

Environmental Litigation

Overview

Munsch Hardt has one of the most sophisticated Environmental Litigation practices in the country. From natural resource issues to Proposition 65, we take on the most complicated environmental problems our clients face and, when we go to court, we win. Our strong track record of success has not gone unnoticed, with *Best Lawyers*® “Best Law Firms” consistently ranking our team in Tier 1 for Environmental Litigation (nationally) every year since 2012.

Our success is the product of our unique interdisciplinary approach. We have deep knowledge of the laws and regulations important to our clients. We have served as lead counsel in trials, arbitrations and administrative hearings involving high-exposure and high-profile issues in the most difficult venues nationwide in federal and state courts. And, we deal with every kind of environmental dispute – civil and criminal litigation, defending liability and allocation issues at contaminated sites with other liable parties, property owners and governmental agencies, citizen suits, permit proceedings, administrative rule challenges and enforcement actions, cost recovery claims and toxic tort cases.

We also regularly advise and litigate commercial disputes involving environmental indemnity and warranty provisions. These matters can surface post-closing through an environmental occurrence, a government enforcement action, or an internal audit. Combining these skills with Munsch Hardt’s litigation department and staff, we put together formidable teams to litigate cases across the spectrum of environmental law:

- **CERCLA & Other Cost Recovery Litigation:** We are very familiar with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund). Members of our team have represented individuals, oil and gas, energy and service companies, utilities, lenders, developers, manufacturing corporations and municipalities covering liability under CERCLA for more than 30 years. Active on a nationwide basis, our litigators have made and enforced the law in this important area.
- **Agencies:** Representing clients in court and before administrative agencies is a significant portion of Munsch Hardt’s Environmental Law practice. Our team has successfully represented clients involved in civil and criminal litigation and administrative proceedings under various environmental laws, including the Clean Water Act (CWA), Clean Air Act (CAA), National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), Oil Pollution Act (OPA) and other comparable state statutes. In any situation, we quickly evaluate the strength of the case and give pragmatic advice on whether to fight or settle, recognizing that this choice depends in large part on evidentiary issues, business realities, potential exposure and the estimated cost of defense.
- **Criminal:** Our attorneys have many years of experience defending environmental crimes and conducting investigations for companies facing potential prosecution or filed charges. When we receive cases before the government has filed charges, we are well poised to help clients respond to Grand Jury subpoena, conduct privileged internal investigations and negotiate with prosecutors. If charges are already filed, we investigate the case, handle court hearings and trials and participate in plea negotiations. Our attorneys have tried numerous environmental criminal cases to resolution and are experienced in all aspects of environmental criminal proceedings.

Whatever the forum or circumstance, the stakes can be meaningful. Environmental disputes are likely to require significant resources and can be complicated by government enforcement or third-party lawsuits beyond routine commercial disagreement. Because of our long history representing parties in environmental litigation, we offer the essential combination of creativity and experience in this area.

Experience

Environmental Litigation

Representing a major electric utility provider before the public utility commission in connection with the rate recovery of environmental retrofits on coal plants to control pollution emissions.

Environmental Litigation

Represented several different potentially responsible party (PRP) groups as Common Counsel or as Chair of the Steering Committee, as well as individual companies in both federal and state court Superfund cases, related litigation over liability under CERCLA and Texas Solid Waste Disposal Act for remedial and removal cost recovery actions, and against neighboring landowners for damage to real property.

Environmental Litigation

Representing a manufacturer in federal Class Action litigation involving the Clean Water Act based on alleged violations of their NPDES permit.

Environmental Litigation

Represented a major oil and gas company in litigation with current and past owners on liabilities for contamination at their refinery.

Environmental Litigation

Represented an oil service client in contesting liability as a minerals lessee for mining contamination that existed prior to the existence of the lease.

Environmental Litigation

Represented several companies in asserting environmental claims against bankrupt entities for contamination caused by the Debtor.

Environmental Litigation

Represents Debtors in bankruptcy against administrative and injunctive claims raised by governmental agencies.

Environmental Litigation

Representing ranch owners (of approximately 26,000 acres) in litigation involving a salt water disposal well blowout and related damage.

Manufacturing Litigation

Represented a worldwide oil field service manufacturer in combined state enforcement and related CERCLA, RCRA and Safe Drinking Water Act matters.

CERCLA Litigation + Appeal

Successfully represented a nationwide railcar manufacturer in criminal proceedings concerning lead contaminated facilities brought by the Commonwealth of Pennsylvania, then in CERCLA litigation against a predecessor owner of a manufacturing facility for response costs insured at the site. The CERCLA case was tried and is now on appeal.

Practice Leaders



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Fred Wahrlich

Related Practices

Condemnation & Eminent Domain
Environmental
Regulatory Law
Environmental Transactions

Related Industries

Admiralty & Maritime
Construction
Energy
Health Care
Hospitality
Manufacturing
Retail
Technology & Telecommunications
Transportation

Achievements

- *Best Lawyers*® “Best Law Firms” – Environmental Litigation, National Tier Ranking (2012-2025)
- *Best Lawyers*® “Best Law Firms” – Environmental Litigation, Metropolitan Tier Ranking (2010-2025)

Newsroom

Press Release: Best Lawyers® Ranks Munsch Hardt in 2025 “Best Law Firms” in America Listing

Press Release: Best Lawyers® Names Munsch Hardt to 2024 “Best Law Firms” in America List

Press Release: Munsch Hardt Ranks Among Nation’s Top Firms in 2023 “Best Law Firms” List by U.S. News - Best Lawyers®

Press Release: Munsch Hardt Named to 2022 “Best Law Firms” List by U.S. News – Best Lawyers®

Press Release: Munsch Hardt Ranks Among Nation’s Top Firms in 2021 “Best Law Firms” List by U.S. News - Best Lawyers®

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2020 "Best Law Firms" List by U.S. News - Best Lawyers®

Press Release: Munsch Hardt Ranks Among Nation's Top Firms in 2019 Best Law Firms List

In The News: Trinity Industries pursues \$4.4 MM claim after EPA-FBI agents' extramarital affair

Press Release: Munsch Hardt Earns Top-Tier Rankings in 2016 Best Law Firms List