

Environmental

Overview

Munsch Hardt's Environmental practice represents clients on regulatory compliance, provides guidance on environmental issues arising out of corporate and real estate transactions and represents defendants and plaintiffs in federal, state, civil and criminal environmental and toxic tort litigation throughout the United States.

We offer one of the most comprehensive and sophisticated environmental law practices in the United States. Consistently ranked nationally since 2012 for both Environmental Law and Environmental Litigation in *U.S. News – Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.*, our team and individual lawyers are recognized for their impressive track record, breadth of experience and results.

Cutting across industries, mediums and substances, our client roster encompasses public and private companies; energy suppliers; petroleum companies; transportation companies; real estate developers and investors; venture capital funds and other financial institutions; manufacturers; instrumentalities; state agencies and other governmental bodies; citizens' groups; educational and other nonprofit institutions. We also bear experience representing clients who serve as bankruptcy trustees, investors and lenders.

We are particularly well-equipped to meet the unique environmental needs of the energy industry. Our team assists clients engaged in energy development, production, distribution and energy-related technology innovation. We also advise clients on U.S. federal and state environmental laws and agencies that come into play when seeking permits, siting or expanding facilities, engaging in transactions, confronting government enforcement, participating in cleanups or litigating disputes.

Whether active in the energy, transportation, manufacturing, retail, technology or financial industry, our team provides counsel in the following core areas:

- Air quality and climate change
- Chemicals, pesticides and product regulation
- Contaminated sites
- Ecosystem markets
- Environmental due diligence
- Environmental and toxic tort litigation
- Hydropower licensing and regulation
- Natural resources
- Pipeline
- Release reporting
- Sustainability
- Waste management
- Water quality and water resources
- Due diligence investigations and audits
- Permit proceedings
- Representation before regulatory agencies
- Representation of clients in state and federal courts
- Solid and hazardous waste

Why We're Different

Many clients hire Munsch Hardt based on the successful courtroom results we have achieved in environmental matters over the last three decades; however, the substantial value we deliver to our clients doesn't end there. Where we truly impact our clients' bottom line is by differentiating between claims that must be vigorously litigated at trial and those that should be resolved early in the litigation process, or even before a dispute escalates to litigation. We also assess every aspect of our clients' operations to help identify potential areas of risk exposure and prevent avoidable disputes from arising in the future.

Our attorneys are guided by the principle that client representation, dispute resolution and negotiations with opposing parties must be conducted with dignity and integrity. This approach resonates with clients and is the primary reason why our Environmental practice is built upon numerous referrals from clients, other key industry players and even opposing parties. We are candid about our clients' realistic legal and business options at the outset of every matter, and we never engage in overly-aggressive bully tactics that obstruct a compromise or delay a desired outcome.

Experience

NEPA / Condemnation

Represented multiple parties in nationwide combined National Environmental Policy Act (NEPA) and condemnation matters involving the construction of an urban light rail/subway project through downtown Dallas, Texas.

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.

Environmental Trust Representation

Represented several Bankruptcy Court created environmental trusts in legal issues relating to negotiating a Settlement Agreement with the Department of Justice (DOJ), Environmental Protection Agency (EPA), Debtor and State Agencies, an Environmental Trust Agreement, Plan of Reorganization issues as it related to assignment of various Debtor obligations and liabilities to the Trust; assignment to the Trust of various contracts and transaction documents, legal issues relating to Site ownership, operational issues, various environmental liabilities (including permit issues, Consent Decree obligations, and SEP obligations), cost and budget requirements between the Trust; the DOJ, EPA and State Agencies coordination with state agencies and the EPA on Site remediation, permit issues, Consent Decree obligations, use of financial assurance RCRA trust monies and other Trust monetary requirements, and Trust tax obligations; various real property issues including updating surveys, deed recordation issues, new easements, condemnation, access issues and property sales; contracting and overseeing Environmental Consultants and subcontractors, employment contracts, recycle companies, security companies, surveyors and insurance.

