



**STORMWATER
MANAGEMENT**



STORMWATER MANAGEMENT

Hartman Simons & Wood LLP's Stormwater Management practice group combines the extensive commercial real estate experience of its litigators with the federal, state, and local regulatory expertise of its environmental attorneys in counseling our clients. We provide our clients, including developers, landlords and tenants, with unparalleled legal service in litigation and regulatory matters related to stormwater, erosion and sedimentation issues.

Lawyers in our Stormwater Management practice group counsel and represent clients on a wide range of issues related to the control of stormwater, erosion and sedimentation which may arise before, during, and after real property development. Representative issues include National



Pollution Discharge Elimination System (NPDES) permitting, best management practices, soil erosion and sedimentation plan requirements, agency and municipal enforcement, and civil litigation. With the firm's focus primarily on all issues related to commercial real estate, our lawyers have a unique insight into these issues from a developer and landowner perspective.

Our team's expertise includes staying abreast of and advising clients with respect to changes in statutes, regulations, agency and municipal policies, and case law which impact stormwater, soil erosion, and sedimentation control. Prior to and during the development process, our attorneys advise clients on these issues to minimize the limitations that regulations may impose on development, and limit the risk of litigation after the development is completed.



LITIGATION

Hartman Simons & Wood LLP protects the rights of developers and landowners who are impacted by stormwater runoff, erosion and sediment control issues. Stormwater runoff, as well as sedimentation and erosion issues, present significant litigation risks that can be very costly, typically requiring expert testimony. Our experience litigating issues of real estate valuation, the primary component of damages in stormwater cases, and the impact of stormwater management on real property allow us to evaluate risk in these matters and to drive cases to a favorable resolution for our clients. We represent developers in litigation arising out of both the development of raw land and the redevelopment of parcels of varying sizes. Our team also represents landowners when changes are made to neighboring parcels that impact stormwater runoff, erosion and sedimentation. This experience, on both sides of a stormwater dispute, allows us to vigorously represent our clients in any stormwater dispute.



REGULATORY AFFAIRS

Hartman Simons & Wood LLP advises clients on permitting and compliance issues related to stormwater, soil erosion and sedimentation, including but not limited to NPDES General Permits for Storm Water Discharges Associated with Construction Activity, the Georgia Water Quality Control Regulations, the Erosion and Sedimentation Control Act and implementing regulations, the Clean Water Act, and municipal ordinances regulating stormwater and sedimentation control. In addition to our developer and landowner clients, we also advise industrial clients with respect to federal and state industrial stormwater compliance, including permitting, Stormwater Pollution Prevention Plans (SWPPPs), and agency enforcement. In an ever-changing regulatory environment, it is more important than ever for clients to gain the benefit of our firm's expertise in stormwater regulation.



EXPERIENCE

Our team has successfully handled a wide array of matters involving stormwater, soil erosion and sedimentation issues, including:

- Advising an office building owner in a dispute with local government entity arising out of local government failure to properly construct and maintain its stormwater management system
- Defending a regional retail developer in a lawsuit brought by downstream property owners alleging that defects in the development's stormwater management infrastructure caused a dam failure, including litigation of issues related to Section 404 permits and state stream buffer variances
- Representing a national retailer in a lawsuit filed by adjoining property owners alleging that the redevelopment of retailer's parcel resulted in flooding of drainage swales maintained by a local municipality
- Advising an industrial use tenant whose building was flooded by stormwater runoff
- Bringing claims against a local municipality to have building permits issued, using computer modeling of stormwater flows to demonstrate that development would not overburden the municipality's stormwater management system
- Defending a regional retailer in a lawsuit brought by adjoining landowners alleging improper inter-basin transfer of runoff volume in the stormwater management plan for the retailer's development
- Advising a developer on response to regulatory action by state and local authorities related to stream buffer violations
- Advising a private dam owner in connection with allegations by a downstream homeowner related to dam maintenance and repeated flooding
- Representing a corporate client in a dispute with a municipality related to fines for alleged improper stormwater detention pond design and maintenance and for alleged damages to downstream property owners
- Advising a multi-tenant apartment complex in the City of Atlanta regarding repeated flooding of a parking deck and first floor units from City storm sewers
- Preparing a comprehensive evaluation of litigation strategies on behalf of a private institution against private landowners and governmental entities related to repeated flooding and property damage



BUSINESS SOLUTIONS FROM A TRUSTED PARTNER

Our clients value our attorneys' business acumen as much as their outstanding legal credentials, and they appreciate the attentive service our firm consistently provides. Access the power of a legal partner you can rely upon to understand your business objectives and help you get it done.

For more information on these services, contact us:
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