



Edward F. McTiernan

Edward F. McTiernan is the Environmental Team Leader and is a member of the firm's Executive Committee. Mr. McTiernan is responsible for representing clients before state and federal administrative agencies in all aspects of environmental matters. He is an experienced environmental litigator who has appeared in numerous state and federal courts.

Mr. McTiernan has handled complex environmental litigation challenging administrative actions and rules as well as numerous Superfund and Spill Act cost recovery actions. As a result of these assignments, Mr. McTiernan is fully familiar with USEPA and NJDEP policies and programs governing remediation of soils and sediments. He is presently defending several cases involving New Jersey's novel program governing Natural Resource Damages. In 2006, Mr. McTiernan appeared before the New Jersey Supreme Court in connection with an appeal of New Jersey's adoption of minimum remediation standards for groundwater. In 2001, Mr. McTiernan worked with the American Bakeries Association to negotiate a nationwide partnership program with USEPA. This novel and voluntary agreement helped avoid a significant number of federal enforcement actions under the Clean Air Act and allowed bakery facilities incentives to upgrade equipment containing ozone depleting substances. In addition, Mr. McTiernan has assisted with the successful cleanup and redevelopment of numerous Brownfield properties, including working with commercial and institutional lenders to secure innovative financing for impaired properties. As a result of his experience, Mr. McTiernan is routinely called upon as a mediator for environmental disputes.

Education

Seton Hall University Law School (J.D., 1987)

State University of New York , College of Environmental Science & Forestry (M.S., Environmental Science, 1980)

Fordham University (B.S., Biology, 1978)

Professional Admissions

New Jersey (State and Federal District)

New York (State and Southern, Eastern and Western Districts)

Professional Activities

Member, Bureau of National Affairs, State Law Advisory Committee (BNA's Environmental Due Diligence Guide) (2006 - present)

Charter Member and Master of the Inn, Justice Stuart G. Pollock Environmental American Inn of Court (2004-2005)

Chair, New Jersey State Bar Association (Environmental Law Section 2002-2003)

Member, New Jersey State Bar Association (Environmental Section 1987-present; Chair, Wetlands and Land-Use Committee, 1991-1993; Board of Directors, 1992-2003)

Professional Associate, Environmental Law Institute (1994-present, Faculty, Annual Environmental Law Bootcamp, 1998-2001)

Associate and Member of Environmental Law and Toxic Tort Committee, Defense Research Institute (2003 - present)

Publications

"[Updated Guidance From USEPA Concerning Brownfield Redevelopment](#)," *RPE Law Alert*, May 12, 2011

"[Proving Liability for Clean-Up Costs - Nexus; Circumstances and Experts - Lessons from Dimant and DVL](#)," *RPE Law Alert*, March 23, 2011



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["NJDEP Site Remediation Implements Steps to Increase Permit Efficiency,"](#) *RPE Law Alert*, February 3, 2011

["Department of Environmental Protection Invites Comments on Major Overhaul of Rules Governing Clean-ups,"](#) *In-Sites*, December 23, 2010 ([Edward F. McTiernan](#), [David A. Brooks](#), [Uzoamaka N. Okoye](#))

["USEPA Soliciting Comments on Guidance for Institutional Controls,"](#) *RPE Law Alert*, December 20, 2010

["NJDEP Proposes Relief From Site Remediation Reform Act Requirements,"](#) *RPE Law Alert*, October 7, 2010

["NJDEP and the Terrible, Horrible, No Good, Very Bad Day - Trial Judge Rejects NJDEP's Approach to Natural Resource Damages,"](#) *RPE Law Alert*, July 29, 2010

["Gulf Coast Spill Impacts Legislation in Trenton, NJ,"](#) *RPE Law Alert*, July 15, 2010

["Site Remediation Process - NJ to Develop Remedial Priority System,"](#) *RPE Law Alert*, June 28, 2010

"Site remediation reform law suffers from serious flaws," *NJBIZ*, December 14, 2009

["Now Batting Clean-up - New Jersey's Interim LSRPs,"](#) *In-Sites*, November 2, 2009

["A New 'Arrangement' for Cleanup Cases,"](#) *New Jersey Law Journal*, July 20, 2009 ([Paul M. Hauge](#), [Edward F. McTiernan](#))

["Environmental Agencies Place Renewed Emphasis on Financial Assurance,"](#) *Corporate & Finance Alert*, May 5, 2009

["Everything That You Wanted to Know But Were Afraid to Ask,"](#) *New Jersey Law Journal*, November 24, 2008

["New Jersey's New Public Outreach Rule: Public Participation During the Site Remediation Process,"](#) *In-Sites Special Alert*, September 5, 2008

["Court rules on challenge to antiquated redevelopment plan,"](#) *MidAtlantic Real Estate Journal*, July 25 - August 7, 2008 ([Edward F. McTiernan](#), [Jason R. Tuvel](#))

["Appellate Court Finds That Challenge to Antiquated Redevelopment Plan Should Proceed,"](#) *In-Sites*, July 8, 2008 ([Edward F. McTiernan](#), [Jason R. Tuvel](#))

["The Latest Initiatives from the NJDEP are Likely to Impact Your Company's Bottom Line in 2008,"](#) *Commerce*, April 2008

["An Overview of New Jersey's Natural Resource Damage Program,"](#) *Business Week*, November 15, 2004 ([Edward F. McTiernan](#), [Susanne Peticolas](#), [Arthur J. Clarke](#))

["Big Problems with New Jersey's Natural Resource Damages Program,"](#) *Chamber News*, January 1, 2004

