



## Environmental PRACTICES

### OVERVIEW

Environmental law in North Carolina is a maze of ever-changing and increasingly challenging regulations which requires experienced legal advisors. The management of these complex demands is critical to businesses because of the direct impact on their operations, finances, personnel and sustainability. Our clients include national and international companies as well as large and medium-size businesses throughout North Carolina and the Southeast, representing a diverse list of industries.

Our sophisticated team of environmental lawyers includes attorneys who have practiced at some of the nation's largest law firms and have worked at regulatory agencies, including the North Carolina Department of Justice and the North Carolina Department of Environmental Quality. This group of experienced environmental attorneys has a keen grasp on the law, with an insider's perspective of the process and strong relationships with state and federal regulators. Additionally, members of our team have significant environmental litigation experience, including some of the largest state and federal Superfund cost recovery actions in the United States.

*Chambers USA* recognizes Smith Anderson's Environmental Practice group and its two head Partners as among the best in North Carolina. In its 2014 edition, *Chambers* quotes a client of the practice as saying, "The lawyers just seem to know how to talk the language of both the businesses and the state regulators, and they are very effective at translating the business needs for the regulators, and vice versa" (*Chambers USA 2014*). In "Best Law Firms" 2014, a joint ranking by *U.S. News & World Report* and *Best Lawyers*®, this practice was awarded with the highest metropolitan ranking.

As the largest law firm headquartered in Raleigh, North Carolina, our firm has rich government and regulatory experience coupled with deep transactional and litigation expertise. We are a full-service business and litigation law firm and provide legal counsel in such related areas as OSHA, Construction, Real Estate Development, Energy and Renewable Energy, Commercial Contracts, Employment, Labor and Human Resources, and Government Affairs. [CLICK HERE](#) to see our full list of practice areas.

### Services

- Due diligence investigations and compliance audits
- Real estate and business transactions, including contractual allocation of environmental risks and liabilities
- Enforcement action defense, including citations and civil penalty assessments
- Brownfields redevelopment, site remediation and transfers of contaminated property and assets
- NPDES, Section 404/401 and storm water permitting; construction and development involving water rights, wetlands, streams, riparian buffers, shorelines and erosion control

- Internal investigations and crisis management due to workplace fatalities, industrial accidents, chemical and petroleum product spills and worker safety complaint
- Environmental and administrative litigation, including Superfund, RCRA, insurance coverage disputes and toxic torts
- Petroleum marketing and convenience store industry issues, including underground storage tank compliance and State Trust Fund eligibility
- Permitting, approvals and regulatory clarifications
- Air quality, including indoor air quality and mold issues, as well as mining and dam safety
- Whistleblower defense and risk mitigation
- Legislative and agency advocacy before N.C. General Assembly, NCDENR, NCDOL-Occupational Safety and Health Division, and various administrative boards
- Monitor and analyze legislation for our clients, network with legislators and agency regulators and participate in government meetings and hearings
- Renewable energy and sustainability disclosure analysis and contract regulations

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## EXPERIENCE

### Transactional

- Represent an international soft drink company in connection with acquisitions, environmental and OSHA compliance, and enforcement defense actions across the United States.
- Represent national waste management companies in connection with permitting, landfill siting and regulatory approvals in North Carolina.
- Represent some of North Carolina's largest property development companies in connection with contaminated property redevelopment and Brownfields Program projects.
- Represented North Carolina local governments with municipal landfill, POTW, water quality permitting and Brownfields Program issues.
- Represent one of the nation's largest convenience store chains in connection with acquisitions, enforcement defense, permitting and private party settlements throughout 14 states.
- Represented the nation's largest electric utility in its acquisition and construction of three utility-scale solar power generating facilities.
- Serve as local environmental counsel for Fortune 1000 company that owns and operates large scale waste-to-energy facilities.
- Represented a national pharmaceutical company in connection with defense of one of the single largest OSHA enforcement actions ever brought by the NCDOL-OSH Division; we also successfully defended personal injury actions filed by more than 50 individuals alleging exposure to toxic chemicals arising from the same events.

- Represented an international pharmaceutical company in connection with State and federal air quality permitting and approval requirements.
- Represented national trucking companies in connection with site remediation, OSHA compliance and defense and acquisition matters.
- Represented national food and snack manufacturers in connection with site remediation, enforcement defense and air quality/risk management plan compliance.
- Represented international and national paper product companies in connection with RCRA permitting, site remediation, TSCA reporting, water quality permitting and OSHA compliance matters in North Carolina.
- Represented an insurance carrier and its insured, a private water company, in a drinking water contamination lawsuit brought by 30 homeowners in North Carolina.
- Represented a real estate investment company before the N.C. Environmental Management Commission (EMC) in its successful intervention of opposition to a declaratory ruling request involving the corrected delineation of the Jordan Lake watershed critical area.
- Represented a national pickle manufacturer before EMC in successful renewal of water quality variance and NPDES permit.
- Represented clients in connection with all major North Carolina environmental, health and safety programs, including the Clean Air, Clean Water, and Solid and Hazardous Waste Programs; Groundwater and Aquifer Protection Programs; Stormwater and Wetlands Programs; Endangered Species; Superfund; OSHA; Asbestos; Mining and Sedimentation Control; Pollution Prevention; and Renewable Energy.
- Serve as legislative and regulatory advocacy in connection with numerous North Carolina environmental statutory programs and agency initiatives, including landfill permitting, Brownfields, dry cleaner and UST Trust Fund issues and hazardous waste permitting matters.
- Preparation of climate change disclosures for public company client in SEC filings.
- Three of our firm's attorneys have represented the North Carolina Department of Environmental Quality as Assistant Attorneys General and have personal regulatory experience with virtually all state and federal environmental programs in effect in North Carolina.

## Litigation

- Represented one of the nation's largest utilities with all aspects of its substantial involvement in two of the largest U.S. Environmental Protection Agency (EPA) Superfund enforcement actions in North Carolina's history.
- Represented a large producer of high purity metal located in the Research Triangle Park in its defense and ultimate settlement of a threatened citizen suit by a local environmental organization regarding alleged violations of the Emergency Planning and Community Right-to-Know Act.
- Represented a real estate investment company before the North Carolina Environmental Management Commission (EMC) in its successful intervention and opposition to a declaratory ruling request by environmental interests involving the corrected delineation and location of the critical area watershed boundary surrounding Jordan Lake.
- Represented a national food products manufacturer before the EMC in our client's successful renewal of a variance from the State's water quality action level for chloride and National Pollutant Discharge

Elimination System (NPDES) permit for its North Carolina facility.

- Represented an insurance carrier and its insured, a private water company, in defense of a drinking water contamination lawsuit brought by approximately 30 homeowners in Wake County Superior Court. Many of the lawsuit's allegations involved exceedences of the State's groundwater standards and EPA's secondary drinking water standards.
- Represented a national agricultural company before the N.C. Department of Agriculture Pesticide Board and on a petition for judicial review in Wake County Superior Court in a proceeding charging the most significant pesticide law violations in North Carolina's history.
- Represented one of the nation's largest convenience store chains in connection with litigation to enforce environmental insurance coverage.

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## PROFESSIONALS

David W. Berry

Stephen T. Parascandola

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## RELATED AREAS

Administrative Law

Commercial Contracts

Construction & Infrastructure

Government Relations

OSHA and Workplace Safety

Real Estate Development



Right-of-Way Acquisition & Condemnation

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