

ENVIRONMENTAL REMEDIATION & SUPERFUND



Husch Blackwell is a vigorous advocate for clients facing remediation and liability issues under the Office of Superfund Remediation and Technology Innovation's Comprehensive Environmental Response, Compensation and Liability Act – otherwise known as CERCLA or Superfund. In the course of defending companies at more than 200 Superfund sites nationwide, our team has developed innovative strategies that help clients achieve their goals cost-effectively.

Our team assists with all aspects of Superfund remediation. We coordinate with public relations professionals, identify cost recovery opportunities, negotiate cleanup agreements with federal and state agencies and third parties, and negotiate access issues that may significantly impact liability and cost. In court, we have had notable success filing dispositive motions and winning cost recovery and contribution judgments in favor of clients.

Representative Experience

Representation of clients at Superfund and state-lead remediation sites, as sole primary responsible party (PRP), principal PRP, one of many PRPs, or de minimis PRP.

Obtained ruling of EPA's Environmental Appeals Board that client was not liable as an arranger under Comprehensive

"Their litigation and environmental abilities are very strong. They're responsive, their rates are fair and they have demonstrated value."

— Chambers USA
2018 —

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Environmental Response, Compensation, and Liability Act (CERCLA) and awarded client reimbursement from the Superfund for costs incurred in responding to a unilateral order under CERCLA.

Obtained district court ruling that potentially responsible parties may bring cost recovery actions under CERCLA.

Obtained district court ruling that client could suspend its obligations under a CERCLA consent decree based upon conduct of the Environmental Protection Agency (EPA) found to be a repudiation of the consent decree.

Obtained district court ruling upholding contribution protection in private party CERCLA settlements.

Defeated CERCLA arranger liability claims at transformer recycling sites by establishing that our clients were sellers of useful products.

Achieved settlements at two National Priorities List (NPL) sites assessing substantial contribution shares against the U.S. government as a PRP.

Contribution litigation at several Superfund sites resulting in substantial reduction of client's proposed allocation.

Added hundreds of additional PRPs to an oil recycling site, followed by settlements through a voluntary allocation process.

Supported Brownfield development at property located at or adjacent to Superfund sites.