



Comprehensive
environmental, project
development, and
litigation services



Representing clients in New England and nationwide on environmental issues impacting their facilities, operations, and projects, our Massachusetts team offers a solid understanding of the interplay between practical business considerations and government regulations and enforcement. Clients also benefit from seamless access to a nationwide team of more than 90 environmental practitioners that provide complete coverage for matters large and small.

KEY FOCUS AREAS

Air permitting, compliance, and enforcement

Climate change strategy and GHG reporting

Complex environmental, real estate, and land use litigation

Compliance counseling and audits

Contaminated sites and brownfields redevelopment

Environmental risk mitigation

Environmental due diligence and other issues related to the purchase and disposition of industrial assets

Land use and zoning

Project permitting before local boards and state and national agencies

Right-to-Know and release reporting compliance and enforcement

Solid and hazardous waste permitting, compliance, and enforcement

State and federal court and agency litigation

Water quality permitting, compliance, and enforcement

Wetlands matters

Environmental Health and Safety (EHS) Compliance

Clients in a wide range of industries rely on our Massachusetts team for guidance on complex EHS requirements that impact their facilities, operations and expansion plans. Our work involves compliance counseling, permitting, and enforcement defense related to air, water, solid and hazardous waste, and right-to-know, as well as guidance through environmental crises such as release response and reporting, agency enforcement inspections, and deviation events. We also counsel clients on requirements imposed by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Massachusetts Oil and Hazardous Material Release Prevention Act (Chapter 21E).

Project Development, Redevelopment, and Due Diligence

We help builders, developers, and property owners secure all types of permits and approvals—special, comprehensive, wetlands, Title V, and historic districts permits; site plan approvals; and variances—for their residential, commercial, and industrial projects. We also assist clients with the remediation and redevelopment process, including obtaining land use entitlements and other authorizations for the redevelopment of Brownfields properties. We act as environmental counsel to sellers, purchasers, landlords, tenants, and lenders in commercial transactions involving their facilities around the country. This includes helping clients identify and manage environmental liabilities prior to and during transactions, and developing the overall environmental strategy for transactions, particularly those involving significant or unusual environmental issues.

Litigation and Dispute Resolution

We help clients manage and resolve commercial, environmental and land use disputes. We also provide practical, cost-effective advice on enforcement actions brought by state and federal authorities, including MassDEP, the Massachusetts Attorney General's Office, the U.S. Environmental Protection Agency (EPA), and the U.S. Department of Justice (DOJ). Our Massachusetts team regularly defends land use permits and project approvals under appeal in Massachusetts trial and appellate courts.

ADVISING AND REPRESENTING A WIDE RANGE OF INDUSTRIES:

- Chemical production
- Construction
- Educational and religious non-profits
- Energy production
- Hospitality
- Manufacturing
- Municipalities
- Real estate
- Retail
- Recycling and solid and hazardous waste management
- Trade associations
- Transportation

Representative Matters

- Supporting clients on major source air permitting for industrial facilities. Examples include a \$1.3 billion industrial plant expansion, acquisitions of multiple ethanol fuel production facilities, permit transfers for the sale of a 100+ location division by a multinational conglomerate, and projects addressing major industrial plant modifications.
- Pursuing or defending complex contaminated site cost recovery claims in pre-litigation and litigation. Examples include defending a client in a multi-party litigation in federal court in which the plaintiff seeks \$13.5 million in recovery for response costs paid to clean up PCBs in a river, and negotiating contribution claims brought against a historic property owner by a lender/current owner of contaminated property.
- Managing complex air and water enforcement cases with EPA and DOJ. Examples include successfully defending and resolving a \$5 million penalty demand alleging Clean Air Act violations at multiple facilities by DOJ and EPA, defending and successfully resolving a Massachusetts facility accused of nonattainment major source air permitting violations by EPA and DOJ, defending and successfully resolving a complex volatile organic compounds (VOCs) emission leak detection and repair case in Massachusetts, and defending a large Massachusetts municipality EPA accused of stormwater violations.
- Handling waste facility site assignment and permitting proceedings for several large waste management companies. Examples include advising on the local and state permitting of a 1,000 ton/day waste transfer station on a contaminated property, including extensive litigation defending those permits; the permitting of a hazardous waste treatment facility on an Indian Reservation; and assisting a power generation company evaluate the permit transfer requirements for facilities nationwide arising from the expected sale of the company to a private equity firm.
- Defending entities accused by citizens groups of federal and state water pollution permit violations. Examples include defending federal lawsuits filed under the federal Clean Water Act, and helping companies achieve and enhance compliance under Clean Water Act permits.
- Assisting with contaminated properties cleanup, redevelopment and transactions. Examples include, for a former manufacturing site, providing strategic advice on closure under Massachusetts cleanup law for historic release of VOCs and the ultimate sale of the property for reuse; and negotiating environmental insurance policies and purchase and sale agreement provisions for commercial and industrial property transactions in Massachusetts, including negotiating Covenants Not to Sue with the state Attorney General's Office.
- Securing local and state permits for development of single- and multi-family residential projects, commercial projects and industrial facilities. Examples include assembling project teams and successfully obtaining approvals before numerous permit-granting authorities for several Chapter 40B Affordable Housing projects and conventional subdivisions; multiple store locations for national pharmacy, bank and restaurant; and shopping mall and industrial facility redevelopment.

AUSTIN, TX | BALTIMORE, MD | BOSTON, MA | NEW YORK, NY
SAN FRANCISCO, CA | SEATTLE, WA | WASHINGTON, DC

Prior government and corporate career experience delivers value to our clients

ABOUT BEVERIDGE & DIAMOND

Beveridge & Diamond's more than 125 lawyers across the U.S. focus on environmental and natural resources law, litigation and alternative dispute resolution. We help clients around the world resolve critical environmental and sustainability issues relating to their products, facilities, and operations.

Learn more at bdlaw.com

FOR MORE INFORMATION

Marc Goldstein, Office Managing Principal
+1.617.419.2315 | mgoldstein@bdlaw.com

Brook Detterman, Principal
+1.617.419.2345 | bdetterman@bdlaw.com

Jeanine Grachuk, Principal
+1.617.419.2323 | jgrachuk@bdlaw.com

Eric Klein, Principal
+1.617.419.2316 | eklein@bdlaw.com

Heidi Knight, Principal
+1.617.419.2365 | hknight@bdlaw.com

Brian Levey, Principal
+1.617.419.2333 | blevey@bdlaw.com

Stephen Richmond, Principal
+1.617.419.2310 | srichmond@bdlaw.com

Dylan King, Associate
+1.617.419.2355 | dking@bdlaw.com

Meghan Morgan, Associate
+1.617.419.2325 | meghan.morgan@bdlaw.com

155 Federal Street, Suite 1600
Boston, MA 02110-1716
+1.617.419.2300 | Fax +1.617.419.2301



bdlaw.com

© Beveridge & Diamond PC