



Richard F. Ricci

Partner
Chair, Environmental Law & Litigation

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When environmental litigation and regulatory issues threaten their businesses, clients turn to Rich both for his ability to resolve those issues and for his extensive experience in the environmental law trenches. His practice encompasses Superfund, toxic tort, and hazardous waste litigation; cleanup and cost-recovery actions; injunctive and penalty proceedings; and construction, insurance coverage, and related commercial litigation issues.

As lead counsel in many high-stakes environmental matters, Rich has a strong record of favorable outcomes for clients, who are quick to acknowledge his exceptional level of commitment and concern for their business outcomes. He also regularly provides counseling and transactional support on complex corporate and real estate transactions with environmental components. Rich has a national reputation, having successfully tried cases from New York and New Jersey to Illinois and Arkansas.

Rich was appointed by the New Jersey Supreme Court to the District V-C Ethics Committee, on which he served for seven years. He is an active member of the Chemistry Council of New Jersey and frequently speaks at its events.

Rich's work is consistently honored by regional and national ranking organizations. *Chambers USA* has described him as a "very knowledgeable, thoughtful, responsive, and strategic" environmental lawyer with a "winning combination of skills" and "strong tactical streak." A noted thought leader, Rich has published on a wide range of environmental law topics.

EXPERIENCE

- > Represented the State of New Jersey as special outside counsel in the State's lawsuit against Volkswagen, Audi, and Porsche for their role in a massive consumer fraud scandal known as "dieselgate." Successfully negotiated a settlement of all claims for a total of \$69 million for New Jersey.
- > Acted as lead trial counsel to a real estate investment trust landlord in a trial that resulted in a determination that the client was entitled to complete contractual indemnification, including reimbursement of all attorneys' fees, from its tenant for claims of the state of New Jersey for the costs of investigating and remediating environmental contamination.
- > Represented a major oil company in obtaining summary judgment that compelled the purchaser of an oil refinery to comply with the terms of an asset purchase agreement.
- > Acted as lead trial counsel for a specialty chemical manufacturer in an environmental cleanup cost-recovery case in Little Rock, Arkansas, which resulted in a no-cause verdict for the client.
- > Served on an audit team appointed by a former governor of New Jersey to investigate the state's \$500 million auto emissions testing contract to root out waste and mismanagement in state government.
- > Served as lead counsel for a publicly traded real estate investment trust in a fraud/professional liability suit arising from the unlawful construction of a building in federally regulated wetlands.
- > Acted as lead counsel on behalf of a large public university in the remediation of a DDT-contaminated former airstrip (including the bidding, contract negotiation, and execution of a 20,000-ton soil removal action) and a subsequent cost-recovery action against the state of New Jersey, which resulted in a substantial recovery for the client.
- > Acted as lead trial counsel in a Superfund cost-recovery case in East St. Louis, Illinois, which resulted in a substantial recovery for the client.
- > Acted as lead trial and appellate counsel in a Superfund cost-recovery/municipal liability case in Central Islip, New York, that resulted in a no-cause verdict in favor of the client. The verdict was ultimately affirmed by the United States Court of Appeals for the Second Circuit.
- > Defended and resolved multiple natural resource damage claims by state and federal trustees.
- > Serving as group counsel in the investigation and remediation of a number of federal and state lead waste disposal sites.
- > Represented a large public university in the successful prosecution of multiple construction defect claims relating to the construction of an athletic facility.

Published Opinions

- > *AMW Materials Testing, Inc., v. Town of Babylon*, 584 F.3d 436 (2nd Cir. 2009).

- > *AMW Materials Testing v. Town of Babylon*, 348 F. Supp. 2d 4 (E.D.N.Y. 2004).
- > *American Trucking Associations, Inc. v. Whitman*, 136 F. Supp. 2d 343 (D.N.J. 2001), affirmed 437 F.3d 313 (3rd Cir. 2006).
- > *United States v. Vertac Chemical Corp.*, 966 F. Supp. 1491 (E.D. Ark. 1997).
- > *Stoddard v. Rutgers, the State University*, 24 N.J. Tax 187 (2008).
- > *Rutgers, the State University v. Grad Partnership*, 269 N.J. Super 142 (App. Div. 1993).

