

Environmental Litigation

Our team helps clients address environmental litigation and related matters across the country—ranging from single landowner cost-recovery and property damage claims to some of the largest federal Superfund sites.

About

Kelley Drye represents plaintiffs and defendants in a wide variety of disputes involving the environment, including insurance disputes, cost-recovery actions, contribution actions, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), Clean Water Act (CWA) and Oil Pollution Act (OPA) litigation, similar state law actions, nuisance and property damage litigation, natural resource damages litigation, and many other matters relating to contamination and impaired real property. We've litigated in state and federal courts, before state and federal regulatory agencies, as well as in various alternative dispute resolution forums.

Our practice and educational backgrounds in government, earth sciences, economics, ecology and social sciences allow our attorneys to work at a high level of cooperation with environmental, technical and economic expert witnesses. Our attorneys' knowledge and understanding of the scientific issues frequently presented in environmental matters allow us to collaboratively oversee and manage the technical consultants and expert witnesses required for environmental litigation in a well-organized and cost-effective manner.

Experience

- Serving as Special Counsel to the Attorney General of the state of New Jersey in the Passaic River litigation, recovering over \$355 million in damages, including \$67.5 million in restoration projects and up to \$400 million more in remediation costs. The Passaic River recovery is the largest settlement of its kind in the history of New Jersey.
- Serving as Special Counsel to the state of New Mexico and New Mexico Environment Department in seeking remediation, costs and damages arising from the Gold King Mine blowout and decades of mining waste contamination of the Animas and San Juan Rivers, including an original action in the United States Supreme Court.
- Recovering \$100 million in environmental remediation and costs, property damages and economic protections for the Port of Houston Authority, a Texas navigation district and assigned natural resource trustee, arising from the intentional discharge of DDT and other pesticides into the Houston Ship Channel.
- Serving as co-national counsel for a major U.S. railroad in its environmental cost-recovery docket and in various natural resource damages matters across the country, including the Portland Harbor Superfund Site in Portland, Oregon and the Upper Clark Fork River Basin Superfund Site in Butte/Anaconda, Montana.
- Representing the San Diego Unified Port District in litigation filed in the Southern District of

California that seeks costs, injunctive relief and damages for navigational impacts and injuries to the natural resources of San Diego Bay arising from bay-wide PCB contamination.

- Serving as counsel to the Attorney General of the District of Columbia related to the federal investigation, remediation and restoration of the Anacostia River.
- Represented a major oil company in a putative federal court class action and 18 state court cases brought by over 600 residents of Greenpoint, Brooklyn, alleging in excess of \$1 billion in property damages and personal injuries due to a large oil spill.
- Successfully represented The Hartz Mountain Corporation in an arbitration over the obligation to pay for the remediation of an insecticide formulation factory in Mississippi.
- Represented a major oil company in a lawsuit over responsibility to remediate millions of gallons of petroleum products near the Newtown Creek in Brooklyn, New York. The case settled before trial with the opposing party agreeing to prevent contamination attributable to historical operations from migrating onto our client's property.
- Obtained a defense verdict in a trial brought against a major oil company for claimed responsibility to remediate property in Long Island, New York, where our client had historical operations.
- Represented a major oil company in claims concerning responsibility for petroleum contamination at the site of a former bulk storage facility in Providence, Rhode Island.
- Defended a major manufacturing company in a jury trial where the plaintiff sought to recover alleged CERCLA response costs and for property damage allegedly caused by chlorinated solvents that had migrated from the client's property.
- Represented the Long Island Railroad in a bench trial for property damage arising out of a diesel oil spill.
- Successfully represented a major petroleum company in seven putative class actions and multiple individual cases in Puerto Rico federal court, arising from a large explosion at a petroleum bulk storage facility, by demonstrating that the petroleum product stored at the facility did not cause the explosion and was not responsible for area environmental contamination.

Related Services

PFAS and Emerging Contaminants
Condemnation and Eminent Domain
Natural Resource Damages
Environmental Regulation
Environmentally Impaired Properties
Environmental, Social and Governance (ESG)
Public Sector and Government Entities
Ports
Energy
Railroads

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