Superfund Representations

Served as counsel for parties at several federal and state superfund site in Texas. Often acting as common or group counsel for cooperating parties, Munsch Hardt represents groups 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 Decrees for conducting the work, managing the contractors to do the work and eventually negotiating with the federal Natural Resource Trustees concerning natural resource damages. Malone Superfund Site, Bailey Superfund Site, U.S. Oil Recovery Superfund Site and the Star Lake Superfund Site.

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.

Practice Leaders



Frederick Addison

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Related People

Frederick Addison
James Bettis
Stephen Gibson

Michael Huddleston
Nolan Knight
Mary Koks
James Ray
Fred Wahrlich

Related Practices

Condemnation & Eminent Domain
Environmental Litigation
Environmental
Regulatory Law
Environmental Transactions

Related Industries

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

Achievements

- *U.S. News – Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* – Environmental Law, National Tier Ranking (2012-2020)
- *U.S. News – Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* – Environmental Litigation, National Tier Ranking (2012-2020)
- *U.S. News – Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* – Environmental Law, Metropolitan Tier Ranking (2010-2020)
- *U.S. News – Best Lawyers*® “Best Law Firms”, published by *Woodward/White, Inc.* – Environmental Litigation, Metropolitan Tier Ranking (2010-2020)

Newsroom

In The News: Mary Koks Named Munsch Hardt’s Houston Office Managing Shareholder

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

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- Press Release:** Thirteen Munsch Hardt Attorneys Recognized as 2015 Texas Super Lawyers
- Press Release:** Seventeen Munsch Hardt Attorneys Recognized as 'Best Lawyers in America 2016'
- Press Release:** Munsch Hardt Shareholders Biskamp, Koks and Wahrlich Recognized as Houston's Top Lawyers
- Press Release:** Munsch Hardt Earns 2015 Top-Rankings from U.S. News-Best Lawyers® Best Law Firms
- Press Release:** Munsch Hardt Attorneys Recognized as 2014 Super Lawyers
- Press Release:** Nineteen Munsch Hardt Attorneys Recognized as 'Best Lawyers in America 2015'
- Article:** Can Pipelines Prevail?
- Press Release:** Munsch Hardt Attorneys Recognized as Houston's Top Lawyers 2014
- Article:** Environmental Liabilities and the Chapter 7 Trustee
- In The News:** Memo Could Be Catalyst In Audit Battle
- Press Release:** Munsch Hardt Ranks Among U.S. News – Best Lawyers 2014 “Best Law Firms”
- Press Release:** Munsch Hardt Attorneys Selected As 2013 Super Lawyers
- Press Release:** Best Lawyers 2014 Recognizes Munsch Hardt Attorneys
- Press Release:** Munsch Hardt Attorneys Named Top Lawyers in 2013 By H Texas Magazine
- Press Release:** Munsch Hardt Welcomes Dallas Additions
- Press Release:** Koks Named Top Rated Lawyer for Energy, Environmental and Natural Resources
- Press Release:** U.S. News Best Lawyers Recognizes Munsch Hardt Attorneys as Texas' Best
- Press Release:** Thomson Reuters Names Munsch Hardt Attorneys 2013 Rising Stars
- Press Release:** U.S. News - Best Lawyers Best Law Firms Features Munsch Hardt
- Press Release:** U.S. News - Best Lawyers Recognizes Munsch Hardt Attorneys
- Press Release:** Munsch Hardt Attorneys Recognized by Thomson Reuters Super Lawyers 2012
- Press Release:** Best Lawyers Recognizes Munsch Hardt Attorneys
- Press Release:** Four Munsch Hardt Attorneys Named Texas Rising Stars
- Press Release:** Munsch Hardt Ranks High in US News & World Report/Best Lawyers 2011-2012 Best Law Firms Survey
- Press Release:** Munsch Hardt Recognized in Chambers USA 2011
- Press Release:** Two Munsch Hardt Lawyers Named Among Houston's Top Lawyers