

● Office Locations
■ Licensed In

5 STATES

9 CITIES

300 ATTORNEYS

REGIONAL FOOTPRINT, NATIONAL PRACTICE

OVER 100 YEARS OF CLIENT SERVICE



Alabama Florida Georgia Mississippi Tennessee

Our Services

Admiralty & Maritime

Alternative & Renewable Energy

Alternative Dispute Resolution

Antitrust & Trade Regulation

Appellate

Automotive

Banking & Financial Services

Bankruptcy

Business Planning & Succession

Class Action

Commercial Litigation

Condominium Law

Construction

Consumer Finance Litigation

Corporate Law

Creditors' Rights

Economic Development

Employee Benefits & ERISA

Entertainment & Sports Law

**Environmental Law, Land
Use, Planning & Zoning**

Financial Services Litigation

Financial Services Regulation

Financing

Franchise & Sales Representation

Government Investigations &
Enforcement

Health Care

Immigration

Insurance Litigation

Insurance Regulation

Intellectual Property & Technology

Labor & Employment

Leasing

Litigation

Manufacturing

Mass Torts & Hazardous
Substances

Medical Malpractice Defense

Mergers & Acquisitions

Mortgage

Pharmaceutical & Medical
Device

Private Equity & Venture Capital

Product Liability

Real Estate

Renewable Energy

Retail

Securities Litigation

Tax Law

Telecommunications & Media

Transportation

Trusts & Estates

Environmental Law, Natural Resources & Land Use

Burr & Forman has experienced and highly skilled practitioners dedicated to handling all aspects of environmental law issues.

Burr's environmental attorneys have the technical knowledge, the practical experience and the regulatory relationships that matter to clients. We also strive for a complete understanding of our clients' businesses and operations, which better enables us to assist in reaching their goals. Our environmental practice is multi-dimensional across administrative, regulatory and litigation venues, as described below.

Legislative & Administrative Advocacy

We help write and change environmental laws, rules and policies to achieve clients' objectives. We regularly comment on federal and state environmental rulemakings on behalf of clients. Our attorneys are also active in trade associations and chambers of commerce, and are frequently asked to serve on regulatory advisory councils. Representative examples of this work include:

- Submission of comments to U.S. EPA and U.S. Army Corps of Engineers regarding "waters of the United States" rulemaking.
- Submission of comments to U.S. EPA regarding "revised definition of solid waste" rulemaking.
- Board of Directors of Tennessee Chamber of Commerce and Industry.
- Represent Tennessee Mining Association and Homebuilders Association of Tennessee.
- Advocate developer and industry interests on multiple issues in hearings before Tennessee General Assembly.
- Serve on TDEC's newly created Water Reuse Advisory Group in connection with potential rulemaking.

Permitting & Regulatory Compliance

We help clients navigate and comply with various environmental laws and rules through day-to-day counseling, obtaining favorable permitting and negotiating other regulatory approvals. This work includes:

- Traditional environmental permitting and approvals under the Clean Air Act, the Clean Water Act, the Solid Waste Disposal Act (as amended by the Resource Conservation & Recovery Act), the Endangered Species Act, the National Environmental Policy Act, and the Surface Mining Control & Reclamation Act.
- Local land use, planning and zoning permitting and approvals in Tennessee, Alabama, Mississippi, Georgia and Florida.

- "Beyond compliance" advice regarding sustainability, LEED certification and environmental attribute credits.

Contamination & Cleanup

We help clients minimize risk exposure and costs associated with environmental contamination problems. This work includes:

- Negotiation and defense of administrative and judicial actions under CERCLA and RCRA and their state counterparts.
- Negotiation of numerous "Brownfield Agreements" to facilitate cleanup and redevelopment of impacted properties.
- Transactional due diligence and negotiation, including Phase I / Phase II work, environmental representations / warranties / indemnifications, and cleanup agreements.
- Urgent counsel regarding spills and emergency response actions.

Litigation

We represent clients' interests on environmental matters in contested cases before state and federal administrative agencies, municipal boards and commissions, and in the courts:

- Administrative contested case adjudications involving permit appeals, enforcement order appeals, and rulemaking petitions.
- Prosecute and defend against cost recovery / cleanup litigation under CERCLA and RCRA and state counterparts.
- Defense of environmental citizen suits and NIMBY (not-in-my-back-yard) type actions in state and federal courts.
- Appeals of local planning and zoning decisions.
- Toxic tort, property damage and bodily injury lawsuits.
- Employee exposure and worker safety actions.

Mining and Natural Resources

The Environmental Practice Group provides environmental advice and services associated with all aspects of mining, oil and gas, energy and natural resources.

