

# Regulatory Law

## Overview

Successfully navigating the environmental regulatory landscape requires both knowledge and relationships within the environmental industry. At Munsch Hardt, our attorneys bring that – and much more.

We believe the key to compliance counseling, permitting and enforcement counseling is a deep knowledge and understanding of environmental law and regulation. At the outset, we assist in preventing potential environmental violations. Through audits, health and safety compliance, risk-management planning and simple day-to-day advice, our attorneys help guide our clients through the environmental standards that apply to their businesses and help them understand how those standards are interpreted and applied by environmental agencies. To this end, we monitor agencies' development and application of policies and enforcement initiatives. Our strategies and experience are directed at preventing problems and finding creative, cost-effective solutions for our clients.

Our attorneys have represented clients on regulatory matters under all major federal environmental statutes and their state counterparts, including:

- Clean Air Act (CAA)
- Clean Water Act (CWA)
- FEMA and floodplain issues
- Oil Pollution Act (OPA)
- Resource Conservation and Recovery Act (RCRA)
- Underground storage tank programs
- Drycleaning Facility Restoration Trust Fund (DFRTF) Programs
- Emergency Planning and Community Right-to-Know Act (EPCRA)
- Spill reporting statutes
- Toxic Substances Control Act (TSCA)
- Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)
- National Environmental Policy Act (NEPA)
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Solid waste management regulatory programs
- Oil and gas regulations that pertain to environmental issues
- State law response programs, such as VCPs and other clean-up programs

## Experience

## Environmental Trust Representation

Represented an environmental custodial trust in legal issues relating to the negotiation and sale of numerous trust assets; demolition of on site plant and stacks; coordination with regulatory agencies and the DOJ on remediation, third party sales of assets and real property, remediation of third party property, establishment of deed restrictions and operations, monitoring & maintenance (OM&M) work; public outreach initiatives; coordination with city, county and local state representatives on site use, remedial objectives and zoning; various real property issues including updating surveys, easements and right of way issues, utility expansion, ad valorem tax reductions, TXDot road construction and expansion projects and access issues; contracting and agreements with environmental consultants and subcontractors, third party buyers, real estate brokers, surveyors and insurance.

## Environmental Trust Representation

Represented an environmental trust in legal issues relating to negotiating a Settlement Agreement, Environmental Trust Agreement, Plan of Reorganization issues as it related to the assignment of various obligations and liabilities from the Trust, assignment to the Trust of various contracts and transaction documents, Stipulation Agreement; legal issues relating to Site ownership, operational issues, various environmental liabilities (including permit issues, Consent Decree obligations, supplemental environmental project (SEP) obligations and Marine Study), cost and budget requirements between the Trust and the adjacent property owner; coordination with the Virgin Island government, the Environmental Protection Agency (EPA) and the Department of Justice (DOJ) on Site remediation, permit issues, Consent Decree obligations, use of financial assurance Resource Conservation and Recovery Act (RCRA) trust monies and other Trust monetary requirements and Trust tax obligations; various real property issues, including updating surveys and deed recordation issues; contracting and agreements with environmental consultants and subcontractors, employment contracts, recycle companies, surveyors and insurance.

## Superfund Representations

Served as counsel for parties at several federal and state superfund sites in Texas. Often acting as common or group counsel for cooperating parties, Munsch Hardt represents groups that are comprised of large oil and gas, chemical or manufacturing companies that have been classified as "potentially responsible parties" for remediating the Site. Acting as counsel for the groups, Munsch Hardt leads negotiations with relevant agencies on the type and form of remediation at the Sites, Consent Orders or for conducting the work, managing the contractors to do the work and eventually negotiating with the federal Natural Resource Trustees concerning natural resource damages.

## CRA Regulations

Represented several clients in enforcement procedures involving alleged violation of RCRA regulations based on failures to properly report facility waste generation and disposal activities.

## Mislabeling Violations

Represented clients for alleged violations of mislabeling products containing pesticides and herbicides.

## Clean Air Act

Represented a client in defending the shut-down of specific facilities for alleged violations of Clean Air regulations.

## Clean Air Act

Represented clients in determining whether equipment specifically designed to address air emissions complied with the technical requirements of the Clean Air Act.

## Practice Leaders



**Mary Koks**

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## Related People

Frederick Addison  
James Bettis  
Mary Koks  
James Ray

## Related Practices

Condemnation & Eminent Domain  
Environmental Litigation  
Environmental  
Environmental Transactions

## Related Industries

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

## Newsroom

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**In The News:** Memo Could Be Catalyst In Audit Battle