



## Environmental Law

Our firm is known to be at the forefront of the regulatory proceedings that are shaping the future of environmental regulation. We were intimately involved with the implementation of House Bill 592 which revolutionized the solid waste business in Ohio.

Our environmental practice focuses on all aspects of environmental law, both state and federal, including counseling on regulatory compliance and litigation before Ohio's Environmental Review Appeals Commission (ERAC) and state and federal courts.

We work frequently with the following types of clients:

- Manufacturers
- Energy companies and pipeline companies
- Solid waste, hauling and disposal companies
- Municipalities and government agencies
- Real estate developers and private property owners

## Areas of Focus

### Air, Water & Solid/Hazardous Waste

We regularly advise clients with respect to compliance with the Clean Air Act and Ohio's air permitting program; the Clean Water Act and Ohio's NPDES permitting program; the Resource Conservation and Recovery Act (RCRA); and Ohio's hazardous and solid waste laws, including solid waste management plans, flow control, recyclables, alternative daily cover (ADC) and beneficial use of waste materials. We also defend clients in enforcement actions brought by Ohio EPA or U.S. EPA under environmental laws, including negotiating Ohio EPA Director's Final Findings and Orders (DFFO) to resolve environmental enforcement issues.

## **Wetland & Water Permitting**

Many real estate projects involve wetland and stream impacts requiring permitting under Section 404 of the Clean Water Act, which also triggers 401 Water Quality Certifications (WQCs) from Ohio EPA. We advise clients on the process and practical implications of these permitting programs and have successfully defended 401 WQCs challenges at ERAC and the Sixth Circuit Court of Appeals. We also advise clients with respect to the application of the National Environmental Policy Act (NEPA) to various projects, including the Endangered Species Act (ESA), National Historic Preservation Act and Section 106 reviews.

## **CERCLA/Superfund Litigation**

Collectively, our attorneys have decades of experience with Comprehensive Environmental Response, Compensation and Liability (CERCLA) litigation, including successfully defending on appeal the dismissal of a CERCLA contribution claim based on a statute of limitations. We have been involved in both Section 107 cost recovery actions and Section 113 contribution actions and are active in CERCLA cases and sites in Ohio involving expert witness testimony, Daubert challenges and allocation based on the Gore factors.

## **Transactional Due Diligence**

We assist our firm's transactional attorneys in evaluating due diligence methods for real property transfers (including Phase I ESAs and Phase II ESAs) and mergers, acquisitions and financing matters. We assist clients in brownfield sites, including counseling on Ohio's Voluntary Action Program (VAP) and Ohio's Cessation of Regulated Operations (CSOs) program.

## **USTs, PUSTRCB & Release Notifications**

We counsel clients on compliance with Ohio's underground storage tank program operated by the Bureau of Underground Storage Tank Regulations (BUSTR) and claims made to Ohio's Petroleum Underground Storage Tank Release Compensation Board (PUSTRCB). Our attorneys also handle release notifications required under Ohio law, the Emergency Planning and Community Right-to-Know Act (EPCRA) and CERCLA.

## People



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