mold.
- Defended business owners in lead and asbestos cases.
- Prosecuted and defended individuals and companies in lawsuits alleging ground and surface water contamination affecting water supplies.
- Defense of toxic exposure case involving 30 homeowners (State Supreme Court).
- Numerous assessments of exposure related to volatile organic compounds and vapor intrusion at existing and proposed residential and industrial properties.