

Superfund (CERCLA), Site Remediation and Natural Resource Damages

Our Superfund practice extends across the nation from Washington, DC to California and our attorneys, who include former EPA and DOJ officials, have played a major role in a broad range of unusually complex and precedent-setting Superfund cases. Hunton Andrews Kurth lawyers have been actively engaged in Superfund matters since the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was adopted in 1980 and have represented clients at more than 400 sites throughout the country. With this nationwide presence, our attorneys are adept at navigating client interests through US Circuit Court (and sometimes US District Court) CERCLA practice nuances. Moreover, Hunton lawyers can assist clients with complex sites where in addition to CERCLA, analogous state hazardous waste laws and common law claims are implicated.

Our attorneys represent clients at every stage of the CERCLA process from the initial site inspection to site investigation, remedy selection, site cleanup and redevelopment for productive reuse. We have provided counsel to large potentially responsible party (PRP) groups and individual companies at major Superfund sites, PRPs with substantial exposure at average or smaller sites, de minimis PRPs, de micromis PRPs, and third parties seeking CERCLA liability protection at contaminated properties that are the subject of real estate transactions, among others.

Additionally, Hunton's environmental team understands the demand placed on clients set forth by federal agencies to comply with CERCLA and we make sure to provide our clients with comprehensive legal services through a nationwide team of expert attorneys from California to Washington, DC in order to negotiate and better settle those demands. Our attorneys not only assist on compliance and enforcement matters, but regularly represent clients in CERCLA-related litigation involving complex environmental disputes and representation of clients managing liabilities under CERCLA. This includes natural resource damages defense claims and chemical claims involving industrial compounds like PCBs, as well as PAHs (polycyclic aromatic hydrocarbons) also covered under CERCLA. Moreover, we assist clients with site cleanup matters, identify and allocate cleanup liabilities in business transactions, and look to provide preventative solutions, so as to avoid future site contamination by hazardous substances. We also counsel clients on evolving legal issues and potential liability exposure associated with the disposal of emerging contaminants that are the subject of increasing state and federal regulatory actions under cleanup laws.

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With our decades of experience we continue to assist clients in covering all aspects of CERCLA including spill response and reporting, listing of sites on the NPL, negotiating consent decrees and administrative orders on consent, responding to unilateral administrative orders, dispute resolution under orders and consent decrees, ensuring consistency with the National Contingency Plan for response actions being conducted, litigation with governmental entities and other private-party PRPs, and representation of plaintiff groups asserting cost recovery and contribution claims. Our experience also includes pioneering efforts at developing PRP demand letters, settlement agreements, and innovative pleadings, and advising clients on the use of environmental insurance and other financial risk allocation mechanisms to address site remediation liability.

At Hunton, our attorneys work to ensure no aspect of a matter is overlooked, especially when advising on matters involving the complexity and potential liability exposure that is CERCLA. Our Superfund attorneys take into count the interplay between CERCLA and other federal environmental laws including, but not limited to the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Clean Air Act (CAA) and the Toxic Substances Control Act (TSCA), as well as analogous state laws and common law claims.