Contaminated Property Development & Remediation

The threat of environmental contamination can be problematic when it comes to real estate acquisition and development — but with Michael Best attorneys at your side, it doesn’t have to be a deal-breaker. Although brownfields pose challenges, they also represent tremendous opportunities for returning blighted properties to productive use.

We have extensive experience advising clients on evolving issues such as vapor intrusion, and we assist with a wide variety of remediation and development projects involving contaminated properties, such as:

- Waterfront redevelopment
- Repurposing of coal-fired power plants
- Landfill redevelopment
- Complex groundwater cleanup
- Superfund and “mini-superfund” sites across the country

Approach

Most brownfield situations involve a number of “potentially responsible parties” (PRPs), who may share liability for environmental contamination. Our attorneys have extensive experience working with PRP groups, putting together funding packages for cleanup costs, negotiating multiparty agreements, and obtaining state and federal approvals.

We help manage and limit our clients’ liability by communicating with local, state, and federal agencies; fostering cooperation among PRPs; and working with technical staff and consultants to find innovative technologies to remedy or control the release of contaminants.

We help clients assemble the most effective funding package to address environmental liabilities from sources such as insurance coverage, PRPs, and publicly funded programs. These include:

Insurance cost recovery

Some older or specialty insurance policies may partly cover investigation and remediation costs. We help clients review policies, tender claims, negotiate resolution, and, when necessary, litigate to recover insurance proceeds.

State and federal grants

We have extensive experience with U.S. EPA funding for assessment, revolving loans, cleanup, and technical assistance; and state funding such as brownfield site assessment grants, blight elimination and redevelopment grants, and community development block grants.
State reimbursement programs

Clients may be eligible for reimbursement under state programs related to leaking underground storage tanks, other petroleum cleanup issues, agricultural cleanup, or specific industries such as dry cleaners; or for cost recovery under state mini-superfund programs.

Urban renewal district funding

We have a high success rate in securing federal tax increment financing for cleanups through creation of these districts and through the U.S. Treasury Department’s New Markets Tax Credit program, an increasingly important financing tool for brownfield redevelopment.