

# Remediation and Brownfields Developments

## Practices and Industries

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### PRIMARY CONTACTS

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Our environmental lawyers have deep experience in helping clients manage and develop Brownfields properties, that is, those at which hazardous substances and other contaminants are present. We help clients in evaluating and managing risks associated with Brownfields properties and in transactions involving them, including purchases and sales, investments, loans, and leases. Among other things, we assist them in the scoping of environmental due diligence, contracting with consultants, the structuring and negotiating of transactions, and the use of various financial assurance mechanisms such as cost cap and pollution legal liability coverage and fixed price, turn key remediation.

We have particular experience helping clients develop Brownfields properties under applicable regulatory programs, including, for example in Texas:

- the Texas Voluntary Cleanup Program,
- the Texas Innocent Owner/Operator Program,
- Municipal Settings Designations,
- Above Ground and Underground Storage Tanks Programs,
- the Dry Cleaner Remediation Program, and
- the Texas Risk Reduction Program.
- We work closely with our clients and their environmental engineers to design and complete investigations and, where necessary remediation, to satisfy the requirements of the applicable programs. In addition, where necessary, we negotiate specific agreements with the regulatory agencies to guide the work to be done and define the liability of the client with respect to the particular property.

Our lawyers are frequent authors and speakers on a wide range of issues regarding Brownfields liability and cleanup. They have spoken and written extensively on, among other things, the various Brownfields defense and the All Appropriate Inquiries prerequisite established by the Environmental Protection Agency pursuant to the Brownfields Amendments of 2002.