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# Environmental Litigation

Environmental matters arise in a variety of contexts, including redeveloping brownfields, regulatory compliance, defending regulatory enforcement actions and pursuing cost recovery or contribution from responsible parties or defending such claims. Wooden McLaughlin's environmental lawyers are experienced litigating claims concerning real or potential environmental contamination, both defending against environmental contamination claims and pursuing responsible parties to address contamination or recover damages.

Wooden McLaughlin's environmental attorneys work with the Indiana Department of Environmental Management (IDEM), the Indiana Finance Authorities (IFA) Brownfields Division, Department of Natural Resources (DNR), Environmental Protection Agency (EPA) and US Army Corps of Engineers (USACE) to advance our client's interests and achieve regulatory compliance, most commonly in the area of soil and groundwater impacts from a release of hazardous chemicals.

Our lawyers regularly litigate claims under the Federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA), Indiana's Environmental Legal Action Statute (ELA), Indiana's Underground Storage Tank Act (USTA) and common law claims related to environmental contamination impact. We represent general liability and specialty insurers in evaluating claims related to environmental contamination asserted by or against their insureds, providing analysis, claim oversight or defense of the insurer or insured. We often counsel clients on how to minimize or control environmental costs, identify exterior funding sources, or seek cost recovery or contribution from potentially responsible parties (PRPs) or the Indiana Excess Liability Trust Fund (ELTF).

Our clients include past, current or future owners of contaminated properties, owners of neighboring properties impacted by contamination, businesses utilizing or storing hazardous chemicals, municipalities, developers, insurers, investors and lenders – all of which may have litigation needs in connection with the discovery or suspected impact from hazardous chemicals or contaminated property. Most commonly, our matters involve industrial manufacturers,

dry cleaners or service stations – whether currently in operation or abandoned as a brownfield. Our attorneys regularly work with local and national environmental consulting firms to evaluate and advance the needs of the client and property at issue, often through environmental investigation and remediation.

Wooden McLaughlin’s environmental attorneys support clients in a full range of environmental matters, including:

- Brownfield redevelopment
- Compliance and enforcement issues
- Cost recovery and contribution actions
- Environmental consultant coordination and contract negotiation
- Environmental restrictive covenants (ERCs) and ERC compliance
- Excess Liability Trust Fund (ELTF) eligibility and recovery
- Groundwater quality
- Hazardous and solid waste management and reduction
- Real Estate due diligence
- Site closure and other regulatory approvals
- Small and large quantity generator requirements
- Statutory and tort liability
- Storm water issues
- Superfund projects
- Underground Storage Tank (UST/LUST) projects
- Waste characterization and handling
- Wetlands

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