



## Environmental

Burr & Forman's environmental team provides advice and services, including litigation, associated with all environmental aspects of business planning, development, and operation. Our attorneys assure compliance with statutory and regulatory requirements and help clients avoid enforcement actions and litigation. We are intimately familiar with the applicable state and federal statutes, regulations, and case law, as well as local and federal enforcement agencies and their personnel throughout our Southeastern footprint and beyond.

We work with clients on a number of environmental projects related to:

- Automobile manufacture
- Brownfield development
- Construction activities
- Electric power generation, including peaking power sources
- Greenfield development
- Industrial development authorities
- Iron and steel manufacture
- Local governments, including utilities boards
- Mining & energy development
- Wind & solar power

### **Regulatory**

We have attorneys that assist with environmental regulatory legal needs and work with real estate developers, manufacturers, and mining companies, and other businesses purchasing, selling, and financing real property. We appreciate that regulatory burdens and the threat of litigation often affect how businesses plan for the

### PROFESSIONALS

Pamela A. Baker  
Shannon C. Bruning  
Schuyler K. Espy  
Joseph H. Farrell, III  
Robert S. Given  
Chad N. Johnston  
Randolph R. Lowell  
Robert C. Matthews  
Norman M. Orr  
J. Joseph Owens  
William L. "Bill" Penny  
Robert T. Rosen  
Melinda Eubanks Sellers  
Scott I. Steady  
Rik S. Tozzi  
Robert V. Williams

### RELATED AREAS

Agriculture Funding & Lending  
Economic Development  
Real Estate  
Tax Law  
Tax Sales

### RELATED INDUSTRIES

Construction & Project Development  
Transportation & Logistics

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future. For that reason, we strive not only to solve today's problems, but to anticipate tomorrow's. We apply our knowledge of flexible permitting options, voluntary clean-up projects, and other strategies to help relieve clients of as many regulatory burdens as possible, and to shield them, to the extent feasible, from enforcement actions and third-party litigation.

In assessing a property for sale or purchase, companies need to take environmental regulations into account. We help clients quantify the potential costs of cleaning up a troubled site, and help determine the risks of lawsuits based on the site's environmental conditions. On behalf of our clients, we also obtain from government agencies long-term protection from future legal actions in exchange for agreements to undertake clean-up work. Our clients count on us to know whom to contact – and at which agency – regarding their regulatory concerns.

In addition to serving the private sector, we counsel governments on environmental regulation law. We have assisted municipalities with liability concerns as they coordinated economic development programs involving the acquisition of property and the transfer of property to the private sector.

## **Environmental Litigation Defense**

Burr & Forman is committed to risk mitigation for our clients. In the context of environmental litigation defense, we focus on reaching favorable solutions through mediation and settlement, thereby keeping clients out of the courtroom. Sometimes, though, litigation is necessary, and we are ready for it when it is. We have defended clients against claims brought by the Environmental Protection Agency (EPA) and state environmental agencies, including claims under federal and state Superfund programs. We defend companies and executives against actions involving the Clean Water Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and other statutes. We represent clients in litigation at trial and on appeal.

## **Permitting Requirements & Options**

Our team advises clients on the requirements and options for permits and authorizations necessary for business operation including air emissions controls, water withdrawals, wastewater discharges, and waste management.

## **Stormwater Management**

Advise clients on stormwater management requirements, including permits, throughout construction and in daily operations.

## **Brownfield Redevelopment & Voluntary Property Remediation**

Secure limitations on liability for prospective purchasers and operators of property.

## **Due Diligence Investigations of Prospective Acquisitions**

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Provide advice on investigations of environmental aspects of real property and business operations prior to acquisition.

## **Environmental Site Assessment Review**

Ensure compliance with site assessments primarily associated with innocent purchaser protections available under federal Superfund and similar state laws.

## **Wetlands Protection & Development**

Identify regulated wetlands and advise on compliance with requirements for development or protection of wetlands.

## **Regulatory Compliance**

Advise clients on air, water, and waste compliance obligations.

## **Project Management**

Assist with applicable environmental requirements associated with a particular project.

## News

- Burr Recognized as One of the Top Economic Development Firms in the Southern Region  
Firm News, *Southern Business and Development*, 01.31.2024
- 58 Burr Attorneys Named to 2023 Mid-South Super Lawyers and Rising Stars List  
Firm News, 11.28.2023
- Burr & Forman Earns National and Metro Rankings in 2024 Best Law Firms List  
Firm News, 11.02.2023
- The Foundation for Seminole State College Honors Burr's Rob Rosen with the 2023 Chairperson's Award  
Firm News, 10.13.2023
- Bill Penny Receives Tennessee Chamber of Commerce and Industry's 2023 Environmental Stewardship Lifetime Achievement Award  
Firm News, 09.01.2023

## Events

- "Safeguard the planet through IP protections! An overview of IP-related climate pro bono," Climate Pro Bono Bootcamp: Complimentary Virtual CLE Conference  
Speaking Engagement, 01.17.2024
- South Carolina Chamber of Commerce Environmental Affairs Committee Meeting  
Event, 11.03.2023
- 31st Annual Southeastern Environmental Law and Regulation Conference  
Speaking Engagement, Miramar Beach, FL, 06.16.2023

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## Publications

- Alabama Pushes Back on EPA Proposed CCR Program Denial  
Article, 10.26.2023
- Three Ways the Inflation Reduction Act Advances Green Banking  
Articles / Publications, 08.19.2022
- Toxins-Are-Us: Bankruptcy Treatment of Environmental Liabilities  
Articles / Publications, 07.02.2021