

## **BROWNFIELDS**

### **OVERVIEW**

Contaminated sites represent a substantial challenge to a site owner or future developer. These sites often present significant and complex legal issues, as well as engineering, risk characterization, risk management and public relations issues. BCLP lawyers have significant experience advising clients on the environmental laws and regulations, as well as land zoning, tax, and insurance requirements affecting the cleanup and redevelopment of brownfields. BCLP lawyers help clients perform environmental due diligence reviews on industrial and commercial properties and counsel clients on liability issues and cleanup requirements for contaminated sites.

Our attorneys assist clients in evaluating the feasibility of remediating property to standards appropriate to the future use of the site, counsel clients regarding cost-effective remedial strategies under state and federal brownfields programs, and provide strategic advice on integrating cleanup plans with business plans and the redevelopment of the property. They also advise clients on supplementing standard contractual protections with pollution legal liability and/or remediation cost-cap insurance to protect against unknown environmental conditions and the effect of "reopeners" after approval of the remediation work. Our attorneys also help clients identify and apply for state and federal grants, low-interest loans, tax credits, and other financial incentives that may be available to underwrite environmental investigation and remediation activities.

Additionally, BCLP attorneys advise clients on how to communicate, justify, and defend a decision to redevelop contaminated land to governmental agencies, insurance companies, lenders, the community, and other stakeholders. BCLP attorneys also aid clients in negotiating and drafting the agreements that make a brownfields redevelopment possible.

The environmental lawyers at BCLP have been involved in the acquisition, redevelopment, and disposition of well over 100 brownfield sites. Our attorneys with experience in this field span virtually all of our domestic offices and have experience throughout the United States.

## MEET THE TEAM



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**RELATED PRACTICE AREAS**

- Energy & Natural Resources

**EXPERIENCE**

Illustrative examples of our experience include:

- Representing a global “big box” furniture retailer in remediating a brownfields site in connection with the redevelopment of the site as a flagship 346,000 square-foot waterfront store in Brooklyn's Red Hook neighborhood.
- Representing interests in a \$350 million expansion of the premier regional shopping mall in the St. Louis Metropolitan Area with over 180 stores, 18 restaurants and a six-screen theater. This project involved structuring the ownership entity, negotiating and documenting the joint venture agreement, assembling and acquiring properties from more than 90 residential and 15 commercial property owners, negotiating loan documents, establishing a tax increment financing district to finance public improvements, creating an urban development corporation for tax abatement benefits, rezoning and resubdividing the site, working with the department store anchors on pad conveyances and reciprocal easements, condemning necessary rights-of-way, procuring easements, and supervising environmental remediation associated with asbestos and underground storage tanks on the site.
- Advising clients regarding the construction of a \$500 million mixed-use development project in O’Fallon, Missouri. Our experience includes negotiating acquisition of the property, cooperative development agreements and land swaps with contiguous owners, procuring and relocating easements, securing tax credits, forward funding of highway and arterial road construction, environmental and archeological assessments, environmental remediation, and brownfields tax credits for the cleanup.
- Representing a real estate developer in successfully redeveloping a gas station property in the Melrose neighborhood of the Bronx as a low-income housing development under New York’s brownfields statute.
- Representing several of the largest brownfield developers, home builders, commercial developers, and commercial/industrial property owners in California in many redevelopment matters.
- Negotiating agreements relating to the cleanup and redevelopment of former manufactured gas plants.
- Representing a development authority to transform 3,000 acres of land formerly used by the United States government as an ammunition plant into the largest intermodal transportation facility in North America.
- Representation of a major real estate developer in developing the McCook Industrial Center II on the 250-acre former Reynolds Metals site in McCook, Illinois.

- Representing a joint venturer with one of the nation's largest automobile manufacturers to develop a Phoenix award-winning Supplier Campus in Chicago, Illinois, resulting in 1,000 new union jobs.
- Representing a municipality and local economic development authority in redevelopment of former 700 acre steel mill on Rock River in Sterling Illinois using techniques such as first-of-its-kind RCRA/CERCLA prospective purchaser agreement and a \$2M brownfield grant, enabling our clients to leverage these tools to enable significant private investment and repopulate the site with a dozen new businesses.
- Advising clients regarding the redevelopment of a former 500 acre USX facility on Lake Michigan on the southeast side of Chicago. Project is ongoing and includes a myriad of strategies ranging from the use of the State's voluntary cleanup program, environmental insurance, and the planning, permitting and implementation of LEEDs certifications and multiple renewable energy applications.
- Representing a college in purchasing, investigating, and redeveloping properties near campus and identifying and obtaining stimulus money, including obtaining a subgrant of the federal money given to the Missouri State Environmental Improvement and Energy Resource Authority, to help fund the college's redevelopment efforts.
- Advising a former mill manufacturer with remediation issues, brownfields redevelopment, and Superfund matters at numerous sites. The project involved working with numerous public entities at the local, state, and federal level, private parties, and not-for-profits in the redevelopment of the former mill sites.