

Environmental Transactional

Due Diligence and Remediation Contracts

We regularly assist clients in contracting for the services of other environmental professionals. Those professionals include:

- Technical environmental consultants performing assessments required as part of the environmental due diligence process
- Consultants and contractors developing specifications and contracts required for real property remediation, lead-based paint abatement activities, asbestos operations and maintenance programs and abatement contracts, and mold assessment and remediation contracts

Brownfields Redevelopment and Contaminated Property Closures

We have comprehensive experience in the redevelopment of contaminated properties under various Brownfields redevelopment programs. We regularly work with environmental and other regulatory agencies in connection with contaminated property remediation projects.

We have handled projects under the Texas Voluntary Cleanup Program, Innocent Owner/Operator Program, Municipal Setting Designation program, Dry Cleaners Remediation Program and Above Ground and Underground Storage Tank program to allow redevelopment projects to proceed with potential environmental liabilities being adequately addressed.

Our attorneys also assist clients in obtaining regulatory closures for contaminated properties discovered during site assessments and in connection with current spills and releases under the Texas Risk Reduction Program.

Due Diligence and Allocation of Environmental Liability Risks

In working with our clients on corporate and real estate transactions, we identify potential environmental liability risks and seek to allocate those risks through indemnities and other contractual agreements.

Our environmental lawyers have experience in all aspects of environmental due diligence in a wide range of complex business transactions. Our clients include real estate owners and developers, lenders and companies involved in regulated industries. One of our attorneys has advised ASTM on the current standard for environmental site assessments and mold disclosures.

Environmental Disclosures

In connection with many transactions, disclosure of potential liabilities is required, both as a matter of good business practice and, depending on the circumstances, as a matter of securities law.

Members of the Environmental Law Practice Group have experience in developing proper disclosure language to assist our clients in meeting their obligations under the mandates of law. We also ensure that a commercial transaction is not subject to post-closing disputes because of failure to make such disclosures.

Environmental Insurance

In insurance-related matters, we are a leader in developing innovative, effective approaches to the creation and negotiation of insurance programs for the transfer of environmental risks.

We have devised programs using standard insurance policies, and when needed, have revised and even rewritten existing policies or created new policy provisions that would provide better coverage.

Our extensive experience includes general liability, construction, secured creditor, environmental impairment, mold and microbial coverages, alone or together with indemnification provisions, holdbacks and other devices that can be used to transfer risk. One of our attorneys has advised the Mortgage Bankers Association of America on what their position should be on environmental insurance.

Wetlands Development

Our attorneys are experienced with the federal wetlands regulatory program under the Clean Water Act. We have worked with the U.S. Army Corps of Engineers and the EPA in providing advice and permitting assistance to clients who seek to

develop property where wetlands are present, as well as clients who seek wetland mitigation banking credits and wetland mitigation bank sponsors.