PENDER & COWARD
ATTORNEYS AND COUNSELLORS AT LAW

PRACTICE AREA

ENVIRONMENTAL LAW

Pender & Coward's environmental law attorneys provide our clients with a depth of environmental law expertise that is difficult to find anywhere else in Hampton Roads. We handle cases involving all human activity on the natural environment, covered by statutes, regulations, environmental protection acts, water law, riparian property rights, and cost recovery. Our clients include commercial and residential landowners, business entities, contractors, commercial lenders, and governmental entities, particularly in highway construction.

Our environmental lawyers can design a variety of environmental compliance strategies for a given project so an approach can be selected compatible with the budget and risk tolerance. We plan carefully to avoid environmental violations causing a costly halt in operations, exposure to civil penalties as high as $37,500 per violation per day, and criminal prosecution, in addition to causing public outrage. We are experienced handling a wide range of matters in environmental law, including:

- Solid and hazardous waste issues under RCRA and state law
- Stormwater and clean water issues such as NPDES
- Fill and wetlands permits under the Clean Water Act
- Groundwater withdrawal issues
- Brownfields issues
- Release of oil and hazardous substances issues
- Underground storage tank issues under RCRA
- National Environmental Policy Act issues, environmental impact statements, environmental assessments, and categorical exclusions
- Endangered Species Act and Marine Mammal Protection Act issues
- Clean Air Act issues

VIRGINIA BEACH
222 Central Park Ave. Suite 400
Virginia Beach, VA 23462

CHESAPEAKE
709 Greenbrier Parkway
Chesapeake, VA 23320

SUFFOLK
117 Market Street
Suffolk, VA 23434

- Chesapeake Bay Preservation Act, and Virginia Coastal Primary Dunes and Beaches Act issues

Our firm's environmental lawyers deliver sophisticated advice with a post-graduate degree LL.M in Environmental Law in addition to the standard law degree, and an undergraduate degree in engineering focusing on technical math, physics, and chemistry. Experience also includes five years of environmental legal work for the U.S. Department of Defense, handling numerous high visibility major cases including the Environmental Impact Statement for siting F/A 18 squadrons at NAS Oceana (1998), the whale stranding in the Bahamas (2000), and the re-opening of the Navy's live bombing training facility on an island in Puerto Rico (2001).

This highly specialized area of law continues to adjust and change. Clients should use particular care when it comes to environmental law. Our lawyers carefully plan and design cost-efficient strategies to deliver results, avoid costly consequences of failure to obtain required permits, and serve clients at reasonable rates.

REPRESENTATIVE CASES AND TRANSACTIONS

- Lead counsel and represented family business owners of a 7-acre parcel valued at $6 million on the Elizabeth River in Norfolk, where a neighbor clogged the waterway with a floating junkyard of 26 ships. Forced the neighbor to remove the junkyard which stopped pollution of the river by prosecuting a federal court action (using the citizen's environmental lawsuit provisions in the Clean Water Act and in RCRA) eliminating interference with client's riparian property rights.

  307 Campostella, LLC v. Timothy S. Mullane

  , civil action no. 2:15-cv-224 (E.D. Va. 2016).

- Represented family-owned business with a 3-acre-parcel in Chesapeake heavily polluted by its Fortune 500 corporate tenant who disposed of metals and hydrocarbons in the soil and groundwater over its 30-year occupancy. Forced the tenant to clean up the environmental contamination and to compensate the landlord for reduced property value due to stigma. (2015)

- Designed and persuaded Virginia Beach City Council to adopt a plan that enabled oceanfront property owners in Sandbridge, Virginia to remove beach sand that inundated homes, free of prosecution by the Wetlands Board, and consistent with requirements of the Virginia Coastal Primary Dunes and Beaches Act. (2016)

- Represented highway builder in establishing a 32-acre offsite facility to mitigate stream bank impacts caused by highway construction project. (2014)

- Represented waterfront landowner cited for destruction of 600 square feet of unvegetated wetlands in proceedings at Norfolk Wetlands Board. (2013)

- Assisted lender in arranging Chesapeake Bay Preservation Act compliance for tear down and reconstruction of repossessed bay front residence. (2013)

- Represented a mid-size HVAC contractor in managing risk to the company after an employee intentionally released nearly 40 pounds of R22 refrigerant into the atmosphere, conduct prohibited by the Stratospheric Ozone Protection regime at subchapter VI of the Clean Air Act, and the implementing regulations promulgated by EPA. (2016)

PENDER & COWARD
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