



Wastes / Contaminated Properties



OVERVIEW

Our environmental lawyers are experienced in regulatory, compliance and audit counseling, as well as administrative and judicial enforcement actions, with regard to matters arising under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and corresponding state laws relating to the regulation of solid and hazardous wastes and the reporting and remediation of environmental contamination. Our clients appreciate our understanding of the nuanced and complex regulatory regimes governing the storage, treatment and disposal of solid and hazardous wastes and the cleanup of contaminated properties.

EXPERIENCE

Regulatory and Compliance Counseling

Clients call on us to assist in securing permits for solid and hazardous waste storage, treatment and disposal facilities. Our practice includes negotiating permit terms and conditions with state and federal environmental agencies, representing clients at public hearings and before administrative tribunals in proceedings relating to draft permits, as well as defending and challenging issued permits.

Utilizing our deep knowledge of environmental compliance issues and federal and state self-disclosure guidance documents, we also perform environmental audits on client operations to ensure compliance with hazardous waste statutes and regulations and assist them on issues dealing with self-reporting.

Environmental Issues Relating to Contaminated Properties

Businesses in the Southwest are frequently confronted with environmental issues relating to contaminated properties, whether they are a potentially responsible party for the release of contamination or they desire to purchase a Brownfield site. Our environmental lawyers represent and advise the former regarding site remedial investigations and associated cleanup plans, as well as the State of New Mexico's voluntary remediation program. With regard to developers and purchasers of Brownfield sites, we protect our clients' interests by ensuring compliance with Phase I and II Environmental Site Assessments, establishing Bona Fide Prospective Purchaser Defense under CERCLA, ensuring appropriate covenants not to sue are in place, and negotiating indemnification agreements.

Litigation

Our experienced environmental lawyers represent clients in all aspects of litigation before administrative hearing officers and tribunals and state and federal courts including matters involving, among others, CERCLA natural resources claims. We also defend clients in administrative and judicial enforcement actions and represent plaintiffs and defendants in private cost



recovery litigation under CERCLA.

KEY CONTACT

Stuart R. Butzier
505.848.1832
stuart.butzier@modrall.com

Walter E. Stern
505.848.1837
walter.stern@modrall.com

Susan E. Miller
505.848.1801
susan.miller@modrall.com

RELATED ATTORNEYS

Stuart R. Butzier

Robert W. Curl

Susan E. Miller

Yarithza Peña

Walter E. Stern

RELATED INDUSTRIES

Business in Indian Country

Construction and Design

Railroads