

Environmental Law & Land Use Management

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Environmental and land use regulations have created a complicated, continually evolving legal landscape. Those regulations cover a wide spectrum of issues, including land use, zoning powers, eminent domain, the manufacture, use, and disposal of hazardous substances, solid waste disposal sites, and the protection of natural resources.

For corporate and governmental clients, Gray Plant Mooty's Environmental Law & Land Use Management team is the go-to resource for navigating one of the most unique and far-reaching regulatory systems in the world.

Our Experience in Environmental Law

With experience spanning the history of modern environmental and land use law, our team takes pride in developing creative solutions to the complex challenges you face. We assist with a variety of concerns, including:

- Above-ground and underground storage tank permitting and remediation
- Air and water permits
- Condemnation, zoning, and land use proceedings
- Environmental audits and assessments
- Indoor air and vapor intrusion
- Insurance recovery for environmental cleanup costs, property damage, and bodily injury claims
- Land use planning, redevelopment, brownfields, and related issues, including tax increment financing and public grant programs
- Odor issues
- Regulatory and administrative challenges
- Solid and hazardous waste management issues
- Superfund cost recovery, allocation of financial responsibility, and remediation of sites
- Toxic tort issues including asbestos, mold, and mercury
- Wetlands regulation

Representative Clients

- City of Rochester
- Martin Marietta Aggregates, Inc.
- University of Minnesota

Experience

Representative Matters

- Represented the University of Minnesota as environmental counsel with respect to UMore Park and Vermillion Highlands, located on approximately 7,800 acres of land in Dakota County that were previously part of the former Gopher Ordnance Works, a WWII-era smokeless gunpowder production plant. Associated legal services include advising the client regarding required environmental investigation and remediation activities associated with anticipated use of the property for agricultural and other research, aggregate mining, and future residential and

commercial redevelopment.

- Represented the City of Rochester regarding a wide spectrum of environmental issues, including wastewater and stormwater permitting issues. Gray Plant Mooty recently successfully challenged the Minnesota Pollution Control Agency's (MPCA) attempt to impose an individual stormwater permit on the Rochester airport.
- Represented a major potato processing plant in Park Rapids, Minnesota in litigation involving water appropriation issues brought by the MCEA and in separate litigation by the processing facility challenging wastewater permitting decisions of the MPCA. The work included resolution of complex enforcement issues, securing multiple permits, and resulted in the client receiving its permits in time to begin construction to meet the deadlines required to service a large national fast-food company.
- Represented Martin Marietta Aggregates, Inc. in various land use and environmental matters including: several conditional use permit matters, one of which has been appealed to the Minnesota Supreme Court
- Represented the University of Minnesota on the mandatory environmental review of TCF Bank Stadium and the cleanup of contamination on the site. Representation included providing advice regarding the retention of environmental consultants; scoping, preparation, public involvement, and determination of adequacy of the Environmental Impact Statement (EIS); investigation of contamination at the site; development of cleanup standards, public participation, and approval of a response action plan by the MPCA; and cost recovery litigation against parties responsible for polluting the site, resulting in the recovery of several million dollars.
- Represented a landowner with respect to the redevelopment of a former gravel mining facility and municipal dump located in a Minneapolis suburb. Represented the property owner in all aspects of this major residential redevelopment project, including investigation and cleanup of the site; negotiating development and tax increment financing agreements; obtaining grant funding and Petrofund reimbursement; and recovering investigation and cleanup costs from responsible parties and insurers.
- Represented a landowner in investigating and cleaning up a major twin cities scrap yard. Representation included negotiating agreements for the sale and redevelopment of the property, obtaining grant financing for cleanup costs, and pursuing cost recovery on behalf of the client. The investigation and cleanup cost recovery involved several municipalities.
- Represented the cities of Annandale and Maple Lake in reinstating a NPDES permit allowing the cities to move forward with the construction of a joint wastewater treatment facility. The process took nearly three years, two trips to the Court of Appeals, and one to the Minnesota Supreme Court. The end result was a favorable ruling for the client from the Minnesota Supreme Court.
- Represented the Minnesota Historical Society in the conversion of the Washburn Crosby Mill to the Mill City Museum along the Mississippi River near downtown Minneapolis. Provided legal advice to the client relative to the investigation and cleanup of contamination at the site; drafting numerous agreements governing the roles and responsibilities of the various parties to the development, including the financing of the project; and obtaining numerous permits and governmental approvals for the project.
- Represented Hennepin County as environmental counsel for the Target Field redevelopment project, including assisting with the mandatory environmental review of the project, and review and evaluation of related environmental reports