

PRACTICE

Environmental Law

KEY CONTACTS

Robert D. Cox, Jr.
T. 508-926-3409
E. rcox@bowditch.com

Korrin Petersen
T. 617-757-6514
E. kpetersen@bowditch.com

PARTNERS

Samantha P. McDonald
Leah A. Rochwarg
Joshua Lee Smith

OF COUNSEL

Robert D. Cox, Jr.
Korrin Petersen

ASSOCIATES

Joseph R. Duquette

OVERVIEW

Developers, builders, manufacturers, schools and colleges, property owners, municipalities, public utilities and nonprofits depend on the Bowditch environmental law team for practical problem solving and cutting through even the most complex legal and environmental issues efficiently and cost-effectively to achieve their desired results.

Led by Robert Cox, a Chambers & Partners ranked attorney with over 30 years of environmental law experience, the team represents clients in all aspects of environmental law at the local, state, and federal level, including in the permitting, administrative, and judicial settings.

Our team specializes in areas of compliance, site remediation, and natural resource management, and we guide clients through all stages of real estate project development including acquisition, due diligence, financing, permitting and appeals. We also provide guidance on emerging environmental issues such as PFAS liability, climate change adaptation, renewable energy development and green building practices.

Experienced in managing complex matters that involve navigating the changing regulatory environment, our team has rendered opinions on the full gamut of environmental issues and advised on public policy development.

Our lawyers can assist in all areas of environmental law, including the Clean Air Act, Clean Water Act, CERCLA (Superfund), RCRA, the Safe Drinking Water Act, the National Environmental Policy Act (NEPA), the Massachusetts Environmental Policy Act (MEPA), Wetlands Protection and Chapter 21E.

How Our Environmental Attorneys Can Help

- Regulatory compliance/environmental audits
- Environmental permitting
- Negotiation of Administrative Orders and Consent Decrees
- Site investigations and cleanups (21E)

©2026 Bowditch & Dewey LLP. All Rights Reserved.

- Environmental due diligence for business transactions
- Superfund defense and cost recovery
- Site remediation and brownfields redevelopment
- Wetlands permitting, riverfront/coastal development, including Chapter 91 permitting and regulation
- Wastewater and stormwater permitting and enforcement matters
- Lender liability
- Environmental management systems
- Indoor air quality issues
- Asbestos remediation
- Facility siting and regulations
- Solid waste enforcement matters
- PFAS and emerging contaminants
- Water quality and water resources

EXPERIENCE

LITIGATION

- Declaratory judgment action contesting MassDEP's interpretation of the term "oil" as used in the Massachusetts Contingency Plan. Reported as *Peterborough Oil Company, LLC v. Department of Environmental Protection*, 474 Mass. 443 (2016).
- Former property owner on claims for reimbursement of clean-up costs for petroleum-contaminated soil, under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and G.L. c. 21E. Reported as *Cariddi v. Consolidated Aluminum Corp.*, 478 F.Supp.2d 150 (D. Mass 2007).
- Defense of claims by property owners for alleged property damages and personal injuries associated with groundwater contamination from oil releases at service areas along the MassPike in Charlton, Massachusetts. Reported as *Scavone v. Massachusetts Turnpike Authority*, Worcester Superior Court (No. 94- 1098,) 1994WL 902896; *Kempinski v. Massachusetts Turnpike Authority,* Worcester Superior Court (No. 99-1277B), 11 Mass. L. Rptr. 435; *Zagloba v.Massachusetts Turnpike Authority*, Worcester Superior Court, 11 Mass. L Rept. 414.
- Claims brought against a municipality for damages and personal injury arising out of the release of gasoline from underground storage tanks. Reported as *Gleason v. Town of Bolton*, Worcester Superior Court (No. 99- 01194), 14 Mass L. Rptr. 678.
- Former manufacturer in the defense of claims for response action costs. *Sanitoy Inc. v. Ilco Unican Corporation*, 413 Mass. 627 (1992).
- Vermont municipality in connection with claims arising out of the premature failure of the pre-cast, pre-stressed, concrete plank roofing system of its slow sand water filtration plant.

PERMITTING AND REGULATORY COMPLIANCE

- Municipalities on appeals of NPDES permits to the Environmental Appeals Board: *Town of Concord, DPW*, NPDES 13-8, 16 E.A.D. (09/09/13); *Charles River Pollution Control District*, NPDES 14-1, 16 E.A.D. (08/27/14) (contesting EPA's authority to regulate the Towns of Franklin, Medway, Bellingham and

©2026 Bowditch & Dewey LLP. All Rights Reserved.

Millis as “co-permittees”).

- Municipality concerning need for a special permit to expand a sand and gravel operation. *Oakham Sand & Gravel Corporation v. Town of Oakham*, 54 Mass. App Ct. 80 (2002).
- Routinely represent parties on penalty assessments sought by Massachusetts Attorney General’s Office and MassDEP for alleged MCP, air, solid waste, wastewater, and hazardous waste management violations.
- Advise businesses and negotiate penalties on claims brought by the EPA in connection with air emissions, hazardous waste management, and wastewater discharges.
- Party in administrative appeals brought by a citizens group concerning a MassDEP Chapter 91 license and wetlands approval: *In the Matter of Webster Ventures, LLC* , DEP OADR Docket No. 2015-014 (Final Decision 08/15/16) and OADR DocketWET-2014-016 (Final Decision 03/26/15).
- District Counsel for the Upper Blackstone Water Pollution Abatement District (UBWPAD) and representation of the UBWPAD in connection with EPA NPDES permitting and appeal of UBWPAD’s 2008 NPDES permit to the Environmental Appeals Board and First Circuit Court of Appeals. Reported as *Upper Blackstone Water Pollution Abatement Dist. v. S. Envtl. Prot. Agency*, 690 F.3d 9, 15 (1st Cir. 2012), cert. denied, 133 S. Ct. 2382 (2013).
- Represented the buyer in the purchase of a renewable fuel generation facility business and real property, including responding to significant undisclosed environmental issues.
- Purchase of a former hospital site in a multi-phased, 10-year acquisition involving numerous real estate, environmental, zoning and leasing issues.

TRANSACTIONAL

- Parties in obtaining a Brownfields Covenant Not to Sue to address liability issues associated with pre-existing contamination.
- Regularly advise private businesses and negotiate settlement agreements in connection with completion of response actions under Chapter 21E and MCP.
- Routinely advise property owners on appropriate terms for Activity and Use Limitations under Chapter 21E and MCP.

©2026 Bowditch & Dewey LLP. All Rights Reserved.