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business: (2007-2021)**
Recognized for work in Environmental Law
- > **The Best Lawyers in America (2005-2022)**
Recognized in the Environmental Law and the Litigation - Environmental sections. In 2019-2020, named Lawyer of the Year in the Environmental Law section.
- > **New Jersey Super Lawyers (2005-2021)**
Recognized for work in Environmental/Land Use and Construction Litigation
- > **The BTI Consulting Group: BTI Client Service All-Stars (2015)**
Recognized for providing outstanding client service

NEWS & INSIGHTS

Publications

- > January 7, 2021
"New Jersey Establishes Tax Credit Program for Brownfields Cleanup and Redevelopment," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Allison Gabala, Zachary L. Berliner
- > October 6, 2020
"NJDEP Settlement Does Not Bar Contribution Action for USEPA Response Costs, Says Third Circuit," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Mark S. Heinzelmann, Zachary L. Berliner
- > September 18, 2020
"New Jersey Enacts First-of-Its-Kind Environmental Justice Legislation," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Allison Gabala, Mark S. Heinzelmann
- > August 4, 2020
"Second Circuit Clarifies Trigger Date for CERCLA Cost Recovery Statute of Limitations," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Mark S. Heinzelmann
- > May 26, 2020
"Second Circuit Upholds Medical Monitoring Claim in Litigation Arising From PFOA Groundwater Contamination," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Mark S. Heinzelmann
- > May 1, 2020
"NJDEP Announces Blanket 90-Day Extension to Remediation Deadlines in Response to COVID-19," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Mark S. Heinzelmann
- > April 29, 2020
"SCOTUS Requires Clean Water Act Permits for Some Groundwater Discharges, Pronounces "Functional Equivalency" Test," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Mark S. Heinzelmann
- > April 29, 2020
"U.S. Supreme Court Allows Landowners' State-Law Challenge to Ongoing CERCLA Remediation," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Allison Gabala, Zachary L. Berliner
- > April 8, 2020
"Amid COVID-19 Pandemic, NJDEP Publishes Key Remediation Standard Proposal," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Mark S. Heinzelmann
- > May 20, 2019
"Liebhart v. SPX Corporation: Seventh Circuit Adopts Broad Reading of Threshold for RCRA Citizen Suits," *Environmental Law & Litigation Client Alert*
Richard F. Ricci, Mark S. Heinzelmann
- > May 17, 2019

"Sale of Contaminated Building Leads to CERCLA Arranger Liability," *Environmental Law & Litigation Client Alert*

Richard F. Ricci, Allison Gabala

> September 11, 2017

"Emhart Industries: A Rare Moment in CERCLA Jurisprudence," *Environmental Law & Litigation Client Alert*

Richard F. Ricci, James Stewart

> August 28, 2017

"EPA's Recommendations to Jump-Start Superfund," *Environmental Law & Litigation Client Alert*

Richard F. Ricci,

> April 13, 2017

"CERCLA Arranger-Liability Exception Expanded," *Environmental Law & Litigation Client Alert*

Richard F. Ricci,

> July 29, 2015

"Not-for-Profit Property Tax Exemption in NJ: Not for Long," *Law360*

Richard F. Ricci,

> January 28, 2015

"NJ High Court Lays Down the Law on Spill Suit Limits," *Law360*

Richard F. Ricci,

> September 11, 2014

"Be Wary of Inadvertent Waivers in Contamination Claims," *Law360*

Richard F. Ricci,

> March 6, 2014

"Circuits Still Split Over Enviro Fines in Bankruptcy," *Law360*

Richard F. Ricci, Andrew Behlmann

In the Media

> March 19, 2018

Law360 lists **Richard F. Ricci** as a member of its 2018 Environmental editorial advisory board, the goal of which is to obtain feedback on the publication's coverage and gain insights from leaders in the field on how best to shape future coverage.

SPEAKING ENGAGEMENTS

> Panelist, **Natural Resource Damage Claims: A Renewed and Significant Risk for New Jersey Corporations**, Lowenstein Sandler, Roseland, NJ, November 28, 2018

EDUCATION

> University of Notre Dame School of Law (J.D. 1982), magna cum laude; Associate Editor, *University of Notre Dame Law Review*

> Duquesne University (B.A. 1979), cum laude

ADMISSIONS

> New Jersey

> Rhode Island