

# Environmental Regulation & Litigation

## Overview

Carlton Fields' well-known environmental regulation and litigation team has decades of experience handling difficult permitting, regulatory, and litigation matters. To assist on large disputes, the firm also offers a broader group of lawyers who have handled challenging environmental permitting and litigation matters. Most of our lawyers and planners have substantial experience appearing before the various federal, state, and local agencies. Collectively, we have handled most types of environmental matters during the last 40 years, representing clients in cases around the country.

Our environmental practice is especially well-known for matters related to:

- *Difficult and high-profile permitting and regulatory issues.* We represent clients in matters involving environmental regulations and permitting that are critical to their businesses. In particular, we handle federal matters of all types, including those related to wetland regulation, water management, endangered species, and federal lands. We also have an excellent track record with state agencies and regulation across a broad range of pollution and natural resource issues. We provide highly experienced representation to clients involved in large and complex public infrastructure projects, where environmental permits are at the center of a transaction or ensuing controversy. However, we are equally adept at ensuring most matters never become controversial or require litigation.
- *Contaminated property.* We regularly represent clients in matters related to contaminated properties in the context of federal and state supervised cleanup efforts, real estate transactions, brownfield redevelopment, land use regulation, and disputes of all types.
- *Permit challenges.* After a permit is obtained, the stakes of defending it are high. We have successfully handled permit challenges raising environmental issues in almost every forum at the federal, state, and local levels.
- *Environmental enforcement.* We represent clients in all types of government enforcement matters, including administrative and civil enforcements, criminal investigations, and agency debarment proceedings. Our firm also defends clients against private citizen suits, in which nongovernmental parties seek to enforce environmental laws against regulated parties.
- *Legislative advocacy.* We are active in advocacy at the state and local levels, crafting balanced and clear statutes and regulations.

- *Coordination between environmental work and land use.* Most of our lawyers and planners also work in land use regulation and litigation, giving us a broader perspective and understanding of the impacts of environmental regulation.

We represent clients that operate in a variety of industries, including energy, utilities, road building and construction, chemical, oil and gas, mining, manufacturing, development, and real estate. Governmental entities also hire us to represent them in some of their most important environmental disputes, and we have represented public interest organizations as well.

## Experience

- Permitting and disputes related to major infrastructure projects. For instance, we have handled environmental matters related to multiple airports and seaports, including the prosecution and defense of environmental claims.
- Handling significant water pollution and load allocation issues in the context of state rulemaking.
- Handling transactions and disputes related to the purchase and sale, redevelopment, or finance of real estate, where environmental liability and contamination issues are the primary driver.
- Representing large landowners in disputes related to the scope of environmental and land use regulation over their property and approvals needed to conduct their businesses.
- Representing the State of Florida before the U.S. Supreme Court in disputes with Georgia over interstate water allocation from the Apalachicola-Chattahoochee-Flint River basin.
- Defending seafood companies from environmental enforcement related to seafood importation. These matters have included administrative, civil, criminal, licensing, and debarment proceedings.;
- Handling disputes related to National Park Service approvals of activities in privately owned inholdings within units of the National Park System.
- Handling disputes related to the scope of federal agency regulatory jurisdiction under the Clean Water Act, and representing clients in both major and routine dredge and fill issues at all levels.
- Representing clients in state water consumption permit matters.
- Representing utilities in project siting proceedings, such as those related to the location of transmission lines and pipelines.
- Handling mass toxic tort and asbestos litigation.;

- Representing landowners in connection with land swaps with state agencies and land sales to governmental entities.;
- Dealing with state sovereign submerged land in the case of marinas and state-owned uplands, including state parks for utilities and other clients.
- Working with the state and U.S. Army Corps of Engineers in the regional general permit/environmental management plan process.