"Institutional Controls: The New Jersey Experience," in *Implementing Institutional Controls at Brownfields and Other Contaminated Sites ABA Section on Environment, Energy & Resources*, July, 2003 ([Edward F. McTiernan](#), Contributing Author)

["New York Seeks to Recover Landfill Closure Costs Through Inventive Use of Superfund,"](#) *In-Sites*, July 31, 2002 ([John H. Klock](#), [Edward F. McTiernan](#))

"New York Seeks Recovery of Landfill Closing Costs," *New York Law Journal*, July 1, 2002 ([John H. Klock](#), [Edward F. McTiernan](#))

["Governor Establishes Smart Growth Policy Council,"](#) *In-Sites*, May 2, 2002

["Limitations Periods for Cost Recovery and Contribution Claims Under CERCLA and New Jersey's Spill Act,"](#) *In-Sites*, January 14, 2002

["Recently Enacted Changes in CERCLA Liability Scheme,"](#) *In-Sites*, January 14, 2002 ([Paul M. Hauge](#), [Edward F. McTiernan](#))

["The Role of Institutional Controls In Brownfield Redevelopment,"](#) *The Real Estate Finance Journal*, Winter 2002

["Environmental Update: Application of Groundwater Quality Standards,"](#) *In-Sites*, November 1, 2000

["Appellate Division Holds that GWQS Must Be Set by Mandate,"](#) *In-Sites*, September 22, 2000

"The State Spares The Rod: The Environmental Grace Act," *New Jersey Law Journal*, February 26, 1996

"Recording Environmental Restrictions: Cleaning Up Title Takes On New Meaning," *Environmental Law Section Newsletter*, *New Jersey Bar Association*, Spring, 1995

"Joint and Several Liability in New Jersey: What are the Limits?," *New Jersey Lawyer*, April, 1994 ([Edward F. McTiernan](#), Irvin M. Freilich)

"Spill Act Regs Beef Up DEPE Reporting Rules," *New Jersey Law Journal*, December 9, 1991

"Environmental Issues in Real Estate Development," in *New Jersey Commercial Real Estate Development Practice Manual*, *Aspen Publishing, Inc.*, 1991

"Freshwater Wetlands Protection in New Jersey," in *Environmental Regulations in New Jersey*, *Institute of Business Law*, 1991

"New Trends in Environmental Notice, Cleanup Requirements and Deed Restrictions," in *The Impact of Environmental Regulations in Business Transactions*, *Practicing Law Institute*, 1987

Quotes/Interviews

Quoted in "Lenders face steep 'learning curve' with site cleanup program," *NJBIZ*, November 9, 2009

Quoted in "State DEP May Sue Exxon for Pre-Spill Act Natural Resources Damages, Judge Says," *New Jersey Law Journal*, February 6, 2009

Interviewed in "[Commerce Magazine's First Annual Environmental Law Roundtable](#)," *Commerce*, November 2007

Quoted in "N.J. Bill Could Limit Ability to Fine Polluters," *Bergen Record*, July 10, 2001

Speaking Engagements

Speaker, Law Seminars International Program, "Site Remediation in New Jersey," Newark, NJ. July 8, 2009

Speaker, New Jersey Institute for Continuing Legal Education, "2009 Redevelopment Law Conference," New Brunswick, NJ. January 30, 2009

Speaker, Law Seminars International, "New Public Notice/Participation Requirements," Newark, NJ. July 9, 2008

Speaker, ABA Toxic Torts and Environmental Committee's Spring Meeting Phoenix, AZ. March 29 - 31, 2007

Speaker, ABA Section of Environment, Energy, and Resources, "36th Conference on Environmental Law" Keystone, CO. March 8 - 11, 2007

Keynote Speaker, "New Jersey's Natural Resource Damage Program: Main Stream or Mere Trickle?" American Gas Association MGP Workshop, August 5, 2004

Panelist, ACI Program "Environmental Insurance", December 13, 2002

Honors/Awards*

Listed in *Chambers USA Guide to America's Leading Law Firms*, Environment, 2011

Listed in *Super Lawyers*, Environmental, 2011

Listed in *The Best Lawyers in America*, Environmental Law and Natural Resources Law, 2011

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News

[Gibbons Congratulates Edward McTiernan on His New Position with the State of New York
Gibbons Director to Serve in Department of Environmental Conservation](#)

[Edward McTiernan Helps Found Environmental Law Inn of Court](#)

Representative Reported Cases

In re Adoption of N.J.A.C. 7:26E-1.13, 377 N.J. Super. 78 (App. Div. 2006) *aff'd o.b.*, 186 N.J. 81, 891 A.2d 1203 (2006)

A.R. Criscuolo & Assoc. v. Dept. of Environmental Protection, 249 N.J. Super. 290, 592 A.2d 313 (App. Div. 1991)

Matter of NL Industries, Inc., 240 N.J. Super. 162, 572 A.2d 1177 (App. Div. 1990)

Professional Experience

1984-1986. Storch Engineers, Florham Park, N.J. Senior Environmental Specialist. Responsible for management of hazardous site mitigation and natural resource planning projects for public and private clients. Provided technical assistance for activities under RCRA, TSCA, ISRA, New Jersey's CAFRA and Wetlands Act.

1982-1984. NUS Corporation, Edison, NJ. Environmental Scientist. Involved in assessment and remedial design at hazardous waste sites through EPA Region II.

Additional employment experience: Environmental Planner, Long Island Regional Planning Board, Hauppauge, NY (1980-1982) and Research Intern on renewable energy issues, U.S. Agency for International Development, Washington, D.C. (1979).

*No aspect of this communication has been approved by the Supreme Court of New Jersey. Further information about methodologies for rating or selecting attorneys is available on our website's [Award Methodology](#) page.

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