

CITIZEN SUITS/NIMBY

OVERVIEW

BCLP has extensive experience in the unique combination of legal and public/community relations presented when companies are sued by citizens or public advocacy groups. Our clients have included quarry operators, solid waste landfills, medical incinerators, CAFOs, power plants and real estate developments whose permits, approvals, or practices have been challenged. In addition, we have helped clients plan their projects in a way to minimize the likelihood of successful citizen challenges, to enlist and mobilize citizen support for projects, to appreciate and acknowledge environmental justice issues, and to maximize the likelihood of success if a citizen challenge to a facility's permit, approval, or operation is brought.

MEET THE TEAM



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RELATED PRACTICE AREAS

- Energy & Natural Resources

EXPERIENCE

- Defeating citizen challenges to permitting of a new solid waste disposal facility.

- Defeating citizen challenges to quarry permits at multiple facilities involving both new sites and expansions of existing facilities.
- Preparing clients for public hearings regarding solid waste, quarry, and medical waste incinerator permit challenges.
- Developing expert testimony and participating in public hearings involving challenges to coal-fired power plant projects, including issues regarding New Source Review (BACT), 404 permitting compliance, and cooling water intake rule compliance under the Clean Water Act.
- Developing expert testimony and participated in federal court challenges to levee projects including 404 permitting and FEMA floodplain mapping issues.
- Representing clients in large and controversial development projects by developing a permitting and public relations strategy and drafting Environmental Impact Statements in order to meet federal and state NEPA requirements and ward off and/or successfully defend against citizen-initiated litigation challenging the projects.
- Representing an electric utility in successfully resolving a challenge to the air permit and operating certificate for a major new electric generating facility.
- Representing an alumina processing facility in a Clean Water Act citizens suit ultimately settled for \$5,000.
- Representing numerous industrial defendants in approximately 12 EPCRA citizen suits with estimated claims in excess of \$2,000,000.
- Defending a coal company in a citizen suit action filed by an environmental group alleging hundreds of Clean Water Act violations of the company's NPDES permit spanning multiple years.
- Representing clients in numerous citizen suits under Proposition 65.