## Insights

09.26.2023

Water Consumption in the Face of PFAS

*Florida Specifier*

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05.05.2020

Supreme Court Remediates CERCLA's Exclusivity Provisions

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04.07.2020

Florida Department of Environmental Protection Issues Environmental Order for COVID-19-Related Time Extensions

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07.31.2019

Florida Regulation of PFAS at Airports and Governmental Installations Ramps Up

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04.04.2019

The Developing Climate: How Climate Change Affects the Development Industry

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07.27.2018

An Absolute Pollution Exclusion: Reading the 'Fine' Print

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12.30.2016

DOAH Strikes Proposed Rule Requiring Public Notification of "Reportable Releases"

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09.29.2016

Florida Department of Environmental Protection Adopts Emergency Rule Imposing New Notice Requirements

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06.24.2016

SCOTUS Gives Landowners New Tools to Challenge Wetlands Permitting Decisions

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06.03.2016

2016 Florida Legislative Post-Session Report

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07.06.2015

New Legislation Enacted to Protect the Use of Private Property

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10.01.2014

Florida's Fight to Save the Apalachicola: An Environmental and Cultural Treasure at Risk

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06.12.2014

2014 Florida Post-Session Report Released

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03.11.2014

What Happens In Ecuador Does Not Stay In Ecuador

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03.05.2014

What's New in Risk Based Corrective Action in Florida?

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06.26.2013

Index of Sustainable Development Provisions in Florida Municipal Codes

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06.11.2013

2013 Florida Post-Session Report Released

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12.01.2012

Greening Your Law Firm

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06.07.2012

Florida Water Quality Standards in Flux Due to Challenges at Federal and State Level

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07.14.2010

Energy: Proactive Strategies to Meet Renewable Portfolio Standards

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06.21.2010

2010 Florida Legislature Post-Session Report

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06.02.2010

Governor Crist Enacts SB 1196: Distressed Condominium Relief Act

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09.22.2009

Florida Renewable Energy Regulations & Power Purchase Agreements

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08.17.2009

Capitol Report - Proposed Storm Water Treatment Rule

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07.20.2009

Capitol Report - Redistricting

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06.18.2009

2009 Florida Legislature Post-Session Report

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06.03.2009

New Case on Class Action Settlement

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06.25.2008

Capitol Report - Governor Signs Energy Bill Climate Change Legislation will Impact Building and Development Industries

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06.02.2008

2008 Florida Legislature Post-Session Report

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04.07.2008

More than just a storm: It's preparing for ill effects further down the road

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06.11.2007

2007 Florida Legislature Post-Session Report

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10.16.2006

New Requirements for Phase I Due Diligence

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07.01.2004

Capitol Report - July 1, 2004

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06.24.2003

Brownfields, A Comprehensive Guide to Redeveloping Contaminated Property, 2nd Edition, 2001

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02.21.2003

Capitol Report - February 21, 2003

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12.11.2002

Environmental Law for the General Practitioner in Florida

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12.11.2002

Hazardous Waste Liability: The Emerging Problem for Lenders

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12.11.2002

How Does Florida Handle Toxic Torts (chapter)

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03.19.2000

An Analysis of the Correlations between the Affective, Behavioral and Cognitive Components of Environmental Literacy

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02.03.2000

Florida Local Government Land Acquisition Programs: A Survey of Local Programs

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01.01.1995

Clean Air Act, Federal and State Enforcement Provisions

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09.30.1994

Sick Building Syndrome and Building-Related Illness Claims: Defining the Practical and Legal Issues

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## Our Team

### Key Contacts



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## Related Capabilities

### Practices

- Construction
- Real Estate
- Development
- Construction Litigation
- Construction Transactions
- Environmental, Land Use & Development Approvals and Litigation
- Government Law & Consulting
- Litigation and Trials

### Industries

- Construction
- Real Estate
- Property & Casualty Insurance

- Mass Tort and Product Liability
- Real Property Litigation
- Public-Private Partnerships
- Government Affairs and Lobbying
- Administrative Litigation and Appeals
- Energy and Utilities
- Aviation