The group has experience with regulatory and compliance issues, federal and state statutes, sales, leases and agreements, permitting and financing, negotiations and litigation, development, reporting and listing and more.

Our clients include, industrial operations, manufacturers, farmers, construction companies, pipelines, landfills, coal and non-coal mining companies, homebuilders and commercial developers, utility districts, municipalities, developers and non-profit entities.

The group provides compliance, transactional and litigation legal services in the mining and natural resources area. Examples are described below:

- Representing permit applicants before state and federal agencies in negotiating key terms and conditions in mining related NPDES permits.
- Representing clients in appeal of unfavorable conditions in NPDES permits and in SMCRA permit denials.
- Representing mining and development clients in federal citizen suits under the Clean Water Act and the Resource Conservation and Recovery Act.
- Representing mining trade organization in Petition to designate lands unsuitable for mining.
- Intervention on behalf of mining trade organization in citizen suit litigation related to the Endangered Species Act.
- Providing comments to state and federal proposed rules on behalf of clients, including the federal waters of the United States Proposed Rules and the Tennessee multisector Permit for Industrial stormwater, Water Quality Standard revisions, changes to selenium aquatic criterion.
- Assisting both national and international clients in securing environmental permits and approvals for natural gas power plant development.
- Advocating developer interests relating to new MS4 stormwater permitting requirements.
- Providing analysis of regulatory and energy law issues for potential co-gen power plant development for industrial operation.

Economic Development

Burr & Forman's Economic Development practice originated with partner Lee Thuston serving as Alabama counsel for the negotiations that brought Mercedes-Benz to Alabama. Since that time, our practitioners have represented economic development projects and expansions that have brought over \$16 billion of capital investment and the creation of more than 25,000 new jobs to the South.

Our established cross-disciplinary team represents manufacturers in the following areas:

Site Selection

For over 20 years, we have represented manufacturers and supported site selection consultants in multi-state and intra-state site evaluation and location. Our team provides data, analysis and advice on everything from environmental conditions of the site to the surrounding area's demographics and available labor market. Additionally, we have built, and continue to maintain, close working relationships with an extensive network of professional site consultants who provide supplementary insight and value to our manufacturing clients.

Our attorneys have worked as part of the site selection teams for projects such as:

- Mercedes-Benz U.S. International manufacturing plant (Tuscaloosa, Alabama)
- KIA Motors manufacturing plant (West Point, Georgia)
- SSAB (f/k/a IPSCO Steel) steel mill (Mobile County, Alabama)
- Kronospan manufacturing plant (Oxford, Alabama)
- Jack Daniel's Cooperage project (Lawrence County, Alabama)

Incentive Negotiation

Burr's Manufacturing Industry Group is known for its extensive hands-on experience negotiating incentives packages for our clients. We have served as company counsel on a large number of the significant incentives packages negotiated in the Southeast. In addition to the projects listed above, we've represented existing clients in incentives negotiations for major plant expansions.

A particular strength of the group is our knowledge of the various types of incentives finance, including tax credit and bond financing, conservation easements, state and federal home loans, industrial revenue bonds, public and private ventures and letters of credit and other securitizations involved in closing these specialized transactions.

Incentive Implementation

Beyond the incentive negotiation process we continue representation of our manufacturing clients through the critical incentive implementation process. Our practitioners are skilled at ensuring that state and local governments and utility providers deliver the promised incentives in a timely manner and to the satisfaction of our clients.

Environmental Permitting

We advise our manufacturing clients on permit requirements and related regulatory compliance. This involves:

- Identifying environmental regulatory issues
- Identifying the sequence of permits
- Negotiating permit content and timing with regulatory officials
- Advising on compliance with related regulatory obligations

When necessary we represent clients in third party environmental permit challenges. We also frequently work with our manufacturing clients to identify consultants and coordinate and review completed work to assure it meets local environmental requirements and time limits.



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DEVELOPMENT

Developing or Redeveloping Property

- **Land Planning and Property Development** – Identify activities necessary to implement clients' vision for intended use of property. Assist client in developing a consultant team as necessary. Consult with government staff and elected officials. Provide comprehensive representation from initial evaluation through acquisition, zoning, permitting, development, and construction.
- **Property Risk Assessment and Due Diligence** – Conduct property and building risk assessments and due diligence to identify potential risks. Conduct title searches and review surveys. Obtain evaluations for wetland, endangered species, and hazardous waste issues.
- **Applications and Permitting** – Obtain/transfer all required permits.
- **Remediation Planning and Implementation** – Provide constructive guidance, and develop and implement customized, compliant remediation plans for clients developing on unstable or contaminated land.
- **Brownfield Projects** – Advise clients on all aspects of brownfield projects, including funding, clean-up, remediation, compliance, and permitting.

