



mhb@vnf.com
202.298.1820

Practice Areas

*Energy Project Development,
Transactions, & Finance
Environment, Natural Resources, &
Public Lands*

Education

*J.D., Yale Law School, 1973
A.B., summa cum laude, Phi Beta
Kappa, University of Pennsylvania,
1970*

Bar and Court Admissions

*District of Columbia
New York*

Mitchell H. Bernstein

Member

Mitch Bernstein's practice focuses on matters arising under federal environmental statutes. He represents clients before regulatory authorities in both formal and informal contexts, and defends them in administrative and judicial enforcement actions. Mr. Bernstein also advises clients on compliance activities and strategies, as well as current regulatory developments, and assists them in conducting environmental investigations.

In the hazardous waste area, Mr. Bernstein is frequently involved in negotiations under the federal Superfund statute on such issues as the scope and timing of cleanup, the propriety of governmental requests and activities, the terms and conditions of settlement agreements and consent decrees, and the reasonable and fair allocation of cleanup costs. He has represented clients in both the prosecution and defense of private cost recovery actions, and has assisted clients in obtaining hazardous waste permits under the federal Resource Conservation and Recovery Act. He has also managed both on-site and off-site investigations of soil vapor intrusion.

Under the federal Clean Air Act, Mr. Bernstein has negotiated comprehensive judicial consent decrees in enforcement actions alleging violations of New Source Review (NSR) requirements. He has also represented clients in their successful efforts to obtain PSD (prevention of significant deterioration) preconstruction permits. Under the federal Clean Water Act, Mr. Bernstein brought a judicial challenge to effluent limitations for the secondary precious metals industry that led to revision of the regulations. Mr. Bernstein has also counseled specialty chemical companies, and biotechnology companies, regarding compliance with the Toxic Substances Control Act (TSCA).

Mr. Bernstein also has experience assessing potential environmental liabilities and compliance issues that arise in a wide variety of corporate transactions, and has negotiated numerous agreements concerning allocation of those risks. In addition, he has advised clients on corporate compliance programs and the development of environmental management systems.

Government Service

Office of General Counsel, U.S. Environmental Protection Agency, 1977-1981

Professional and Civic Affiliations

- Board of Advisors, Chemical Waste Litigation Reporter

Honors & Distinctions

- *Best Lawyers in America*; Environmental Law; 2006-2012; Litigation-Environmental; 2012