



## ENVIRONMENTAL LAW

The attorneys of Parmenter O'Toole have experience in providing legal support to large and small businesses, lenders, and governmental clients in Michigan and nationally. Our attorneys have experience in the areas of environmental enforcement and compliance counseling as well as environmental matters that arise in real estate development and commercial transactions. We pride ourselves in finding creative, practical and cost-effective solutions to complex environmental challenges as environmental regulation continues to expand and evolve. Our attorneys have daily contact with local, state and federal regulatory agencies. We work closely with our clients' management and technical staffs to assure a strategy that is both legally sound and consistent with the clients' goals and strategic business plans.

We offer a full range of environmental law services, including the following areas:

### Purchase and Sale of Environmentally Impacted Real Estate

We regularly assist buyers and sellers of contaminated land with all aspects of such transactions, including locating and hiring qualified environmental consultants, oversight and review of Phase I and II Environmental Site Assessments, Baseline Environmental Assessments, Due Care Plans, and managing due diligence issues under Michigan's Part 201, CERCLA, and other regulatory statutes. We work to find common-sense solutions to difficult environmental issues which frequently arise in the conveyance of Brownfield property. We have substantial experience in advising clients on Brownfield redevelopment, remediation options, successful transfer strategies, and shifting liability obligations. We employ a variety of methods to minimize environmental risk and reduce the expense of due diligence for our clients.

### Business Transactions

Whether a large merger and acquisition, or simply the sale or acquisition of a single business or facility, a myriad of environmental issues can arise. We have assisted business clients with planning and negotiating all environmental aspects of such transactions from inception to the post-transaction period. We have assisted business and governmental clients alike in the sale and purchase of operating and abandoned manufacturing facilities and negotiating the contract provisions for environmental due diligence, risk management, and environmental indemnities.

### Brownfield Financing

We have successfully assisted commercial, residential, and industrial Developers in obtaining Brownfield redevelopment financial incentives, including Brownfield redevelopment grants, site reclamation grants, tax increment financing, single business tax credits, Brownfield revitalization loans, and waterfront grants. We have assisted in the sale and marketing of business tax credits, and have represented a number of purchasers in locating tax credits, negotiating favorable terms of the purchase and in closing transactions for the assignment of business tax credits.

### Environmental Insurance

We have advised clients and assisted with a variety of environmental insurance issues, including negotiating and obtaining coverage for environmental insurance claims. We are familiar with specialized forms of coverage and have successfully prosecuted numerous claims for underground storage tank coverage.

### Contaminated Site Remediation

We have a wealth of experience in dealing with a variety of issues arising in the remediation of contaminated sites, including hiring and supervision of environmental consultants, negotiation and resolution of clean-up obligations, access agreements, restrictive covenants, and institutional controls. We provide legal review and evaluation of technical environmental data, and have successfully assisted clients in obtaining Certificates of Completion or No Further Action letters from regulatory agencies.

### Land and Water Management Issues

Located on the shores of Lake Michigan, we have a wealth of experience in development and compliance issues concerning the Critical Dunes program, wetlands protection, and soil erosion and sedimentation issues. We have helped clients resolve water resource problems, including those related to water discharge permitting and regulations.

### Environmental Litigation

We have experience in a wide variety of environmental litigation including, cost recovery, CERCLA, citizens suits, and toxic torts. We have defended clients in administrative and judicial enforcement actions. We strive to develop practical solutions without unnecessary costs or confrontation. While we seek to negotiate settlements which achieve the client's goals and minimize exposure, we are prepared to aggressively litigate in any forum, from specialized adjudicatory bodies to state and federal trial and appellate courts.

## Environmental Compliance Issues

We help clients solve—and often avoid—environmental liability by providing advice and assistance in regulatory compliance with all of the major environmental laws. We work closely with our clients to evaluate ongoing compliance, audit and operational programs. We help them reduce risk and exposure to environmental liabilities and to develop cost-effective compliance strategies within a constantly changing regulatory framework. Our team also develops effective environmental risk management training programs and policy manuals for our clients' use.

## Underground Storage Tanks

We have substantial experience in representing petroleum wholesalers and retailers with respect to all areas of federal and state UST statutes and regulations, including state financial assurance programs, tank registration, operation, removal, reporting requirements and investigation and remediation. We have successfully assisted Site owners with underground storage tank cost recovery.

## Sustainability, Alternative Energy, and Climate Change

Environmental laws and regulations are changing at an unparalleled pace. These changes present new challenges to virtually all business sectors and industries, who are feeling the pressure from regulators, stakeholders, and the public to operate in a sustainable manner. As the focus on climate change, carbon credits and renewable energy continues to increase, our clients are faced with decision-making and operational challenges as never before, and look to the interdisciplinary team at Parmenter O'Toole for expert advice and counseling. Our team's depth of experience in environmental, business, real estate, land use, and tax law allows us to identify both risks and opportunities, and to quickly resolve issues faced by our clients. We can provide advice and counseling in the following areas:

- Renewable energy financing options and economic development incentives (grants, tax credits, tax abatements);
- Siting, due diligence, permitting of alternative energy/biofuel facilities;
- Emissions allowances/regulation, trading of carbon credits, and offsets;
- Incorporation of sustainability elements into real estate projects;
- Assistance in understanding emerging legislative and regulatory proposals and how they will impact your operations.

Parmenter O'Toole participates in the work of the Muskegon County Environmental Coordinating Council. More information about the work of the Council can be found at its web site:

[www.mcecc.org](http://www.mcecc.org).

For information on  
Environmental Issues please contact:  
Eric R. Gielow [erg@parmenterlaw.com](mailto:erg@parmenterlaw.com)  
(231) 722-5427