

We provide creative, strategically sound solutions to clients confronting federal, state, and local environmental law issues.

Environmental claims and obligations can be expensive and disruptive. Shumaker lawyers have the depth of experience to respond to demanding environmental situations with innovative and effective solutions—whether at the agency level or in litigation. Our understanding of our clients’ industries, business goals, and legal challenges give rise to strategies that protect both financial interests and business reputations.

OUR CLIENTS

- Agricultural industry
- Electric utilities
- Fortune 500 industrial companies, including the petrochemical, coke manufacturer, automotive, glass, defense, agribusiness, rubber, and mining industries
- Glass and fiberglass industries
- Interstate pipeline companies
- Integrated oil and gas producers
- Midsize and small corporations facing regulatory compliance problems
- Petroleum refiners
- Pharmaceutical companies
- Real estate companies

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Attorneys in Environmental law



AREAS OF PRACTICE

- Business and Real Estate Risk Management
- CERCLA
- Clean Air Act
- Clean Water Act, Water Quality, NPDES, Surface Water
- Construction and Wetlands
- Enforcement Defense, Class Actions, and Environmental Disputes
- ESG - Environmental, Social, and Governance Criteria
- FIFRA – FIFRA/Pesticides/Antimicrobial
- Mergers and Acquisitions
- OSHA
- Pipeline Permitting
- RCRA, Corrective Action, Brownfields

OUR SERVICES

- Counseling on federal and state regulatory matters relating to solid and hazardous waste management and disposal, and defending enforcement actions related to same
- Representing individual companies and groups on CERCLA cost recovery and remedial matters
- Assistance in clean air regulation and permitting, including making changes to state implementation plans and acquiring major PSD and nonattainment permits for refinery and coking industry facilities
- Assistance in Clean Water Act permitting and defense actions, including negotiating NPDES permits for utility and refining companies involving issues such as standard setting, bypass, thermal, and 316(a) problems
- Defense of federal and state enforcement actions, including NSR “look back” and other allegations
- Litigation of buyer/seller disputes involving the allocation of pre- and post-sale remediation costs and other environmental compliance issues
- Defense of class actions and third-party civil suits based on Clean Air Act violations
- Applying Brownfield cleanup statutes to limit remediation liability and comply with CERCLA/RCRA obligations
- Counseling on compliance problems under FIFRA and TSCA
- Negotiation and administrative defense of federal and state notices of violation and other orders seeking penalties or halting site construction
- Assistance in negotiating variances, compliance orders, permits, and groundwater monitoring plans
- Assistance in handling due diligence matters on a national basis for real estate companies
- Negotiation of environmental assumption and indemnity provisions
- Handling of sophisticated permit issues, including permits under the Title V and New Source Review Provisions of the Clean Air Act, NPDES program under the Clean Water Act, construction and operation permits under RCRA, and State Solid Waste Act (including several problems concerning groundwater contamination and remediation)

OUR EXPERIENCE

- Secured EPA de minimis settlement for client facing billion dollar plus CERCLA claim in third party cost recovery action originating in New Jersey
- Achieved a decision in United States Court of Appeals for the Sixth Circuit resulting in judgments and ultimate settlement of a \$6 million claim for indemnity from past owner for corrective action obligations
- Obtained a state court jury verdict on behalf of client suffering damage to real property and environmental contamination; jury awarded over \$3 million, punitive damages, attorneys’ fees, and piercing the corporate veil
- Achieved a landmark ruling from the Ohio Environmental Review Appeals Commission requiring rulemaking prior to imposition of NPDES thermal limits, avoiding \$300 million capital expenditure
- Innovative sale/transaction of contaminated property, converting RCRA Corrective Action order to a less burdensome brownfields solution
- Defeated NGO motion to stay construction of new \$300 million facility, allowing construction to proceed, pending appeal of permit. Devised strategy to defeat the attack on the Clean Air Act construction permit
- Represented national oil refinery in modifying nationwide NSR consent decree
- Defended CWA citizen suits in California and Ohio
- Negotiated “no penalty” compliance order regarding pharmaceutical MACT standards for a major facility without penalty
- Negotiated PPA agreements and limited state remediation order allowing the purchase of a contaminated steel plant located on a strategic port site, with conditions allowing brownfield developments and limiting potential CERCLA liability

Nationwide practice

9 Offices