

Environmental

Saiber provides counseling with respect to all types of transactional, regulatory and administrative environmental matters. We also have substantial experience in a variety of complex, multi-party environmental, toxic tort and related litigation.

Environmental Compliance and Transactional Matters

A company's compliance with environmental laws is often one of the determining factors in the successful completion of a transaction. Our lawyers often are called upon to review and evaluate the legal environmental compliance history of a business, including reviewing permits, hazardous waste compliance, reports and remediation obligations. We are experienced in working with environmental technical experts in order to present a combined legal and scientific understanding of a company's environmental history.

Our lawyers have considerable experience in drafting and negotiating the environmental provisions in contracts, leases and loan documentation, and in counseling lenders, buyers, sellers and tenants through various state and federal liability regulations and statutes. Transactions involving the sale, transfer or closure of certain business operations and properties in New Jersey are unique, in that they may be subject to the Industrial Site Recovery Act (ISRA). We are experienced in guiding our clients through ISRA compliance in a timely and cost-efficient manner.

Regulatory and Enforcement Matters

We regularly help clients complete and submit permitting applications before the New Jersey Department of Environmental Protection and other governmental agencies. We provide counsel regarding their permit obligations, and their reporting and remediation obligations under various state and federal environmental laws. These include The New Jersey Spill Compensation and Control Act, The Underground Storage of Hazardous Substances Act and The Comprehensive Environmental Response Compensation and Liability Act under federal law.

Environmental compliance requires strict adherence to a complex and fluid set of statutes, regulations and guidance documents. Even the most environmentally sensitive company may become the subject of an enforcement action and penalty. When that occurs, we handle all aspects of negotiations with regulatory authorities and strive to achieve a fair, cost-efficient and timely resolution.

Environmental Litigation

Many companies operating in New Jersey and the northeast become entangled in environmental litigation. The federal EPA, N.J. Department of Environmental Protection or even private parties may start these lawsuits, which often seek massive damages for the cost of environmental remediation. These cases may involve a client-owned site or offsite landfill where hazardous wastes were disposed. They may involve just two parties such as a plaintiff and a defendant, or a number of defendants known as "potentially responsible parties" under the environmental laws.

We assist our clients through the unique challenges posed by environmental litigation and the enormous costs it can impose, even on innocent companies. We have extensive experience representing clients in governmental and private environmental cost recovery and penalty actions brought under CERCLA (the federal Superfund Law), the Clean Air Act, the Clean Water Act, the N.J. Spill Act and ISRA.

As with the other types of litigation that we handle, we leverage our strong litigation skills in advocating our client's position. In addition, based on our specific environmental litigation experience and record of success, we have developed creative approaches to minimizing our clients' exposure, including challenges to site nexus, negotiation of reduced site cost assessments by applying cost saving technologies, and reduced allocation methodologies.