

## Environmental Law & Regulation

Roetzel's environmental attorneys provide comprehensive counsel on all aspects of Environmental Law, addressing issues that impact businesses, public entities, local governments, and individuals. Recognized as a "Leading Environmental Law Firm" by *Chambers USA*, we offer unparalleled expertise and support.

We maintain strong relationships with local, state, and federal regulatory and enforcement agencies. Our attorneys manage administrative, civil, and criminal environmental enforcement matters, permitting proceedings, regulatory negotiations, and rulemaking. We represent clients in state and federal courts and before agencies such as the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, the Ohio EPA, the Ohio Department of Natural Resources, and the Ohio Department of Health. Our clients benefit from our extensive experience and credibility with regulatory authorities.



### What We Do

#### Clean Air Act

- Manage air permitting matters (minor and major source, including Title V and PSD permitting)
- Ensure asbestos NESHAP compliance
- Defend against enforcement actions
- Oversee automobile emissions testing

#### Clean Water Act

- Secure wetland and stream permitting
- Obtain municipal and industrial discharge permitting
- Handle pretreatment permitting
- Ensure storm water permitting and compliance
- Manage combined sewer overflow/sanitary sewer overflow compliance

#### Litigation

- Handle civil and criminal enforcement actions
- Conduct administrative hearings and appeals
- Manage Superfund litigation
- Address common law and toxic tort litigation
- Litigate contract indemnity issues

#### Solid Waste, Hazardous Waste & Radioactive Materials

- Ensure compliance with TSD, generator, and transporter standards
- Manage hazardous and radioactive waste remediation matters
- Oversee landfill permitting and compliance
- Handle flow control and fees
- Allocate liability and manage cleanups for Superfund sites

## General Environmental Matters

- Ensure regulatory compliance and facility permitting
- Conduct environmental audits and assessment
- Manage corporate and commercial transactions and due diligence
- Provide emergency response and risk management assessments
- Implement environmental management systems
- Engage in legislation and rulemaking
- Facilitate brownfield redevelopment projects

## Our Experience

- Successfully negotiated a federal consent decree for a district steam generating system to resolve NSR / PSD claims under the federal Clean Air Act
- Ongoing representation of district heating system on Clean Air Act Title V permitting issues at two separate facilities
- Ongoing representation of large manufacturer in defense of enforcement action brought by Ohio EPA over alleged violations of the facility's Clean Air Act Title V permit
- Represented a major roofing materials manufacturer in connection with the defense of a PSD enforcement action brought by the Ohio EPA
- Represented a large aggregate and industrial minerals mining company in an air permitting enforcement action initiated by the Ohio EPA
- Represented a large foundry client in connection with the resolution of numerous alleged air permitting violations for which it was cited by the Ohio EPA
- Represented a major landfill client with respect to the permitting of a large expansion to its landfill in a manner that avoided major source permitting under the Clean Air Act
- Represented a major petroleum company in connection with the permitting and construction of a 149-mile petroleum products pipeline in Ohio
- Currently representing a major petroleum company with respect to the permitting of a 49-mile Utica Shale condensate pipeline in Ohio
- Represented a major refining client in connection with an emergency response effort that was undertaken as a result of an explosion at one of its Ohio facilities
- Represented Ohio Township Trustees and County Board of Commissioners in negotiations over connection ban order with the Ohio EPA and revisions to the Areawide 208 Plan
- Represented a large municipality in an enforcement action initiated by the State of Ohio. As part of our representation, we persuaded the court of common pleas and the court of appeals to deny a motion to intervene filed by a neighboring community and affirm the amicable settlement entered into with the State of Ohio
- Prosecuted an action under CERCLA and Ohio's Voluntary Action Program on behalf of shopping plaza owners to recover the cleanup costs incurred in responding to contamination from historic dry cleaning operations; obtained a favorable settlement after successfully defending against a motion for summary judgment
- Advised a Fortune 100 company concerning \$80 million Department of Energy stimulus grant funding for large natural gas user and electricity energy efficiency projects
- Represented a large Ohio municipality in connection with the permitting of a major roadway project involving impacts to streams and wetlands
- Defended an environmental contractor in a lawsuit alleging negligence in the response to a release from a petroleum underground storage tank; obtained a favorable settlement after briefing the issues on summary judgment
- Negotiated a multi-million dollar settlement of a multi-facility PCB contamination matter between the buyer and seller in a private cost recovery action

- Represented a state contractor in a \$4 million settlement with the State of Ohio and negotiated numerous contract change orders between the parties
- Represented a large Ohio municipality on the development and eventual implementation of a long-term control plan to address combined sewer overflows. Representation included negotiations with the Ohio EPA and U.S. EPA
- Represented the largest landfill in Northeast Ohio on all environmental matters
- Served as lead trial counsel for a mining company in a \$600 million class action toxic tort case involving radioactive slag
- Advised an Ohio municipality on obtaining grant monies and implementing a grant agreement under the Clean Ohio Fund
- Represented a large municipality in several appeals before the Ohio Environmental Review Appeals Commission on challenges to NPDES permits and Ohio's Water Quality Standards
- Represented owners of a steel manufacturing facility and commercial storage warehouse in obtaining No Further Action Letters and Covenants Not to Sue; representation included negotiations with the Ohio EPA
- Represented a transit authority in the acquisition of properties for development of a rail line and completion of associated environmental due diligence activities
- Represented an Ohio municipality in the acquisition of Clean Water Act approvals necessary for the development of an industrial park with impacts to approximately 10 acres of wetlands; representation included negotiations with the Ohio EPA and U.S. Army Corps of Engineers
- Represented a national homebuilder for the cleanup and removal of unexploded munitions for 950-unit subdivision built on a World War II munitions bombing range; representation included claims by the homeowners, state and federal agencies, and affirmative cost recovery from the U.S. Army Corps of Engineers
- Represented an agricultural equipment manufacturer before the USEPA for EPRCA citations at five plants
- Represented a passenger airline company and a flight support company during a complete audit of their spark-ignited non-road engines and equipment under the Clean Air Act. The audit reviewed all small-engine and equipment considered point discharges under the Act, such as maintenance equipment and luggage ramps. The audit specifically addressed manufacturer's certifications, labels, statutory warranties, appropriate regulatory recordkeeping, and testing of the discharges to determine whether the discharges were within regulatory guidelines
- Represented an OEM automotive manufacturer to secure environmental permits to install spray painting and press equipment
- Represented Associated Aviation Underwriters in environmental claims by Massport, Delta Airlines and American Airlines related to flight operations
- Handled environmental issues and citations associated with maintenance and hangar operations for several carriers at McCoy Field
- Represented an airport in connection with intra-governmental agreement for temporary discharge of de-icing runoff
- Represented a large industrial client against allegations that trichloroethylene (TCE) had contaminated a well field and a local school
- Represented a local company involving the dispersal of alleged toxic substances from a heating, ventilating, and air conditioning (HVAC) failure