Economic Development and Incentives

- **Incentives** – Work with clients, including companies and municipalities, on the tax incentives and environmental aspects of economic development projects.
- **Compliance** – Advise clients in relation to environmental compliance aspects of business and industrial recruitment.

TRANSACTIONS

Buying or Selling Property or Companies

- **Property Risk Assessment and Due Diligence** – Conduct property and/or building risk assessment and due diligence to identify potential risks for lenders and investors.
- **Contract Negotiations** – Draft and negotiate contracts to ensure clients are protected, including consideration of land use, zoning, environmental, and permitting matters.
- **Brownfield Developments** – Evaluate opportunities and minimize the risks associated with the development of impacted properties.
- **Pre-closing and post-closing** – Handle all aspects of entitlements before and after closing, including all aspects of permit transfers in connection with mergers and acquisitions (e.g., environmental permits, transportation concurrency entitlements, etc.).
- **Closing** – Handle all aspects of closing transactions.

Think of us for the following:

- Comprehensive Plan Amendments
- Entitlements
- Community Development Districts
- Developments of Regional Impact
- Sector Planning
- Zoning
- Public-Private Partnership Development Agreements
- Brownfield
- CAA (Clean Air Act)
- CERCLA a.k.a Superfund
(Comprehensive Environmental Response,
Compensation & Liability Act)
- Compliance
- Contamination
- CWA (Clean Water Act)
- Endangered and Threatened Species
- Permitting
- Remediation
- Wetlands

COMPLIANCE

Corrective Actions and Remediation

- **Corrective Actions and Remediation** – Provide constructive guidance and customized, compliant solutions to clients faced with site remediation or on-site corrective actions.
- **Brownfields and Voluntary Remediation** – Advise and guide clients through the brownfield remediation and voluntary remediation process.
- **CERCLA** – Represent clients in CERCLA (and its state law equivalents), compliance and related cost recovery and contribution actions.
- **Code Enforcement** – Represent clients before local code enforcement boards and provide guidance to clients in responding to code enforcement citations.

Understanding and Complying with the Law

- **Advise** – Advise clients on current and changing federal, state, and local environmental and land use regulations.
- **Audit** – Conduct facility audits to ensure compliance with environmental regulations and identify areas of non-compliance.

Influencing the Law

- **Develop** – Draft legislative policies on behalf of clients for consideration at the federal, state, and local levels.
- **Comment** – Draft and file comments on proposed rulemakings.
- **Challenge** – Draft and file judicial challenges to final legislation and rules.

INVESTIGATIONS & DISPUTES

Investigations

- **Environmental Investigations** – Help clients assess and respond to environmental investigations.
- **Enforcement Actions** – Respond to and, where appropriate, negotiate with regulatory agencies to resolve enforcement actions.

Disputes

- **Administrative Hearings and Proceedings** – Represent clients in administrative hearings and proceedings.
- **Dispute Resolution** – Represent clients in mediation or arbitration when land use and environmental-related disputes arise.
- **Litigation** – Represent clients in land use and environmental-related litigation, including landfill, mold, petroleum, toxic tort, hazardous waste, property, and land use.

Our Industry Leadership

- Air & Waste Management Association – Southern Section Chair
- American Bar Association Environment, Energy & Natural Resources Section – Coordination Committee
- American Bar Association State & Local Government Law Section Environmental Committee – Chairman & Governing Council
- Green Chamber of the South – Board of Directors
- Urban Land Institute – Mission Advancement Chairman
- Alabama State Bar Environmental Law Section – Executive Committee
- Business Council of Alabama – Environment & Energy Committee
- Florida Bar Environmental & Land Use Law Section – Treasurer
- Georgia Land Conservation Center – Board of Directors
- Georgia Wetlands & Streams Trust Fund – Board of Directors
- Institute for Georgia Environmental Leadership (IGEL) – Class of 2013
- Manufacture Alabama Environmental Committee – Waste Issues Subcommittee Chair
- Tampa Bay ULI – Tampa Bay District Council
- Greater Orlando Builders Association – Board of Directors
- Commercial Real Estate Women Orlando – Member
- ULI Central Florida – Member

CLIENTS INCLUDE:

- Banks and Lending Institutions
- Real Estate Developers, Builders, and Contractors
- Manufacturers (automotive, steel, chemicals, paper, plastic)
- Distributors (petroleum, biofuels)
- Local Governments and Municipalities
- Public Utility Authorities (waste, water, power)
- Property Owners, Sellers, Buyers, and Landlords
- Renewable Energy Companies
- Companies Involved in Mergers and Acquisitions

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