

Environmental Litigation

Winstead represents clients in matters ranging from enforcement proceedings and class action lawsuits, to Superfund and toxic tort lawsuits. We also have counseled clients in matters involving alleged criminal violations of the environmental laws.

Agency Administrative and Civil Enforcement Proceedings

Winstead's Environmental Law Practice Group has represented our clients in numerous permit hearings. The TCEQ's permitting process often requires a contested case hearing which is essentially a non-jury trial subject to the Rules of Evidence and the Rules of Civil Procedure. We have represented our clients in contested case hearings involving commercial hazardous waste storage, processing and disposal facilities, on-site and commercial Underground Injection Control facilities, PSD permit applications, wastewater discharges, and others.

Winstead advises clients on matters involving alleged violations of the CAA, CWA, RCRA, TSCA, EPCRA, and many other federal and state laws and regulations. Our attorneys have been involved in numerous negotiations with the TCEQ, EPA and the Attorney General's Office relative to environmental enforcement matters.

CERCLA - Cost Recovery, Contribution and Liability Allocation Litigation

Winstead represents clients on matters brought by the EPA, the TCEQ, or private parties to recover costs at Superfund sites as well as in mediation to resolve allocation issues. Our attorneys also negotiate Superfund site remediation agreements from the RI/FS stage through the final remedial plan.

We represent major manufacturing, chemical and petrochemical companies in property contamination cases brought by owners of property stemming from Superfund sites. We also act as Common Counsel for major PRPs at Superfund sites on common issues.

Mold/Indoor Air Quality Issues

Winstead has favorably litigated several mold claims on behalf of major insurance clients in litigation relating to alleged mold damage to homes. Some additional mold matters include development of mold response policies for property management companies and consulting on issues related to the Texas Mold Remediation regulations. One of our attorneys is the primary author of the Mortgage Bankers Association of America's white paper on mold and indoor air quality issues and another is the primary author of Chapter 17, West's Texas Practice Series Treatise on Indoor Air Quality.

Property Contamination Lawsuits

Winstead represents both plaintiffs and defendants in property contamination lawsuits involving alleged soil and groundwater contamination. We also represent PRP groups accused of contaminating property stemming from Superfund sites.

Toxic Torts

Winstead has represented numerous major pipeline companies and petrochemical companies in toxic tort cases ranging from underground hydrocarbon plumes and arsenic contamination to asbestos and silicosis cases. Our range of experience also includes MTBE, chlorinated solvents, chlordane and other insecticides, and occupational solvent and dust exposures.

White Collar Criminal Proceedings

We have successfully represented clients in a number of criminal environmental matters, including a whistle-blower-triggered criminal matter relating to an alleged asbestos discharge into the air and the defense of criminal allegations involving lead emissions. We have also successfully represented our clients in cases involving the issuance of criminal citations by municipal governments for alleged violations of wastewater and stormwater ordinances.