

ENVIRONMENTAL LITIGATION

Pennsylvania Environmental Hearing Board

Babst Calland
Attorneys at Law
Where Trust and Value Meet...

The Babst Calland team of environmental attorneys has significant experience representing clients before the Pennsylvania Environmental Hearing Board. We offer an unparalleled combination of regulatory expertise, industry knowledge, strategic litigation analysis, and trial experience before the Board.

The Board's administrative law judges hear appeals from final actions of the Pennsylvania Department of Environmental Protection. The Department administers a considerable range of state and federal environmental programs, which cover oil and gas operations, coal and noncoal mining, air permitting, wastewater treatment and discharge, stormwater management, solid waste management and landfills, sewage facilities planning, safe drinking water programs, radiation protection, storage tanks, various grant and loan programs, brownfields and site cleanups, laboratory accreditation, dam safety and waterway management, among others. Appeals before the Board are filed either by the Department seeking a civil penalty, regulated entities challenging an adverse Department permit decision, enforcement order, or penalty assessment, or by third parties contesting a Department-approved project under one or more of these programs.

Our unique strength representing clients before the Board derives from two key attributes. First, our nationally-ranked, interdisciplinary environmental attorneys have a deep understanding of these diverse environmental programs, including the attendant technical issues, Department policies and guidance documents developed under each program. In many cases, we participated in, commented on, or challenged the development of the critical environmental regulations and policies. We work with these programs on a daily basis.

Second, because we are thoroughly involved with environmental matters, our attorneys have represented and are representing a significant number of clients before the Board, which gives us unmatched experience. Our firm frequently has several appeals on various matters pending with the Board at any one time. We understand how the Department manages cases that have been appealed, whether settlement is possible, and how to effectively co-counsel with the Department to defend third-party challenges. Both in pre-hearing practice and in the event the appeal proceeds to a hearing, we understand how the Board operates, and we bring that litigation expertise to bear for our clients' interests.

The Babst Calland team of attorneys uses unique technical and legal knowledge to develop and implement litigation strategies to effectively advocate our clients' interests before the Board, as well as any appeal from the Board to the Commonwealth Court, where our attorneys are well versed in both appellate advocacy and oral argument.



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