

Clean Up of Contaminated Land (North America)

Overview

Contaminated land creates liabilities. Liabilities may be real or perceived and may be current or future. They are liabilities nevertheless, and they lead to uncertainty if not properly handled. The liabilities may impact landowners (past and present), tenants, lenders, developers, receivers, trustees and municipal governments.

Contaminated land creates disputes. Dentons' environmental lawyers are skilled at assessing liabilities, putting them in proper perspective and resolving the disputes. An environmental problem on a piece of property can give rise to litigation, both criminal and civil, and also lead to regulatory enforcement in the form of clean-up orders. These disputes may involve joint and several liability, meaning that any one of the potentially liable parties can be liable for the entire cost of clean-up. These issues require lawyers who can develop creative and pragmatic solutions. We work closely with clients, their consultants, other responsible parties and governmental agencies, from initial site assessment, through the remediation process, to the issuance of regulatory closure documents.

We have worked on complex, multiparty, administrative and legal clean-up matters with difficult apportionment and causation issues. Often our experience allows us to provide a strategy to get to a cost-effective solution more quickly than others would imagine.

Contaminated land creates opportunities. Dentons' environmental team has been at the forefront of brownfield redevelopment in North America, assisting landowners, developers, financial institutions, remediation specialists and governments in managing the issues and taking steps to allow the proper reuse of those sites. In addition to being well-versed in the technical and legal aspects of these projects, we have expertise in the innovative commercial, insurance and tax strategies that can be employed to turn sterile sites into productive properties. Our environmental lawyers work closely with our land use planning groups to assist clients in navigating the political processes that often arise when previously contaminated land is redeveloped.